

## AGENDA ITEM NO 6

REPORT NO 170/15

### ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 21 APRIL 2015

#### PLANNING APPLICATION - LAND 500M WEST OF FORFAR ACADEMY KIRRIEMUIR ROAD FORFAR

GRID REF: 344625 : 751473

#### REPORT BY HEAD OF PLANNING AND PLACE

##### Abstract:

This report deals with planning application 13/01001/PPPM for the erection of approximately 300 houses with associated roads, landscaping and community facilities on land West of Forfar Academy, Kirriemuir Road, Forfar for Elite Homes. The application is recommended for conditional approval, subject to a Section 75 Planning Obligation.

#### 1. RECOMMENDATION

It is recommended that this application be approved for the reasons and subject to the conditions and the Planning Obligation detailed at Section 10 of this report.

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

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

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

#### 3. INTRODUCTION

- 3.1 Planning permission in principle is sought for the erection of approximately 300 houses with associated roads, landscaping and community facilities. It is identified that the total number of dwellings would be finalised through further design work. The general location of the site is shown on the plan at Appendix 1.
- 3.2 The application site is located to the north west of Forfar. The site area measures some 17.6 hectares and is undeveloped; being predominantly agricultural land, with a narrow private track running from north to south, dissecting the middle of the site. The characteristics of the site are its gentle undulating form, leading from the northern boundary at Kirriemuir Road and rising steadily upwards to a modest ridge in the southern end of the site, which is bounded by residential properties on Taylor Street and the existing Turfbeg housing development. To the east the site is bound by the grounds of Forfar Academy, which is currently being developed for the Community Campus model replacement school and leisure centre, and to the west by open farmland.
- 3.3 A master plan indicates the design principles for taking the development forward. This identifies a possible primary vehicular access from Kirriemuir Road complemented by two secondary accesses, another on Kirriemuir Road and a second on Taylor Street. A hierarchy of street structures is indicated based on these access points, which would continue through the site from principle streets to homezone based streets - all of which would be complemented by a network

of pathways throughout the site. The layout of the residential properties is identified at a block level, with primarily a north to south orientation and suggesting a character and density difference across the site. The design strategy seeks to integrate open space and green infrastructure alongside the access network, to provide possible connections to the Community Campus to the east, and to respect the higher ridge to the south and rural fringe to the west.

- 3.4 This application requires to be determined by Development Standards Committee because it is a 'Major' development, as defined in Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application is also subject to objection from the Community Council and is subject of more than 5 individual objections.
- 3.5 The application was advertised in the Dundee Courier. The application has not been subject of variation.

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

- 4.1 The possible development of this site for residential and community facility use was considered at the Public Local Inquiry in relation to the Finalised Angus Local Plan Review in 2006. At that time the objection was lodged to the Finalised Plan as the site was not identified for development. The objection suggested that the site had capacity to accommodate 300 houses with the balance of the land donated to the council for community use such as a primary school or swimming pool. At that time the Reporter concluded that the local plan review should be modified to reserve the land at Turfbeg as possible longer term housing. It was indicated that houses for the period to 2011 could be provided on other sites however the land should be safeguarded for development in the period beyond 2011. The Reporter further indicated that the local plan review text should indicate a residential allocation of around 300 houses that would require to be confirmed by a future local plan. The Reporters findings are reflected in the ALPR which safeguards the land for possible development of around 300 houses and related community facilities (F9 refers). An extract from the Reporters findings is provided as Appendix 2.
- 4.2 The matter was considered again at the Second Public Local Inquiry in relation to the Finalised Angus Local Plan Review in 2008. At that time two separate objections to the Plan were considered by the Reporter. The first related to matters including the status of the 'safeguarding' and the second related to the appropriateness of 'safeguarding' a site. In relation to the first matter the Reporter concluded that the safeguarding of the site did not amount to a land allocation but recommended amendment to the proposed text contained in the Plan in order to clarify that there was no prohibition on development of the site before 2011. In relation to the second matter the Reporter concluded that it was entirely appropriate to safeguard land. An extract from the Reporters findings is provided as Appendix 3.
- 4.3 The general area covered by this application site was identified as a preferred option for new land allocations in the Angus Local Development Plan Main Issues Report. This was principally on the basis that a site to the north of existing housing at Turfbeg was safeguarded for future housing development by the current local plan. That site was considered appropriate for new housing in landscape and visual terms following the Local Plan Inquiry in 2006. The option area was also considered to be capable of integrating with existing paths and could enable extension of a green network. Access to the local and trunk road network was considered to be convenient. The site was not affected by statutory archaeological or natural heritage designations and was not considered to be at a high risk of flooding.

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

- 5.1 The applicant has submitted the following documents in support of the application:
  - A Pre-Application Consultation (PAC) Report;
  - Planning Supporting Statement;
  - Design and Access Statement;
  - Transportation Assessment;
  - Ecological Re-Appraisal;

- Drainage Assessment;
- Archaeology Report; and
- Noise Assessment.

5.2 This information can be viewed on the Council's Public Access website but a summary is provided at Appendix 4.

## 6. CONSULTATIONS

6.1 **Community Council** - Forfar Community Council raise an objection in respect of using the right of way as a vehicular access. In turn they raise concern from residents about the impact of traffic on roads and amenity for residents for any through road system. The principle of houses in Forfar is accepted but it is suggested other sites within the town should be considered. Other concerns about drainage and density of development on the site are raised.

6.2 **Angus Council - Roads** - Raise no objection to the proposal, subject to planning conditions addressing: visibility splays, restriction of construction traffic, layout and design specification of roads, parking space numbers and garage siting.

6.3 **Scottish Water** - Has raised no objection to the application.

6.4 **Angus Council - Housing Service** - The percentage of Affordable Housing provision required is 15%, in accordance with the requirements within the West Angus Housing Market Area. This equates to a total number of 45 units being required. In respect of the form of Affordable Housing a mix of social rented and shared equity housing for sale would be sought. The priority would be 1 and 4 bedroom properties.

6.5 **Angus Council - Education** - Has indicated that primary and secondary schools in the area would require to be extended to accommodate the anticipated number of children from this and other planned development in the area. On this basis the Education Service has indicated that a financial contribution is required in order to mitigate the impact of the development on primary and secondary school infrastructure. The required value of that contribution has not been finalised at this stage.

6.6 **Angus Council - Flood Prevention** - Has no objection to the proposal but identifies that further details regarding drainage proposals require to be submitted for approval at later stages of the planning process. This response confirms that the submitted Flood Risk Assessment demonstrates that the site will not be at risk of flooding during a 1:200 year flood event and there is sufficient capacity for drainage discharge during such an event; the submitted Drainage Assessment demonstrates that the drainage of the site has been considered adequately and factored in to the design, and; high ground water levels are known and that the assessment acknowledges this - the final design should reflect these conditions.

6.7 **Angus Council - Parks and Burial Grounds** - Raise no objection to the application. Whilst limited information has been provided in respect of open space, it is confirmed that the provision for open space within any final layout and design must provide 60.75sqm per dwelling (1.82 hectares if 300 houses are realised). This should be distributed well across the site and benefit from good connections and take the form of 2/3 open amenity and sports provision and 1/3 play/informal play provision. The play area should have a minimum of 6 play activities.

6.8 **Angus Council Environmental Health** - No objection is raised to the proposal subject to the detailed design incorporating mitigation measures. A noise assessment has been carried out in accordance with the general methodology recommended by Planning Advice Note (PAN) 1/2011. It is anticipated that some houses will be subject to higher noise limits, depending on proximity to traffic on the A926 and the Tayside Contracts yard. The layout of sports pitches on the adjacent Forfar Academy replacement site will not significantly affect the proposed development. However, levels are not predicted to be significant to cause concerns subject to appropriate mitigation measures - such as screening, orientation of houses and other measures as part of any subsequent application. With regard to potential for land contamination, the available information

has been reviewed and no issues of contamination have been identified.

- 6.9 **Angus Council - Transport Section** - Has no objection to the application. The response does however raise some data inaccuracies. It is recommended that enhancements to public transport infrastructure, by way of a bus lay-by, enclosed shelter and raised kerb facilities, should be provided should permission be granted.
- 6.10 **Scottish Environment Protection Agency** - Has no objection to the proposed development. With regards to the planning authority's concerns about pluvial flooding it is considered that an adequate SUDS and site design may be able to provide a solution.
- 6.11 **Aberdeenshire Council Archaeology Service** - Has identified that the site occupies an area in proximity to a medieval manor estate known as Torfbeg (Turbeg). It is advised that a planning condition for a programme of archaeological works is applied to any permission granted to record and recover archaeological interests.
- 6.12 **Transport Scotland** - Does not object to the planning application.

## 7. REPRESENTATIONS

- 7.1 Thirteen representations have been received which offer both general comment and objection to the proposal. The letters of representation will be circulated to Members of Angus Council and a copy will be available to view in the local library or on the Council's Public Access website. The key points that are material to the determination of the application can be summarised as follows:

General comments:

- It is acknowledged that the site was outlined in the Local Plan as a preferred site for residential development;
- Any development should consider the known drainage problems in the area;
- The impact on the amenity and privacy of existing properties on Taylor Street should be minimised - through single storey properties only along the southern boundary;
- The proposals should be designed to not impact light levels to existing properties; and
- The detail of planting for, and security implications from, the proposed landscape buffer on the southern boundary should be considered carefully to minimise adverse impact on neighbouring properties.

Objection comments:

- The application is contrary to the development plan - the site is safeguarded only for possible development and is not allocated or preferred;
- The application is considered to be premature, in advance of allocation confirmation in a Local Development Plan, and is therefore prejudicial to the future planning of Forfar;
- The level of development proposed is not needed in Forfar - sufficient housing is available;
- The housing needs for the area should not be provided in Forfar alone;
- Development would be out of scale with Forfar;
- A development of this scale in this location would overwhelm the character of this area and cause adverse impact on the landscape;
- Brownfield sites, of which sites are available in Forfar, should be used before greenfield sites are developed;
- Loss of prime agricultural land is detrimental;
- A greenfield site as a buffer to the town would be lost;
- The site is subject of regular flooding and drainage issues;
- The inclusion of ponds within the development poses a safety risk;
- Traffic generated by the development will be high and the existing road network and junctions cannot accommodate the development proposed;
- The site should be accessed from Kirriemuir Road only and not provide through access to Taylor Street/Turbeg Road - which would be detrimental to amenity to and road safety for residents;

- Noise from traffic would result in disturbance for existing properties;
- If approved, construction traffic should access/exit the site only from Kirriemuir Road;
- Landscaping planned on the southern boundary would block light to properties on Taylor Street;
- The development and landscaping would have an impact on the outlook from existing properties;
- The use of the path in the landscaping strip would lead to noise and nuisance for nearby properties;
- Designs of the proposed houses should be appropriate and of a low scale;
- Possible adverse impact on school accommodation/spaces at Forfar Academy and Langlands Primary School;
- The development of this site could lead to restrictions on any future development of Forfar Academy; and
- Concern that comment in the Pre-Application Consultation (PAC) Report is not representative of residents nearby who would be affected by the development.

Representation has also been received that approval of the application could have an adverse impact on house prices in the area. Members will be aware that devaluation of property is not a material planning consideration.

## **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 development plan policies are reproduced at Appendix 5.
- 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 approved by Angus Council at its meeting on 11 December 2014 and has now been published as the Proposed ALDP for a statutory period for representations. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP is subject to a 9 week period for representation which ends on 30 April 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 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 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 site is not allocated for development but in terms of the ALPR it is identified as being safeguarded for possible development of around 300 houses and related community facilities in the period beyond 2011. It is accepted that this is subject to confirmation by a subsequent local plan. Whilst currently safeguarded for possible future development, the site lies outwith and adjacent to the development boundary for Forfar defined by the ALPR and is therefore identified as countryside. The countryside housing policies that deal with this area do not provide for large-

scale housing development: they generally only allow for individual new houses on greenfield sites. On this basis the proposal is contrary to the housing policies in the ALPR that deal with this area.

- 8.6 However, Policy S1(c) of the ALPR is relevant to the consideration of applications that are outwith but adjacent to a development boundary. That policy indicates that proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental consideration confirm there is an overriding need for the development which cannot be met within the development boundary. In this respect it is relevant to consider whether the housing land position for the West Angus Housing Market Area would justify the release of this greenfield site at the present time.
- 8.7 TAYplan Policy 5 deals specifically with housing proposals. It indicates, amongst other things, that a minimum of 5 years effective housing land supply should be available at all times within each HMA and Local Development Plans should work towards a 7-year supply of effective land by 2015.
- 8.8 In order to monitor housing land supply Angus Council undertakes an annual review of its housing land through the Angus Housing Land Audit. The Angus Housing Land Audit 2014 provides a factual statement of land supply within Angus and is a result of a survey undertaken in April 2014. The audit identifies housing sites, estimates potential future annual completions, monitors annual completions and records the remaining capacity for each site. It identifies sites as either effective or constrained having regard to definitions provided in PAN 2/2010 and additional criteria that has been agreed with Homes for Scotland. A draft of the housing land audit was subject to consultation with the Scottish Government, Scottish Water, Scottish Environment Protection Agency, Homes for Scotland and developers/ landowners/ registered social landlords (RSLs) during June 2014. The Angus Housing Land Audit 2014 was finalised in July 2014 and agreed by Homes for Scotland.
- 8.9 The TAYplan requirement for the West Angus HMA is 630 units based on 90 units per annum for the period 2012 – 2019. The 2014 Housing Land Audit identified that there were 124 units completed in the 2 year period from 2012 – 2014. On this basis the minimum number of houses required within the 5 year period from 2014 to 2019 is 506 units (i.e.  $630 - 124 = 506$ ).
- 8.10 The 2014 Housing Land Audit indicates that there is currently an effective housing land supply of 534 units in the West Angus HMA of which 414 units are programmed to come forward for development over the 2014-19 period. Taking the above figures into consideration, there is a shortfall in effective land supply for the period to 2019 of 92 units ( $506 - 414 = 92$ ). This shortfall increases to 187 units in the context of providing a 7-year supply, which TAYplan requires by 2015.
- 8.11 Scottish Planning Policy (SPP) is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. The content of the SPP is a material consideration in the determination of planning applications.
- 8.12 SPP contains a presumption in favour of development that contributes to sustainable development. It states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.
- 8.13 It is stated that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. However, SPP indicates that where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in the SPP. The same principle should be applied where a development plan is more than five years old.

- 8.14 Specifically in relation to housing, SPP states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times. It is indicated that a site is only considered effective where it can be demonstrated that within five years it will be free of constraints and can be developed for housing. It is further indicates that where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date.
- 8.15 The Council has published a Proposed Angus Local Development Plan and that Plan makes land allocations to meet the housing land requirements identified by TAYplan. However, that Plan is still in the reasonably early stages of the plan-making process and it is unlikely to be adopted until sometime in 2016. Sites that are eventually allocated are likely to take some further time to come forward for development following adoption of that Plan as they will require to obtain planning permission and other relevant consents. Accordingly the shortfall in effective housing land supply is likely to increase in the short term.
- 8.16 SPP indicates that where a plan is under review it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.
- 8.17 In this case the ALPR is more than 5-years old and there is a shortfall in the 5-year effective housing land supply. Accordingly the local plan policies that deal with supply of housing land cannot be considered up-to-date. Both SPP and TAYplan require a minimum 5-year supply of effective housing land at all times and a shortfall in effective housing land can delay delivery of much needed housing which is undesirable from a social and economic perspective. Accordingly, there is considered to be strong policy support and some public interest in addressing the identified shortfall.
- 8.18 TAYplan Policy 1 provides locational priorities in relation to all new development. It states that the majority of new development should be focussed on the region's principal settlements and advocates a sequential approach to land release. In the first instance it promotes development within principal settlements, followed by land on the edge of those settlements, and finally the expansion of non-principal settlements. The Housing Land Audit identifies a number of effective housing sites within development boundaries in the West Angus HMA, including brownfield sites. However, the capacity of those sites and/or the anticipated programming of development is such that they do not meet the requirement for effective housing land supply required by TAYplan Policy 5. Forfar is a principal settlement and the application site is located outwith but immediately adjacent to the development boundary as defined by the ALPR. Accordingly, TAYplan policy provides some support for a development on the edge of a principal settlement.
- 8.19 In these circumstances there is considered to be a proven public interest to allow development on a site outwith but adjacent to a development boundary. This site is on the edge of a principal settlement and has potential to contribute towards addressing the shortfall in effective housing land. Whilst approval of this application could have some impact on the plan-making process such impact could be in part mitigated by controlling the build-rate/phasing by planning condition. The suitability of the site in relation to relevant development plan policy and other material considerations is discussed below.

### **Access and Transport**

- 8.20 Amongst other things, the development plan framework seeks to reduce the need to travel and improve accessibility by sustainable transport modes. Issues regarding accessibility of the site were considered during the Public Local Inquiry into unresolved objections to the Finalised Angus Local Plan Review in 2006. At that time the Inquiry Reporter concluded that local traffic considerations should not preclude the development of the site and similarly concluded that the site should not be ruled out insofar as pedestrian access is concerned. The site is located

adjacent to a route used by existing local bus services that operate on the A926 and the development could utilise these services. Necessary infrastructure to support this could be required by planning condition. The site is well located in relation to Forfar Academy and the community campus that is being developed at that location. The site is some distance from local primary school provision but that is equally applicable to other development in the general Turfbeg location and any greenfield development is likely to result in greater walking distances. This issue is not considered to outweigh the benefits that the site offers in terms of accessibility to the new community campus. It is noted that Core Path 306 (which is also a claimed right of way) passes through the site. Details on the phasing of the development would be required in order to minimise impact on that path and those that use it and a formal Diversion Order may also be required. However, accessibility within the site and potential for linkages with the wider area could properly be considered in conjunction with a subsequent application for approval of the detailed layout of the site. In terms of integration with the local road network, the Transport Assessment advises that the impact arising from the proposed development is acceptable. The indicative plans submitted with the application provide for a vehicular access to Turfbeg Road/Taylor Street and it is noted that a number of objections have been received regarding additional vehicular movement in this area. Whilst that concern is noted, it is also relevant to consider that the redevelopment of Forfar Academy will involve the relocation of the main vehicular access serving that facility from Taylor Street to the A926. It is anticipated that this will reduce vehicular movement on Turfbeg Road and Taylor Street. Creating a vehicular access from the development site to areas to the south is considered desirable in the interests of integrating the development with the town and detailed issues regarding any such access and the subsequent route through the site could be addressed in a subsequent application for approval of those matters. Notwithstanding issues raised by third parties regarding pedestrian and road traffic safety, the Roads Service has considered potential impact on the local road network and, has indicated no objection subject to several matters being addressed through planning conditions. In addition, the applicant's Transport Assessment indicates that a 'Home Owners Travel Pack' would be provided in order to influence travel behaviour and increase use of sustainable transport. A travel plan could be secured by planning condition. Overall the site is considered to provide good accessibility and is reasonably well located in relation to nearby shops and services.

### **Flood Risk/Drainage**

- 8.21 The applicant advises in the supporting information that it is proposed to connect the houses to the public sewer for foul drainage and to connect to the public water supply. This is appropriate at this location, given the proximity to the development boundary and availability of services in this regard. Scottish Water has not offered any objection to this approach but this would be without prejudice for the requirement of the developer to obtain the necessary permissions for those connections. It is noted that third parties have raised some concern regarding ponding and associated flooding that has occurred on lower lying sections of the site. In that respect information in relation to drainage and potential flood risk has been submitted by the applicant and reviewed by the Council's Roads Service and SEPA. That information indicates that the site is not at risk from flooding and whilst there is a high water table an acceptable surface water drainage strategy can be provided by a Sustainable Urban Drainage System (SUDS). Both SEPA and the Council's Roads Service have indicated that they are satisfied that the site is not at unacceptable flood risk and that detail of the SUDS can be addressed as part of any subsequent application for the detail of the development. The proposal does not give rise to any significant issues in terms of water or drainage infrastructure.

### **Education**

- 8.22 Policy 8 in TAYplan seeks to mitigate any adverse impacts on infrastructure, services and amenities brought about by development, including impacts on schools. Policy Imp1 in ALPR has similar objectives. In addition Policy 2 in TAYplan seeks to deliver better quality places by amongst other things, ensuring that new development is integrated with existing community infrastructure. In this respect the site is well located in relation to Forfar Academy and the associated community campus which is currently under construction. It is a greater distance from primary schools but that relationship is not considered unacceptable as pupils would use well established links associated with existing development in the area. In relation to school capacities it is noted that third parties have raised concern regarding the ability of the school estate to



accommodate additional primary and secondary school children. The Education Service has indicated that, having regard to existing and proposed development, both primary and secondary school provision is close to capacity and that the proposed development would increase the school roll to a point where mitigation would be required. It is indicated that a financial contribution would be required in order to mitigate such impact although the amount of such contribution has not yet been finalised. This matter has been discussed with the applicant who has agreed, in principle, to the payment of a contribution towards education provision. The value of that contribution would be subject of further negotiation in the event that Committee resolves to grant permission and would be secured by means of a planning obligation. Committee would be asked to approve the value of the financial contribution before a planning obligation was concluded. However, on this basis it is considered that impacts on education infrastructure could be mitigated.

### **Built Heritage and Archaeology**

- 8.23 The development plan framework seeks to safeguard built heritage interests, including archaeological sites. The application was supported by an Archaeology Report. The report notes potential for some sub-surface archaeological remains and on this basis indicates that a programme of mitigation including physical site evaluation may be necessary. The Council's archaeological advisor agrees with the report's conclusions and does not object to the application subject to a planning condition requiring a programme of archaeological works. In relation to other built heritage interests, there are listed buildings and Scheduled Ancient Monuments in the vicinity and development of the site has potential to have some impact on their setting. However, given the nature of those interests, intervening development, and relative separation distances it is considered that any significant impacts on their setting could be mitigated through the detailed layout of the proposed development.

### **Natural Heritage**

- 8.24 Policies of the development plan framework seek to safeguard the natural environment and protect habitats of importance. The applicant has submitted an Ecological Assessment providing an analysis on this matter. The site is not designated for its nature or biodiversity value and no significant impact on biodiversity is anticipated and indeed some enhancement may be achievable. The site is predominantly productive agricultural land which limits its biodiversity value and there are no significant concerns in relation to natural heritage interests.

### **Agricultural Land**

- 8.25 Policy 3 in TAYplan seeks to ensure that prime agricultural land is protected from development that does not outweigh its productive value. Policy ER30 of the ALPR requires consideration of prime agricultural land. Proposals for development that would result in the loss of prime land and/or have a detrimental effect on that viability of farming units will only normally be permitted where the land is allocated by the local plan or is considered essential for implementing the Local Plan strategy. Land capability for agriculture data identifies the application site comprises Class 2 and 3.1 land. This is prime agricultural land and it would be lost from productive agricultural use if the site was developed. There is no evidence that the proposal would result in a farming unit becoming unviable. As the proposal involves housing development to address an identified shortfall in the effective housing land supply it is considered that the benefit of development could, in this case outweigh the loss of productive land. It is noted that the land is reserved for possible future development in the Angus Local Plan Review and is identified for residential development in the Proposed Angus Local Development Plan.

### **Design Quality and Amenity**

- 8.26 This application is for planning permission in principle only and detailed matters regarding the layout of the site and the position and design of buildings, open spaces and roads etc would require the submission of a further application for approval of those matters. The concerns expressed in representations about amenity impacts, such as overlooking, overshadowing and ongoing noise, are noted. However, this is a large site and issues regarding those matters could be appropriately addressed in a subsequent application for details relating to layout and design.

At this stage there is no reason to consider that a housing development could not be provided on this site in a manner that would not result in unacceptable impacts on the amenity of occupants of nearby property. The site also has potential to provide a good quality residential environment for occupants of new homes. Whilst it is close to the A926 and industrial/commercial uses that lie to its north, and it is adjacent to the playing fields associated with Forfar Academy that lie to the east a noise assessment has been submitted and that has been reviewed by the Council's Environmental Health Service. That Service has indicated that elevated noise levels are likely to be experienced by those properties closest to neighbouring noise sources. However, it is further indicated that anticipated noise levels are not such that they would be considered unacceptable. The Environmental Health Service has recognised that this is an application for planning permission in principle and detailed matters regarding layout and design would require the submission of a further application or applications and that there is potential during the design stage to incorporate appropriate mitigation. A further noise assessment would be required in association with any application for approval of the layout and design in order to demonstrate that acceptable noise levels could be met. Whilst some concerns have been raised about impact on amenity during construction, such impacts would be temporary and typical of noise associated with development being undertaken in urban areas and would not be a barrier to granting permission. It is confirmed that no objection has been raised by Environmental Health in regards to this matter subject to a condition regarding construction hours and associated noise levels. Similarly in terms of design, there is no reason to consider that the site could not be developed in a manner that would provide a good quality development and again detail regarding this matter could be addressed in a subsequent application for approval of detailed matters.

- 8.27 Policy SC33 of the ALPR requires development proposals to provide open space and make provision for its long term maintenance in accordance with the National Playing Field Association standard of 2.43 hectares of open space per 1000 head of population. This equates to an area of approximately 18,225 square metres for this development, on the basis of a maximum number of 300 dwellings. Again, whilst the submitted development framework and residential masterplan are indicative only at this stage, it appears that this level of provision could be provided within the application site. The overall layout of the site, including the amount, type and distribution of open space could be considered in a subsequent application for approval of detailed matters. Similarly it is considered that the indicative landscaping strategy and design is generally appropriate for the site. The overall landscape strategy could be the subject of further consideration as part of any subsequent application(s) for approval of matters specified in conditions.

### **Affordable Housing**

- 8.28 Policy SC9 of the ALPR addresses affordable housing and sets out the requirements for a 15% contribution in Forfar, Kirriemuir and Glens to be provided on site in the form of Low Cost Home Ownership housing. TAYplan Policies 5 and 8 and Policy Imp1 in ALPR are also of relevance. The Housing Service has been consulted on this matter and has confirmed that a 15% contribution towards affordable housing is required in accordance with policy and has provided some further information in relation to the possible composition of that housing. Such provision could be secured by means of a planning condition. It is relevant to note that Scottish Planning Policy states that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. It is also relevant to note that Policy TC3 of the Proposed Angus Local Development Plan indicates that a 25% contribution towards affordable housing will be applied to all housing market areas. However, in circumstances where the adopted policy requirement of 15% is consistent with the SPP, it is not considered that emerging policy of the Proposed Angus Local Development Plan should over-ride that established policy position at this stage in the plan-making process.

### **Landscape and Visual Impact**

- 8.29 The development plan framework seeks to minimise adverse landscape impacts and to locate development where it is capable of being absorbed in the landscape. A number of representations raise concern regarding the impact of development in this area on the landscape setting of Forfar and visual amenity of the area. In that respect the proposed application site is bounded by built development to the south and east and to the north by the carriageway of A926 Kirriemuir Road. Agricultural land lies beyond the western boundary. The capacity of the

landscape to accommodate large-scale housing development was considered at the Public Local Inquiry into unresolved objections to the Finalised Angus Local Plan Review in 2006. At that time the Inquiry Reporter noted that the site was rural in character but also accepted that the release of any greenfield site on the edge of a settlement would extend the urban area and change the character. In the context of the land at Turfbeg comprising this application site, the Reporter observed that *'...I consider that in landscape impact and visual terms, the development of the objection site would relate to the existing settlement boundary in an acceptable manner. In turn, I accept that the extension of the urban area westwards along the A926 would have little wider impact in landscape setting and visual terms'*. The Reporter concluded that *'...the objection site is acceptable for a residential land allocation insofar as landscape setting and visual impact is concerned.'* That conclusion was accepted by the Council and there has been no change in circumstance in the intervening period that would now lead to a different conclusion. Overall, the site is considered to be capable of accommodating a large-scale housing development without giving rise to unacceptable landscape or visual impacts. Impacts associated with the development could be mitigated by the provision of appropriate design, layout and landscaping and these matters would require further approval from the Council should permission be granted.

### **Proposed Angus Local Development Plan**

- 8.30 The current planning application site has been allocated for a residential development of around 300 dwellings in the Proposed ALDP under Policy F3. The detailed wording of that allocation is provided at Appendix 6. 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.

### **Conclusion**

- 8.31 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is to develop 17.6 hectares of land on the edge of a settlement for large-scale housing development. The proposal is not consistent with the local plan policies that deal with housing development in this area.
- 8.32 The land is safeguarded for possible development of around 300 houses and related community facilities in the period beyond 2011. The Government Reporters who have supported the 'safeguarding' of the site for possible future development have been clear in stating that the suitability of the site for 'allocation' for housing development should be done through the plan-making process. However, they also accepted that there might be circumstances where a shortfall in effective housing land supply could be addressed through the grant of a planning permission.
- 8.33 In the intervening period TAYplan has been approved and it identifies additional housing land requirements for the area. The Angus Housing Land Audit 2014 indicates that existing housing sites within the West Angus HMA are unlikely to be capable of meeting TAYplan's housing land requirements and there is therefore currently a shortage of effective housing land. Whilst housing land allocations will be made in the emerging Angus Local Development Plan to meet TAYplan requirements, that Plan is unlikely to be adopted until sometime in 2016. SPP and TAYplan indicate that planning authorities should ensure that there is at least a 5-year supply of effective housing land available at all times in each HMA.
- 8.34 There is a policy requirement to ensure that there is at least a 5-year supply of effective housing land available at all times and it is considered to be in the public interest to ensure that there is sufficient supply of effective housing land to meet the identified needs of the Housing Market Area. The application site is on the edge of Forfar which is a principal settlement and as such the location is compatible with TAYplan's sequential approach to land release. Council policy indicates that proposals on sites contiguous with a development boundary will be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary. In these circumstances the principle of the development at this location is compatible with policy.

- 8.35 The site has reasonably good accessibility to nearby services and is on an established bus route. In landscape terms it is reasonably well contained by existing landscape features and forms a natural extension to the built area of the town. It does not open up other areas where there could be pressure for further development. It would require development of an area of prime agricultural land but the benefit of providing land that is required to maintain an effective housing land supply is considered to outweigh the loss of productive land. Education impacts associated with the proposal can be mitigated and it does not give rise to any other significant issues in terms of other relevant policies of the development plan framework. Government Reporters that have previously considered the suitability of the site for housing and community use have found that it has capacity to accommodate development of that nature.
- 8.36 Members should be aware that granting permission at this time could have some impact on the plan-making process as there are other sites in this Housing Market Area that are being promoted for housing development. However, having regard to the SPP and TAYplan requirement to maintain at least a 5-year supply of effective housing land at all times, the likely timescale for adoption of the ALDP, and in circumstances where there is a shortfall in the effective housing land supply, it is considered appropriate to grant permission in principle.
- 8.37 This site is considered to provide an appropriate location to address the shortfall in effective housing land and is broadly compliant with relevant policies of the development plan. Account has been had of the matters raised by third parties and these have been dealt with in the discussion above. However, 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 subject to conclusion of an appropriate planning obligation for the following reason, and subject to the following conditions:

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

That the development would address an identified shortfall in the 5-year effective housing land supply in the West Angus Housing Market Area in a manner that is broadly compliant with development plan policy. Potential impacts associated with the development can be appropriately mitigated and there are no material planning considerations that justify refusal of the application.

### **Section 75 Planning Obligation**

Subject to conclusion and recording of a valid planning obligation (under Section 75 of the Act) amongst all relevant parties containing the following general terms along with such other or additional terms as may be considered necessary or expedient by the Head of Legal & Democratic Services in consultation with the Head of Planning & Place.

- That a financial contribution be provided towards the necessary cost of improving primary and secondary school infrastructure in Forfar in order to ensure appropriate education capacity for the development. The final value of the contribution will be reported to the Development Standards Committee for approval before the obligation is concluded.

**Conditions:**

1. That, plans and particulars of the matters listed below, shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given for the matters listed below and the development shall be carried out in accordance with that approval. The matters are:
  - a) the layout of the site, including the number of residential units to be provided (which shall not exceed 300 units), the type and location of community facilities, road layout, car parking, turning space, open space, landscaping and facilities for waste/recycle storage and collection. For the avoidance of doubt the indicative layout submitted with the application is not approved;
  - b) a phasing plan for the entire development, including the timing and number of dwelling units to be released in each phase; details of the provision of infrastructure and community facilities; road construction; provision of street lighting; open space areas; landscaping; drainage infrastructure; and the formation of the new pedestrian/cycle connections;
  - c) the siting, design (to include appropriate noise mitigation measures) and external appearance of the dwellings and community facilities as appropriate;
  - d) the existing and proposed ground levels and finished floor levels of houses relative to a fixed ordnance datum;
  - e) the precise details of the means of accesses to the development, including visibility splays; specification of all roads, lighting and road drainage, car parking provision and garage layouts. Any proposed garage shall be set back a minimum of 8 metres from the carriageway of the adjacent public road. Within the visibility splays formed nothing shall be erected or planting permitted to grow to a height in excess of 875 millimetres above the road carriageway;
  - f) the means of drainage for the development. For the avoidance of doubt the foul drainage from the development will be directed to the public sewage system and surface water shall be disposed of by Sustainable Urban Drainage System (SUDS) and should account for high levels of groundwater. 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 water retention/detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose;
  - g) all boundary enclosures;
  - h) the provision of open space, at a minimum of 2.43 hectares per 1000 head of population, including play equipment, and a scheme for its provision and ongoing maintenance in perpetuity;
  - i) a legally binding scheme for the provision of 15% affordable housing or suitable alternative provision in accordance with Angus Council's Affordable Housing Implementation Guide or any subsequent policy or guidance that replaces it;
  - j) a public access plan that provides full details of all proposed pedestrian and cycle paths within the site, linkages to the existing wider network and details of their long term maintenance. The plan shall have regard to the existing core path that dissects the site ensuring that it, or suitable alternative provision, remains accessible to the public, including during the construction period(s); and
  - k) a public transport scheme that details provision on both the north and south sides of the A926 Kirriemuir Road – for bus layby(s) (suitable for accommodating buses up to 12 metres in length), enclosed bus shelter(s) to Angus Council's specifications (equipped with solar lighting, real time display, bus stop pole and raised kerb(s)).

*Reason: To ensure that the matters referred to are given full consideration and are acceptable to the planning authority.*

2. That any application for approval of Matters Specified in Condition 1 above shall be accompanied by the following:

a) A Masterplan for the entire application site which shall include: -

- i) a Design and Access Statement in accordance with the requirements of Part 3 Regulation 13 (5) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
  - ii) an overall design concept for the layout of the site and dwellings within the site taking account of relationship to neighbouring land uses, building orientation, building height, use of materials, and a palate of colours and textures to be used in the construction of dwellings;
  - iii) road access and construction of roads to the standards set by the Roads Authority having regard to Designing Streets;
  - iv) provision of access by pedestrian, cycle and public transport;
  - v) a strategy for the drainage of foul and surface water;
  - vi) details of structure planting and landscaping within and around the site, including details of those trees to be retained and measures for their protection during development.
- b) A noise impact assessment; and
- c) A scheme for the provision of a Residential Travel Plan and Pack. Once approved the document shall be provided to the first occupants of each dwelling.

Upon the planning authority giving written approval that all of the foregoing supporting information is acceptable, the development shall thereafter be undertaken to incorporate any identified necessary mitigation or measures identified within the approved studies.

*Reason: In order to ensure that development within the site takes place in accordance with an overall design concept and to enable the planning authority to consider the matters detailed in Condition 1.*

3. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant 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 or such other party as may be appropriate.

*Reason: To safeguard and record the archaeological potential of the area.*

4. Noise associated with construction works including the movement of materials, plant and equipment shall not exceed the noise limits shown in table B below unless agreed in writing by the Planning Authority. At all other times noise associated with construction or demolition operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.

**Table A: Construction Noise limits**

Day	Time	Average Period (t)	Noise limit
Monday-Friday	0700-1900	12 hour	70 dBA Leq t
Saturday	0700-1300	6 hour	70 dBA Leq t

5. That no access or egress shall be permitted from Turfbeg Street/Taylor Street for construction traffic vehicles.

*Reason: In the interest of road safety and residential amenity.*

6. That from the date on which this planning permission is granted none of the existing trees and shrubs on the site shall be lopped, topped, felled, removed or disturbed in any way without the prior written approval of the Planning Authority.

*Reason: To ensure the retention of important landscape features and existing amenities of the site.*

**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**

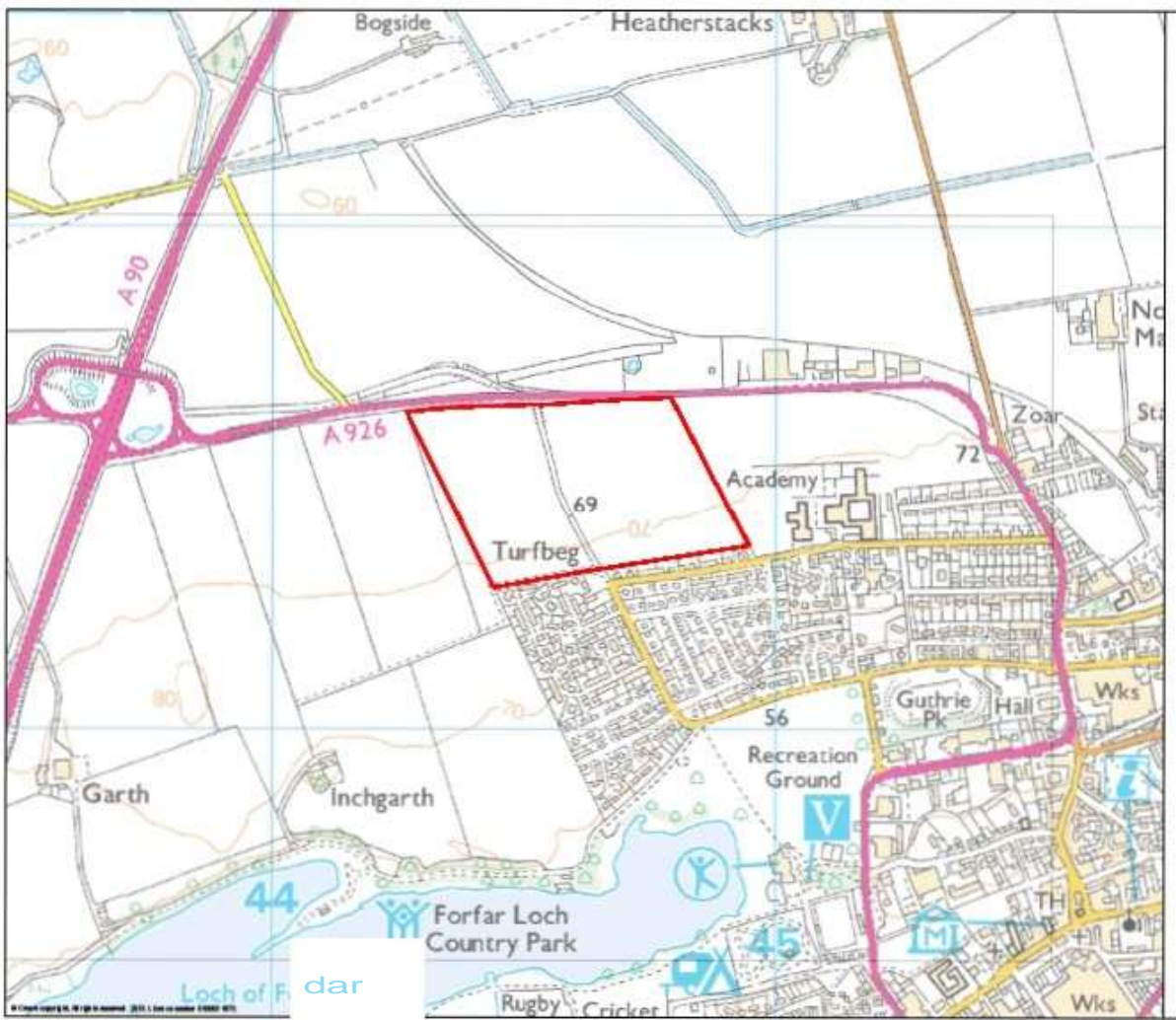
**APPENDIX 2 - EXTRACT - REPORT NO 1342/06 FINALISED ANGUS LOCAL PLAN REVIEW –  
REPORT OF PUBLIC LOCAL INQUIRY (PAGES 108 – 111)**

**APPENDIX 3 – EXTRACT - REPORT NO 793/08 FINALISED ANGUS LOCAL PLAN REVIEW –  
REPORT OF SECOND PUBLIC LOCAL INQUIRY (PAGES 24 – 30)**

**APPENDIX 4 - SUMMARY OF THE APPLICANTS SUPPORTING INFORMATION**

**APPENDIX 4 - DEVELOPMENT PLAN POLICIES**

**APPENDIX 5 – PROPOSED ANGUS LOCAL DEVELOPMENT PLAN – LAND ALLOCATION F3**



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**APPENDIX 2 - EXTRACT - REPORT NO 1342/06 FINALISED ANGUS LOCAL PLAN REVIEW –  
REPORT OF PUBLIC LOCAL INQUIRY (PAGES 108 – 111)**

**Forfar: Omission - Land at Turfbeg  
Objector Reference  
Elite Homes (Tayside) Limited 69/1/4  
Procedure Reporter  
Formal Richard Dent**

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**BACKGROUND**

The site extends over 17.6 hectares of agricultural land on the north-west edge of Forfar. There is new housing to the south of the site, Forfar Academy to the east and the A926, Kirriemuir Road, to the north.

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

**REPORTER'S CONCLUSIONS**

Although the objector describes the land at Turfbeg as semi-rural in appearance I cannot agree that this is the case. The land is adjacent to the settlement boundary to the east and the south but it is in agricultural use and, in my opinion, is clearly rural in character. Approaching Forfar from the west, I believe the impression of entry to the town is gained to the immediate east of the objection site with Forfar Academy to the south and industrial buildings to the north of the road. The lack of any significant landscape feature on the land accentuates the views of the four storey academy building and the new houses to the south. These views will soften over time as trees on the western boundary of the school site mature and landscaping to the north of the new houses is provided as a condition of planning permission. The council accepts that the new housing is unsympathetic to the landform but believes that the landscaping may partially mitigate the impact.

Although the landscape capacity study emphasises the shallow bowl in which Forfar is set and states that the development of the site would extend the area over higher ground, I share the objector's opinion that the rim of the bowl has been effectively breached in the Turfbeg vicinity. Similarly, I agree that the feature is more pronounced in the Westfield vicinity and the impact at that location would be significantly greater to the extent that, as I have previously concluded, development would be unacceptable. Although the council believes development would extend over higher ground, I again agree with the objector that development beyond the low ridge marking the edge of the bowl would be on a relatively level plateau.

In respect of views of the settlement, the capacity study is concerned about the creation of a strong urban character on the approach to the town. Although I believe the site is currently rural in character, the release of any site on the edge of a town will extend the urban area and change the character. NPPG3 recognises that such release may be required, subject to careful planning. Account should be taken of the appearance from outside the town. At Turfbeg, despite the potential softening of the edges to the east and south, I consider that in landscape impact and visual terms, the development of the objection site would relate to the existing settlement boundary in an acceptable manner. In turn, I accept that the extension of the urban area westwards along the A926 would have little wider impact in landscape setting and visual terms. In particular, there would be no impact on Forfar Loch and impact on views from Balmashanner Hill would be insignificant.

I therefore conclude that the objection site is acceptable for a residential land allocation insofar as landscape setting and visual impact is concerned.

The site offers a good link to the A90 and although bus services are not as comprehensive as those at Westfield, there is the possibility of designing a layout which would accommodate public transport. It has also been indicated that the site could be linked to Taylor Street and Forfar Academy. I accept that this may reduce school-related traffic at the junction with Brechin Road but would be concerned that additional vehicles would be drawn through any residential development that took place at Turfbeg to the

detriment of amenity. The need for careful design in this respect has been recognised by the objector. The council has expressed concern in respect of local roads but has not provided details to lead me to conclude that traffic considerations should preclude development of the site.

In terms of walking distances, Turfbeg is at the upper limit for many local attractions although proximity to the academy and leisure centre is beneficial. The ability of pedestrians to access Taylor Street would be a further advantage. I believe that the release of any greenfield land on the edge of Forfar would inevitably lead to more onerous walking distances and, in turn, sites would become less sustainable. However, notwithstanding the lack of a range of local shopping facilities, I conclude that development at Turfbeg should not be ruled out insofar as pedestrian access is concerned.

I have noted the offer of part of the site for community facilities and that land to the south-west would be retained as amenity open space to protect the setting of the loch. The amenity open space would not be integral to the development and therefore details and management arrangements could be determined, as required, in due course. In any event, the council has stated that the current agricultural use of the land is not inappropriate. The reference to community facilities is somewhat vague and the council has indicated that provision has been made for new primary school education.

Overall, I conclude that the local plan review should be modified to reserve the land at Turfbeg as possible longer term housing. The required houses for the period to 2011 can be provided on other sites and so the text should indicate that the land is safeguarded for development in the period beyond 2011. Development proposals will require to be confirmed by a future local plan. In terms of the structure plan targets, the local plan review should indicate a residential allocation of around 300 houses. I am satisfied that the site is adequate to accommodate a development of this scale and that, should a community need be identified in the meantime, this could also be included in a future local plan review for incorporation into the site.

In reaching this conclusion, I have noted the objector's suggestion that further development could extend westwards to the small knoll. I do not endorse this opinion: my conclusion in respect of possible future housing is limited to the objection site itself which could be sympathetically incorporated into the urban framework. I do not agree that development of the site in the period beyond 2011 should imply that further westward development would take place thereafter.

#### **REPORTER'S RECOMMENDATION**

I recommend that the local plan review is modified whereby 17.6 hectares of land at Turfbeg is identified as being safeguarded for around 300 houses in the period beyond 2011. The text should further indicate that the development proposals are subject to review and will require to be confirmed by a future local plan.

#### **HEAD OF PLANNING AND TRANSPORT COMMENT**

Although the land north of Turfbeg is greenfield land on the edge of Forfar, the Reporter is of the opinion that in this instance development of the objection site would be acceptable in landscape and visual terms, even although this will extend the urban area and change the character of this location from rural to urban. In his consideration of the inquiry evidence, the Reporter considers that the rim of the shallow bowl within which Forfar sits has already been breached by development permitted outwith the boundary at Turfbeg Farm.

It is important to note that the Reporter has not recommended allocating the site for housing development in the period of this Local Plan to 2011. At paragraph 2.879 of the Report on Objections to the FALPR he states the Plan should be modified "*...to reserve the land at Turfbeg as possible longer term housing*" for development in the period beyond 2011". The Reporter's Recommendation uses different words stating the plan should be modified whereby "...land at Turfbeg is identified as being safeguarded for around 300 houses in the period beyond 2011". He recommends the inclusion of text wording to indicate that "development proposals are subject to review and will require to be confirmed by a future local plan."

In considering the most appropriate way to take forward the Reporter's recommendations it is clearly not his intention to include the land within the development boundary for Forfar at this stage as it is not formally allocated, nor is it required to meet Structure Plan housing land requirements in the period to

2011, and requires to be confirmed by a future local plan. In these circumstances, I recommend the site be shown on the Forfar Inset Map lying outwith the development boundary in order to provide a safeguard from development proposals in the short term which might prejudice the future use of the land.

#### **ANGUS COUNCIL DECISION**

ACCEPT the Reporter's Recommendation and modify the Local Plan Review to include a new proposal as follows:

"F9 : Safeguarded Site – North of Turfbeg

17.6 ha of land north of Turfbeg is safeguarded for possible development of around 300 houses and related community facilities in the period beyond 2011. The possible future allocation of the site will require to be confirmed by a future local plan. No development will be permitted in the period to 2011."

This change results in the following amendments to other parts of the Plan.

- Indicate the site on the Forfar Inset Proposals Map. (as shown on the attached plan)



**APPENDIX 3 – EXTRACT - REPORT NO 793/08 FINALISED ANGUS LOCAL PLAN REVIEW –  
REPORT OF SECOND PUBLIC LOCAL INQUIRY (PAGES 24 – 30)**

**F9: Safeguard Site – North of Turfbeg, Forfar**

**Objector(s)**

Elite Homes (Tayside) Ltd

**Objector Reference(s)**

69/1/1

**Procedure**

Written Submissions

**Reporter**

Jill Moody

**BACKGROUND**

At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site north of Turfbeg. They recommended that *the local plan review is modified whereby 17.6 hectares of land at Turfbeg is identified as being safeguarded for around 300 houses in the period beyond 2011. The text should further indicate that the development proposals are subject to review and will require to be confirmed by a future local plan* (core production CP 14, paragraph 2.881). In the preamble to that recommendation, the Reporters stated that:

the safeguarding stems from the fact that the required amount of housing land up to 2011 can be provided on other sites;

*Development proposals will require to be confirmed by a future local plan; and*

*if appropriate, a community need could also be included in a future local plan* (core production CP 14, paragraph 2.879).

The council's post-inquiry modifications accepted this recommendation and safeguarded the site for that amount of housing, plus related community facilities, adding that *The possible future allocation of the site will require to be confirmed by a future local plan. No development will be permitted in the period to 2011.* The supporting text states that the site was not allocated formally by the Reporters, and that the safeguarding is to prevent development proposals in the short term that might prejudice the future use of the land for those specified purposes (core production CP 22, page 129).

Following publication of the proposed post-inquiry modifications, Elite Homes (Tayside) Ltd objected. The council's subsequent response proposes no change, preferring instead that the objection should be considered at this second inquiry.

**REPORTER'S CONSIDERATION**

Housing Policy 1 from the approved Dundee and Angus Structure Plan (core production CP 1, pages 21 and 22) expects that local plans will:

- allocate sites to meet Schedule 1 up to 2011; and
- take account of the indicative scale and distribution of the land identified in Schedule 1 for development beyond 2011.

In other words, the approved structure plan differentiates between immediate allocations and longer term identifications. SPP 3 matches the approved structure plan in the wording used, i.e. that future sites should be identified (paragraph 65).

The previous Reporters' recommendation is explicit, i.e. that the site at north of Turfbeg is to be safeguarded for housing. The Reporters did not allocate Turfbeg because the amount of housing required by approved structure plan Housing Policy 1 and Schedule 1 for the relevant housing market area up to 2011 was met on the other allocated sites, so the extra contribution from Turfbeg was not needed in the short-term (core production CP 14, paragraph 2.879). Accordingly, I am satisfied that the Reporters made a clear and intentional distinction between an allocated and a longer term safeguarded site, which distinction takes full account of the approved structure plan and SPP 3.

I also find little doubt that the Reporters' intention in making their recommendation, was to link the possible eventual allocation of the site to a future local plan review. Their recommendation stipulates this, as does the supporting text from the report, which includes community need if appropriate in that same expectation (core production CP 14, paragraphs 2.881 and 2.879 respectively). The council's proposed modification accords generally with that recommendation, apart from the fact that the council seems to have incorporated the need for confirmation by a local plan into the wording of the proposal, as opposed to the supporting text, which the Reporters specified. Subject to this minor change of emphasis, i.e. moving the reference, the council's modification would accord entirely with that aspect of the Reporters' recommendation.

Whether or not the Reporters' intention has been applied consistently across other safeguarded sites in the housing market area does not, as a matter of principle, justify changing Turfbeg because each site falls to be considered on its own individual merits. The treatment of one should not act as an automatic precedent to justify treating others in an identical fashion.

The approved structure plan and SPP 3 undoubtedly expect flexibility in ensuring an adequate supply of effective housing land. However, the approved structure plan states that:

- the longer term allowances in Schedule 1 will be subject to review (core production CP 1, paragraph 4.17 and Schedule 1);
- the annual monitoring process is the trigger to confirm a shortfall (Housing Policy 1); and
- if the annual monitor shows *that any of the current effective sites are no longer effective*, others should be found to cover the shortfall, considering *sites in the established supply in the first instance*, followed by any brownfield opportunities (Housing Policy 1).

In other words, local plan allocations will be the preferred source of sites to offset any emerging shortfall. SPP 3 confirms that monitoring should occur via the annual audit process (paragraph 65), and that development plan alterations can be used to address any housing land shortfall, unless longer term allocations and releases can be brought forward (paragraph 66). Planning Advice Note 38: *Housing Land* (PAN 38, core production CP 40) is expressed similarly, but it states that additions should either be brought forward through revisions to the local plan or by granting planning permission if the local plan route would otherwise be too late (paragraph 41). PAN 38 also confirms that where a shortfall emerges, the planning authority should ensure that extra land is brought forward by means of an alteration to the development plan (paragraph 42).

Therefore, the approved structure plan and SPP 3 impose a clear hierarchy, with the development plan process remaining the proper central forum for considering sites beyond the initial period. If that process is lagging behind an emerging shortfall, the next recourse is to use allocated sites. After that, sites in the established land supply or brownfield options should be considered, all before promoting an alteration to the development plan or granting advance planning permission. Hence, if a shortfall in the effective land supply emerges, response mechanisms are in place that include granting permission. However, because Turfbeg is safeguarded and not allocated, or part of the established supply, or brownfield, it cannot benefit from this flexibility in advance of other allocated sites.

Based on this, paragraph 66 of SPP 3, which states that *an alteration is not required if longer term allocations and releases are simply brought forward earlier*, does not apply to Turfbeg and I find no support for the contention that the allocated and the identified sites can be viewed as interchangeable without recourse to due process. Further, the approved structure plan and national planning policy make clear that development plan alterations and planning permissions are the only options available in addressing an emerging housing land shortfall.

In other words, to accord with the approved structure plan and national planning policy, the only way that Turfbeg could be released for development to offset any future shortfall is via a further local plan review or if planning permission were to be granted. The previous Reporters' recommendation accords entirely with this approach.

That said, the council is currently seeking to address a small land supply shortfall for Forfar's housing market area for the period up to 2011. The Finalised Dundee and Angus Housing Land Audit 2007 (core production CP 70) and the land proposed for release through the local plan review as modified, up to and

including the current proposed modifications show that there is enough effective land currently available either allocated or with planning permission to meet the full approved structure plan requirement for that period.

Furthermore, with the proposed modifications, there would be more than the required 5 year land supply available. Given that position, and the response hierarchy described above, I find no current need to amend the terms of the proposed F9 modification wording, whereby any part of Turfbeg would become allocated for use now, as opposed to remaining safeguarded for the future. If future annual monitoring produces another shortfall in the effective housing land supply, the council would then address that deficiency by looking first to the established supply, which process accords with SPP 3, PAN 38, and approved structure plan Housing Policy 1. For this particular local housing market area, that would affect the allocated sites where the local plan review has phased development beyond 2011, but it would still not include Turfbeg.

Nevertheless, I note that the council's proposed modification includes a statement to the effect that development will not be permitted in the period until 2011, which amounts to an embargo on development that was not part of the previous Reporters' recommendation. The objection seeks to have that development embargo augmented, in circumstances where that release is needed to maintain an effective land supply. I have discussed the available responses to a shortfall in the effective land supply above, but I find that the council's changed modification does not allow for that full range of options to address any future shortfall. In particular, it excludes the flexibility of granting permission because it explicitly prevents development from being permitted before 2011, i.e. presumably under any circumstances. Consequently, this aspect of the proposed modification does not accord with the Reporters' recommendation and should be changed.

#### **REPORTER'S RECOMMENDATION**

Accordingly, I recommend that the council's proposed modification should be changed to reflect the Reporters' recommendation accurately, i.e.:

- to place the reference to the local plan review in the supporting text; and
- to delete the development embargo.

The council might consider replacing the embargo with a statement to the effect that no development will be permitted in the period to 2011, unless the annual monitoring process shows an emerging land supply shortfall, which cannot be accommodated on existing allocated sites, or on sites that form part of the established land supply, or on brownfield sites, all in accordance with established planning policy.

#### **HEAD OF PLANNING AND TRANSPORT COMMENT**

The Reporter has endorsed the general approach promoted by the Council, following the first public inquiry, in safeguarding the Turfbeg site for possible future development subject to a future Local Plan Review, but raises issues with respect of the compatibility of the detailed wording with the recommendations from the original reporter. Rewording of the text is now suggested by the second Reporter.

The Reporter has confirmed that the site should not be allocated for development and that the site should be considered as part of a future local plan review.

Monitoring of the allocated housing sites will continue through the annual housing land audit process, which will provide early warning of issues relating to housing site performance. If the overall housing position deteriorates such that additional housing land release earlier than 2011 was required, the matter can be dealt with through the hierarchy approach advocated by Dundee & Angus Structure Plan Policy H1: Housing Land Provision which indicates that:

*To ensure the continuous provision of a minimum five year effective housing land supply in each housing market area, Local Plans should allocate land to meet the additional allowances in Schedule 1 up to 2011, in accordance with the development strategy, and take account of the indicative scale and distribution of land identified in Schedule 1 for development beyond 2011. If the annual monitor of housing land demonstrates that any of the current effective sites are no longer effective, alternative land*

*should be identified to make up the shortfall, considering the potential contribution from sites in the established.*

In the circumstances the Reporter's main recommendation to delete the sentence 'No development will be permitted in the period to 2011' can be accepted. However given the position already set out in the Structure Plan Policy H1, there is no need to make further modification to the Local Plan Review position.

#### **RECOMMENDATION TO COMMITTEE**

Accept the Reporter's recommendation and amend F9 Safeguarded Site - North of Turfbeg as follows:

#### **New F9 : Safeguarded Site – North of Turfbeg**

**17.6 ha of land north of Turfbeg is safeguarded for possible development of around 300 houses and related community facilities in the period beyond 2011.**

The possible future allocation of the site will require to be confirmed by a future local plan.



## **F9: Safeguard Site – North of Turfbeg, Forfar**

**Objector(s):**  
Webster Contracts Ltd

**Objector Reference(s):**  
202/1/6

**Procedure**  
Written Submissions

**Reporter:**  
Jill Moody

### **BACKGROUND**

At the finalised local plan inquiry in 2006, the Reporters considered an objection into the omission of this site. They recommended that *the local plan review is modified whereby 17.6 hectares of land at Turfbeg is identified as being safeguarded for around 300 houses in the period beyond 2011. The text should further indicate that the development proposals are subject to review and will require to be confirmed by a future local plan* (core production CP 14, paragraph 2.881). In the preamble to that recommendation, the Reporters stated that:

- the safeguarding stems from the fact that the required amount of housing land up to 2011 can be provided on other sites;
- *Development proposals will require to be confirmed by a future local plan*;
- the site relates acceptably to the existing settlement boundary;
- the landscape and visual impact is acceptable;
- if a community need is identified, the site is big enough to accommodate that; and
- if appropriate, a community need could also *be included in a future local plan* (core production CP 14, paragraphs 2.782 to 2.879).

The council's published post-inquiry modifications accepted this and safeguarded the site for that amount of housing, plus related community facilities, in the period beyond 2011, adding that *The possible future allocation of the site will require to be confirmed by a future local plan. No development will be permitted in the period to 2011.* (core production CP 22, page 129). Following publication of the post-inquiry modifications in February 2007, Webster Contracts Ltd objected to the proposed modification on the basis that the process of safeguarding is wrong, and that Turfbeg is unsuitable in terms of landscape fit and primary education provision.

### **REPORTER'S CONSIDERATION**

Arguably, this objection raises issues that were considered before, which should not be revisited at this extremely late stage. However, in the interests of thoroughness and complete transparency of process, I have preferred to comment as follows.

The approved structure plan expects that sites will be allocated up to 2011 and that beyond that, sites should be identified to provide for any shortfall that might subsequently emerge (core production CP 1, Housing Policy 1). The approved structure plan and Scottish Planning Policy 3: *Planning for Housing* (SPP 3, core production CP 32) matches the approved structure plan in the wording used, i.e. in that future sites should be identified and that monitoring should occur via the annual audit process (paragraph 65). In addition, SPP 3 confirms that development plan alterations can be used to address any housing land shortfall, unless longer term allocations and releases can be brought forward (paragraph 66). Planning Advice Note 38: *Housing Land* (PAN 38, core production CP 40) is expressed similarly, but it states that additions should either be brought forward through revisions to the local plan or by granting planning permission if the local plan route would otherwise be too late (paragraph 41). PAN 38 also confirms that where a shortfall emerges, the planning authority should ensure that extra land is brought forward by means of an alteration to the development plan (paragraph 42). As a result, I find a clear basis in planning policy of all levels for the Reporters' endorsement of the council's wish to safeguard sites for possible future housing development.

In accordance with the approved structure plan, the finalised local plan identifies specific longer term housing opportunities for Forfar, i.e. including part of Westfield. However, there can be no doubt that in preparing their report, the previous Reporters compared a range of sites, including Turfbeg and Westfield and, for the reasons clearly set out in their report, they favoured Turfbeg. These reasons included

landscape and visual impact, which they found to be especially damaging at Westfield (core production CP 14, paragraphs 2.758 to 2.792) and acceptable at Turfbeg (paragraphs 2.872 to 2.875). Further, their recommendation is explicit, i.e. that Turfbeg is to be safeguarded for housing instead of Westfield, but with an additional text caveat that the safeguarding is to be subject to review and confirmation by a future local plan (paragraph 2.881). Consequently, the Reporters' clear intention in making their recommendation was to link the possible eventual allocation of the site and the potential need for a community facility like a primary school, to a future local plan review. The council accepts that general recommendation and has included it in the proposed post inquiry modifications.

The approved structure plan estimates a need for some 525 houses for the period 2011 to 2016 (core production CP 1, Schedule 1) and, as a result of this post-inquiry modification process, the contribution of 300 houses to that estimate has simply been redirected from Westfield to Turfbeg. Nothing in the current situation suggests that a much greater number of houses will be needed at that later stage, whereby Westfield might be justified in addition to Turfbeg. However, should that arise, the way in which the recommendation is expressed shows clearly that it is for a future local plan review to repeat the comparison process. Given that, a further opportunity will exist to promote competing options in open, public forum.

The previous Reporters also considered the potential need for a new primary school to serve the site. While they seem to have been in some doubt about the definite need for this kind of community facility, they have covered that uncertainty because the preamble to the recommendation refers to development proposals, including community need if appropriate, being confirmed by a future local plan (core production CP 14, paragraph 2.879). The council accepts that general recommendation and has included it in the proposed post inquiry modifications. The objection is not supported by evidence to show exactly how or why a new school at Turfbeg would be contrary to education policy and advice. But in any event, the council's response shows that the site is in the catchment of the new Whitehills Primary School, which is currently under construction (core production CP 23, page 48). Therefore, I find that this aspect of the objection has been overtaken by events. Overall therefore, I am satisfied that the objection issues were considered explicitly by the previous Reporters, with the conclusion that the effect would be acceptable. No new evidence has been raised in the current objection that justifies a different view.

#### **REPORTER'S RECOMMENDATION**

Accordingly, I recommend that the council adheres to the proposed post-inquiry modification to safeguard Turfbeg for some 300 houses, plus related community facilities, for the period beyond 2011.

#### **HEAD OF PLANNING AND TRANSPORT COMMENT**

This is a different objection to that dealt with earlier. The Reporter identifies that there is no justification for safeguarding land at Westfield in the FALPR in addition to the land safeguarded at Turfbeg. The Reporter restates 'that it is for a future local plan review' to provide the opportunity to consider 'competing options in an open public forum.'

#### **RECOMMENDATION TO COMMITTEE**

No change.

Note that a modification relating to wording of F9 Safeguard Site – North of Turfbeg is being recommended in response to the Reporter's recommendation for objection 69/1/1

## **APPENDIX 4 - SUMMARY OF THE APPLICANTS SUPPORTING INFORMATION**

Pre-Application Consultation (PAC) Report: Describes the consultation process undertaken by the applicant prior to submitting the application. The report explains that a community engagement event was held over two half days (one in the evening and the second during the day) in mid-May 2013 which was held in the locality of the application site. The report advises that a total of 56 people attended the event, with feedback in the form of a questionnaire provided from 41 attendees. The responses identify that the majority are in support of the development (83%), agree with the access locations (90%) and consider that sufficient open space is to be provided (92%). Some concerns were raised by respondents, such as increased traffic on Turfbeg Road, the length of time for the development to be undertaken, safety fears of using a Taylor Street access and concerns about the capacity of schools. The report provides responses to these issues and advises that the comments have been fed in to the application and design process. In addition to the public event, the report advises that additional consultation was undertaken by the applicant by way of attending meetings of Forfar Community Council and Forfar Area Partnership, as well as meeting residents near to the site at their homes.

Planning Supporting Statement: Provides an introduction to proposal, details the planning background to the application site, explains the context for its inclusion within the Angus Local Plan Review (ALPR) 2009, including the Reporters findings on the ALPR. An analysis against the ALPR, TAYplan and other material considerations (including Scottish Government policy) is provided. The statement summarises that the site is allocated within the ALPR and the proposal accords with the Development Plan and that there are material considerations in support of the proposal including the claimed shortfall of housing land in the West Angus Housing Market Area (HMA) and economic benefits. It is submitted that the principle of residential development is acceptable and the proposal should be supported and planning permission in principle approved.

Design and Access Statement: As advised above, this document provides an assessment of the site's context and indicatively identifies a potential design solution, presented through a masterplan. The matters considered in formulating the masterplan design include: site specific factors - topography, landscape, ecology, archaeology and hydrology and a landscape and urban context appraisal. The masterplan is presented as being informed by these assessments and identifies the layout and design concepts for the delivery of the development as an expansion to Forfar.

Transportation Assessment: Provides an assessment of transport impacts, requirements and solutions based on a proposed development of 300 dwellinghouses. The existing transport infrastructure and conditions of the site and its immediate area are identified, including the presence and use of the local road network. An assessment of sustainable transport accessibility for pedestrian access, cycle and bus services is provided. The predicted traffic needs that would arise from the development on the local road network and in turn an assessment of the traffic generation and distribution and the impact on junctions and the road network, both local and the A90 trunk road, is provided. The car parking and servicing requirements of the site are identified. Lastly, the promotion of sustainable travel, in accordance with national and local policy objectives, is provided. In conclusion the proposed development is considered to meet a number of relevant standards set out in policy and that the development would be accessible by a range of transport modes other than private car. For the benefit of pedestrians and cyclists the layout will be designed in accordance with Designing Streets guidelines. In respect of public transport the assessment has identified the existing public transport network is accessible and would provide opportunity for residents. In respect of road network impacts the assessment concludes that the development can be accommodated within the existing road network. Car parking provision can be achieved in accordance with Angus Council standards. Lastly, Elite Homes would prepare and distribute a Home Owners Travel Pack for each home, identifying suitable walking/cycling routes, the location of local amenities and public transport facilities. The scope and content of this pack would be agreed with Angus Council.

Ecological Re-Appraisal: The report identifies that studies have been undertaken historically on the site, first in 2003 and then again in 2005 in support of a similar scale of proposed development. The current report provides an update from 2013 to reappraise the ecological situation in light of any possible changes and having regard to the development proposed. The survey confirms that the site is of a very low to negligible ecological interest; identifying that the track and associated boundary walls that intersect the site from north to south provide the only semi-natural habitat features in the grassland corridors and

shrub groups they host. The habitats are however of a very low species diversity within an intensive and open arable landscape. The site is at present unsuitable for protected species such as badger and birds would be limited to the peripheral boundaries adjacent to the school and residential properties. Development on the site is unlikely to result in a decline in the local population of priority bird species. The development proposals do not conflict with any policies concerning nature conservation and would provide the opportunity for biodiversity gains through greens spaces and domestic gardens.

**Drainage Assessment:** Was provided in response to request for a Drainage Impact Assessment and a Flood Risk Assessment. The report advises that the proposed development can be satisfactorily drained without detriment to the existing site, surrounding land or watercourses. The masterplan allocates sufficient space for Sustainable Urban Drainage Systems (SUDS), which will also provide an attractive feature. Investigation for foul drainage has identified solutions to known issues within the Forfar network to enable the development to connect to the existing infrastructure via an adoptable pumping station. The Flood Risk Assessment advises that the proposed development is not affected by flooding.

**Archaeological Assessment:** Provides an archaeological assessment of the site and a wider study area based on the proposed residential development and having regard to known records. The potential impacts on known or unknown buried archaeological remains relate to possibly disturbing, removing or destroying in situ remains and artefacts during ground breaking works. There is potential for medieval or post-medieval farm buildings in the vicinity of Turfbeg Farm and a circular enclosure to the south. The possibility of such remains therefore cannot be discounted. Listed buildings and a scheduled ancient monument, St Margaret's Inch, a medieval chapel at Forfar Loch, are also nearby and the setting on these sites and the associated visual impact of development must be considered. Given this context, there is potential for direct impacts on archaeological remains and mitigation works may be required as part of ground works. It is unlikely that there would be indirect impacts on nearby listed buildings and monument. These impacts should nevertheless be considered during the determination process and mitigation advised by Aberdeenshire Archaeology Service.

**Noise Assessment:** Provides an assessment of noise associated with the development and the suitability of the site for residential development. The development is described as a noise sensitive development, with sources of noise from road traffic, principally from the A926, activity at the Tayside Contracts depot and activity from Forfar Academy. Measurements were obtained through a noise level survey and predictions based on activity at the depot to assess the likely impact on future residents at the development. The impact from the depot has been determined to be negligible apart from when a crusher is in use, which would result in levels in excess of acceptable limits. Outline mitigation measures are therefore required and suggested to reduce levels to acceptable limits. A more detailed assessment to inform mitigation will be required once detailed layouts and house design are known.

## APPENDIX 5 - DEVELOPMENT PLAN POLICIES

### TAYplan Strategic Development plan

#### **Policy 1: Location Priorities**

Strategies, plans, programmes and development proposals shall:-

##### **A. Focus the majority of development in the region's principal settlements as follows:-**

Tier 1 settlements have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

- Dundee Core Area: (Dundee City, Dundee Western Gateway, Invergowrie, Monifieth, Tayport/Newport/Wormit, Birkhill/Muirhead); and,
- Perth Core Area: (Perth, Scone, Almondbank, Bridge of Earn, Ourdenarde, Methven, Stanley, Luncarty, Balbeggie, Perth Airport).

Tier 2 settlements have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the region's additional development.

- Arbroath, Blairgowrie/Ratray, Crieff, Cupar, Forfar, Kinross/Milnathort, Montrose, St. Andrews.

Tier 3 settlements have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the region's additional development which is more about sustaining them.

- Aberfeldy, Alyth, Anstruther, Auchterarder, Brechin, Carnoustie, Coupar Angus, Dunkeld/Birnam, Kirriemuir, Leuchars/Guardbridge, Newburgh, Pitlochry.
- Local Development Plans may also provide for some development in settlements that are not defined as principal settlements where this can be accommodated and supported by the settlement, and in rural areas, if such development genuinely contributes to the objectives of this Plan, and meets specific local needs or supports regeneration of the local economy.

B. Prioritise land release for all principal settlements using the sequential approach in this policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings (particularly listed buildings):

Sequential approach:

1. Land within principal settlements.
2. Land on the edge of principal settlements.
3. Where there is insufficient land or where the nature/scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements, and where it is consistent with Part A of this policy and with Policy 2, the expansion of other settlements should be considered.

#### **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 3: Managing TAYplan's Assets

Land should be identified through Local Development Plans to ensure responsible management of TAYplan's asset by: -

Employment Land:

- Identifying and safeguarding at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements;
- Safeguarding areas identified for class 4 office type uses in principal settlements; and
- Further assisting in growing the year-round role of the tourism sector.

Greenbelts:

- Continuing to designate green belt boundaries at both St. Andrews and Perth to preserve their settings, views and special character including their historic cores; assist in safeguarding the countryside from encroachment; to manage long term planned growth including infrastructure in this Plan's Proposals Map and Strategic Development Areas in Policy 4; and define appropriate forms of development within the green belt based on Scottish Planning Policy;
- Using Perth green belt to sustain the identity of Scone, and provide sufficient land for planned

development around key villages and settlements.

Finite resources:

Using the location priorities set out in Policy 1 of this Plan to:-

- safeguard minerals deposits of economic importance and land for a minimum of 10 years supply of construction aggregates at all times in all market areas; and,
- protect prime agricultural land, new and existing forestry areas, and carbon rich soils (where identified) where the advantages of development do not outweigh the loss of productive land.

Natural and Historic Assets\*:

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

Transport:

- Safeguarding land at Dundee and Montrose Ports, and other harbours, as appropriate, for port related uses to support freight, economic growth and tourism; and,
- Safeguarding land for future infrastructure provision (including routes), identified in the Proposal Map of this Plan or other locations or routes, as appropriate, or which is integral to a Strategic Development Area in Policy 4 of this Plan, or which is essential to support a shift from reliance on the car and road-based freight and support resource management objectives.

*\*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.*

### **Policy 8: Delivering the Strategic Development Plan**

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

To mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), and other community facilities in accordance with the Scottish Government Circular 1/2010.



## **Angus Local Plan Review 2009**

### **Policy S1 : Development Boundaries**

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

### **Policy S2 : Accessible Development**

Development proposals will require to demonstrate, according to scale, type and location, that they:-

- are or can be made accessible to the existing or proposed public transport networks and make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances and allow easy access for the mobility impaired.
- provide and/or enhance paths for walking and cycling which are safe, provide pleasant routes, are suitable for use by the mobility impaired, and link existing and proposed path networks;
- are located where there is adequate local road network capacity or where capacity can be made available.

### **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 S4 : Environmental Protection**

Where development proposals raise issues under environmental protection regimes, developers will require to demonstrate that any environmental protection matter relating to the site or the development has been fully evaluated. This will be considered alongside planning matters to ensure the proposal would not unacceptably affect the amenity of the neighbourhood.

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

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

## Schedule 1 : Development Principles

### Amenity

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

### Roads/Parking/Access

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

### Landscaping / Open Space / Biodiversity

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

### Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

### Supporting Information

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

### **Policy SC1 : Housing Land Supply**

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

### **Policy SC3 : Windfall Sites**

Angus Council will support proposals for residential development of 5 or more dwellings on windfall sites within development boundaries in addition to the identified supply where they:

- will make a significant contribution towards regeneration and renewal;
- are compatible with established and proposed land uses in the surrounding area;
- include affordable housing in accordance with Policy SC9; and
- take account of the provisions of Policy S6 : Development Principles.

### **Policy SC4 : Countryside Housing Retention of Existing Houses**

In preference to demolition and replacement, Angus Council will encourage the retention and renovation of stone-built houses and other houses of visual, architectural or historic merit which are sound and/or wind and watertight, or which have four walls standing to eaves height and at least 50% of the roof structure and covering in place and are therefore capable of attracting improvement grant. Sensitively designed extensions forming part of the renovation of such houses will also be supported.

Where such a house is demonstrated by a suitably qualified professional to be structurally incapable of renovation or is of minimal visual, architectural or historic interest, demolition and reconstruction or replacement may be acceptable.

The replacement house should represent a substantial improvement on the original property and meet Schedule 2 : Countryside Housing Criteria as appropriate.

### **Policy SC5 : Countryside Housing Conversion of Non-Residential Buildings**

Conversion of stand alone, redundant, stone-built, non-residential buildings and other non-residential buildings of visual, architectural or historic merit will be supported where proposals:-

- retain or enhance the existing architectural style of the building,
- utilise the whole building or demonstrate that a satisfactory residential environment can be created,
- do not provide an excessive number of small housing units, and
- meet Schedule 2 : Countryside Housing Criteria as appropriate.

Proposals for sensitively designed extensions to such buildings will also be supported.

Proposals for conversion of appropriate buildings which sit within a larger site will only be permitted where the whole site is redundant, and the improvement of the environment of the area is provided for. Any additional new build housing within the building group will be considered under Policy SC6.

Where such a building is demonstrated by a suitably qualified professional to be structurally incapable of conversion, demolition and reconstruction of it for residential use may be supported where the new building is in keeping with the scale, form and character of the original.

### **Policy SC6 : Countryside Housing New Houses**

(a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group.

(b) Gap Sites – In Category 1 RSU's a single new house will be permitted on a gap site with a maximum

road frontage of 50 metres; and in Category 2 RSU's up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as appropriate.

(c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

(d) Open Countryside - Category 2 RSU's - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met.

### **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 SC36 : Access Rights**

Development proposals, which will result in a significant loss to the public of linear access, area access or access to inland water will be resisted.

### **Policy SC40 : Walking and Cycling**

Angus Council will pursue a range of measures and initiatives to enhance accessibility for walking and cycling, by:

- providing local walking and cycling routes within and around each town;
- developing the existing cycleway provision north of Montrose in support of the National Cycle Network and North Sea Cycle Route;
- developing the “Safe Routes to School” initiative;
- improving the linkages to and within town centres and other areas with high pedestrian activity such as schools and leisure facilities;
- pursuing the phased implementation of an integrated coastal path and cycleway;
- incorporating a footpath/cycleway as part of upgrading the A92 between Arbroath and Dundee in accordance with Policy SC43.

### **Policy SC41 : Bus Transport**

Angus Council will:

- promote the improvement of passenger waiting infrastructure including the provision of bus lay-bys, bus stops, shelters and interchange facilities conveniently located for access to and from housing, employment, shopping and other main destinations;
- promote the improvement of passenger information facilities by extending Real Time Information facilities across Angus;
- make provision for bus transport as part of the upgrading of the A92 between Arbroath and Dundee including bus laybys, bus stops and shelters at locations which are well related to existing facilities and path networks and allow safe and easy access by the communities along this route.

### **Policy ER1 : Natura 2000 and Ramsar Sites**

Development likely to have a significant effect on a designated, candidate or proposed Natura 2000 site (Special Protection Areas and Special Areas of Conservation), or Ramsar site and not connected with or necessary to the conservation management of the site must undergo an appropriate assessment as required by Regulation 48 of the Conservation (Natural Habitats etc.) Regulations 1994. Development will only be permitted exceptionally and where the assessment indicates that:

- (a) it will not adversely affect the integrity of the site; or
- (b) there are no alternative solutions; and
- (c) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Where proposals affect a priority habitat and/or priority species as defined by the Habitats Directive (92/43/EEC), the only overriding public interest must relate to human health, public safety or beneficial consequences of primary importance to the environment. Other allowable exceptions are subject to the views of the European Commission.

### **Policy ER4 : Wider Natural Heritage and Biodiversity**

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is

permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

#### **Policy ER5 : Conservation of Landscape Character**

Development proposals should take account of the guidance provided by the Tayside Landscape Character Assessment and where appropriate will be considered against the following criteria:

- (a) sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;
- (b) where required, landscape mitigation measures should be in character with, or enhance, the existing landscape setting;
- (c) new buildings/structures should respect the pattern, scale, siting, form, design, colour and density of existing development;
- (d) priority should be given to locating new development in towns, villages or building groups in preference to isolated development.

#### **Policy ER7 : Trees on Development Sites**

Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:

- (a) provide a full tree survey in order to identify the condition of those trees on site;
- (b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;
- (c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.

In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.

#### **Policy ER11 : Noise Pollution**

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

#### **Policy ER16 : Development Affecting the Setting of a Listed Building**

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

#### **Policy ER18 : Archaeological Sites of National Importance**

Priority will be given to preserving Scheduled Ancient Monuments in situ. Developments affecting Scheduled Ancient Monuments and other nationally significant archaeological sites and historic landscapes and their settings will only be permitted where it can be adequately demonstrated that either:

- (a) the proposed development will not result in damage to the scheduled monument or site of national archaeological interest or the integrity of its setting; or
- (b) there is overriding and proven public interest to be gained from the proposed development that outweighs the national significance attached to the preservation of the monument or archaeological importance of the site. In the case of Scheduled Ancient Monuments, the development must be in the

national interest in order to outweigh the national importance attached to their preservation; and  
(c) the need for the development cannot reasonably be met in other less archaeologically damaging locations or by reasonable alternative means; and  
(d) the proposal has been sited and designed to minimise damage to the archaeological remains.

Where development is considered acceptable and preservation of the site in its original location is not possible, the excavation and recording of the site will be required in advance of development, at the developer's expense

#### **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.

#### **Policy ER28 : Flood Risk Assessment**

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

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

industrial development where an appropriate standard of flood prevention measures exist, are under construction or are planned.

(b) Undeveloped or sparsely developed areas are generally not suitable for additional development.

### **Policy ER30 : Agricultural Land**

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

### **Policy ER38 : Recycling and Composting Facilities**

In support of the Tayside Area Waste Plan and Angus Waste Implementation Plan, Angus Council will promote the further development of local recycling facilities including:

- centralised in-vessel composting (compliant with the Animal By-Products (Scotland) Regulations 2003) of green waste at Lochhead/Restenneth; and
- community recycling facilities to serve Carnoustie and Monifieth.

Proposals for new retail, business, commercial, industrial and residential developments must include appropriate provision for recycling facilities for the collection of glass, metal cans, paper and other recyclable material. Recycling facilities must be located in a conveniently accessible location within the development and should be designed in consultation with Angus Council Environmental and Consumer Protection Department. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

### **Policy ER40 : Contaminated Land**

Development on land known or suspected to be unstable or contaminated will only be permitted where it can be demonstrated to the satisfaction of Angus Council that any actual or potential risk to the proposed use can be overcome.

Development proposals on such land will require to be supported by an appropriate site investigation (detailing the extent and nature of ground instability and/or contamination), risk assessment and details of any remediation measures necessary to make the site suitable for the intended use. Where appropriate Angus Council will require necessary remedial measures to be undertaken prior to the commencement of development.

### **Policy Imp1 : Developer Contributions**

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

### **F9 : Safeguarded Site - North of Turfbeg**

17.6 ha of land north of Turfbeg is safeguarded for possible development of around 300 houses and related community facilities in the period beyond 2011. [The possible future allocation of the site will require to be confirmed by a future local plan.]\*

\*Text as proposed by Inquiry Reporter and approved by Council but omitted from published ALPR.



## **APPENDIX 6 – PROPOSED ANGUS LOCAL DEVELOPMENT PLAN – LAND ALLOCATION F3**

### **F3 Housing – Turfbeg**

17.6 Ha of land north of Turfbeg is allocated for residential development of around 300 dwellings.

Development proposals should include:

- design and site layout which integrates with the existing landscape character, pattern of development and character of neighbouring uses and buildings;
- structural planting and landscaping within and around the site to enhance biodiversity and to create an appropriate town edge, particularly along the western and northern boundaries of the site;
- the provision of open space and SuDS as necessary;
- appropriate developer contributions towards education, future primary school provision to be identified within the burgh as required;
- opportunity for active travel through improved linkages with the existing path network; and
- supporting information including a Drainage Impact Assessment, Sustainable Drainage and Surface Water Management Plan and Transport Assessment.