

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 31 MAY 2016

PLANNING APPLICATION - FIELD 70M NORTH WEST OF GREENLAW BARRY

GRID REF: 354179 : 734675

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 16/00075/FULL for the erection of 46 dwellinghouses and the formation of associated open space, parking and infrastructure for Persimmon Homes (East Scotland) at the site of the former Greenlawhill Farm complex, Barry, Carnoustie. The application is recommended for conditional approval, subject to the applicants providing further surveys that demonstrate no unacceptable impact on bats. It is recommended that matters regarding the impact of the development on bats are delegated to the Head of Planning and Place unless Scottish Natural Heritage advises that such impacts are unacceptable.

1. RECOMMENDATION

It is recommended that Committee: -

- i. resolves to grant planning permission for the reasons and subject to the conditions given at Section 10 of this report, subject to the applicant submitting further surveys that demonstrate to the satisfaction of the Head of Planning and Place, in consultation with Scottish Natural Heritage, that either there will be no unacceptable impact on bats, or that relevant licensing tests are likely to be met;
- ii. authorise the Head of Planning and Place to attach any additional conditions that may be necessary in order to mitigate the impact of the development on bats;
- iii. instruct the Head of Planning and Place to refer the application back to Committee for determination if further surveys demonstrate that there is likely to be an unacceptable impact on bats, and that relevant licensing tests are unlikely to be met.

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

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

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

3. INTRODUCTION

- 3.1 The applicant seeks full planning permission for the erection of 46 dwellinghouses, the formation of open space, parking and infrastructure at the site of the former Greenlawhill Farm complex at Greenlaw Terrace, Barry, Carnoustie.
- 3.2 The site measures 1.77 ha (17,700sqm) and consists of previously developed land that is now derelict. Two agricultural out buildings still stand on the site along with the original farmhouse. The hard standing of a larger complex of sheds can still also be made out within the central area of the site. All existing buildings would be demolished.

- 3.3 The site is littered with debris and scrap and is in an overgrown and unkempt state. The house is windowless and inundated with climbing vegetation. The south eastern part of the site sits on top of the raised beach that contains the existing built up area of Carnoustie and Barry and falls down the embankment towards Ravensby Park Gardens and Corbie Drive to the south. There is an approximate 15 metre level difference between the site and the dwellings to the south. The site is identified on the Angus Local Plan Review proposals map for Carnoustie and Barry as an opportunity site for housing development. A treed area lies between the site boundary and Corbie Drive and Ravensby Park Gardens. That treed area is identified on the same map as a protected open space.
- 3.4 The site is bound to the north by the U557 Greenlawhill Road which runs east from Barry Main Street and intersects with the C1 Upper Victoria Link Road. Agricultural land lies beyond the U557. The east of the site is bound by the access track serving Greenlaw (a dwelling) which sits reasonably centrally within a relatively small agricultural field that slopes southwards towards the existing built up area of the town. The west of the site is bound by two pairs of semi-detached cottages (1-4 Greenlaw Terrace also known as Greenlawhill Farm Cottages) that stand in a splayed arrangement on the bend of Greenlaw Terrace (U557). A secondary track runs west from the site along the southern boundary of the site and emerges onto the U557 between the south boundary of No4 Greenlaw Terrace and The Manse. As previously described a treed open space bounds the south of the site with residential streets beyond.
- 3.5 The proposed development would provide for the erection of 46 dwellings comprising 15 x 4 bedroom dwellings, 19 x3 bedroom dwellings and 12 x 2 bedroom dwellings. The layout would consist of a mix of terraced and detached dwellings. All dwellings would offer accommodation over two storeys.
- 3.6 The main site access would be taken direct from the U557 Greenlaw Terrace. A secondary pedestrian access would be formed along the line of the existing farm track that runs between No 4 Greenlaw Terrace and The Manse. A further pedestrian route would be formed at the northwest corner of the site onto the existing track serving Greenlaw.
- 3.7 The application has been subject of a number of incremental variations that have focussed on the orientation of dwellings on the site frontage and boundary distances and boundary treatments. The most notable variation has been the deletion of 3No units at the south east of the site in order to facilitate tree retention, open play space and the inclusion of a Local Equipped Area of Play (LEAP).
- 3.8 The application was advertised in the Dundee Courier as there was no notifiable property on neighbouring land. The time period for third party representation published in the advert has expired.

4. RELEVANT PLANNING HISTORY

15/00911/PAN for Residential Development incorporating formation of Access Roads, Landscaping, SUDS and Associated Infrastructure was determined as "Approved with Conditions" on 21 October 2015. The Proposal of Application Notice (PoAN) that was highlighted to Committee (Report No 420/15) in that instance took in a larger site which included the agricultural field to the east.

5. APPLICANT'S CASE

5.1 The applicant's agent has submitted a suite of supporting information consisting of:

- A Design Statement;
- A Transport Statement;
- A Tree Survey;
- A Habitat Survey;
- A Drainage Report.

- 5.2 The design statement gives a brief description of the site and outlines its planning status as an opportunity site. The statement gives a brief description of the development as proposed and makes reference to the ethos contained in Designing Streets and Creating Places although no detailed analysis is given.
- 5.3 The Transport Statement gives a brief analysis of existing transport infrastructure and key routes, and transport implications arising from the development. The statement describes the design solution and other relevant transport considerations. The statement concludes that the traffic volumes associated with the development would be small in comparison to network capacity and that the site is well located for walking, cycling and public transport links. It is also stated that the site access would be safe and satisfactory and that other potential links to possible future development are facilitated.
- 5.4 The Tree Survey gives necessary information on the types and condition of trees within the site and identifies trees for protection/retention and trees for removal. The report covers method and safety and gives reasoned justification for the removal of some trees. Additional structural trees will now be retained over and above those originally identified as a result of layout changes within the site.
- 5.5 The originally submitted Habitat Survey has been augmented by an additional extended habitat survey. The survey covers habitat potential, bats, badgers and breeding birds. The survey concludes that there are no habitats within the site notable for rarity or quality although some of the mature trees are worthy of retention where species are native. Badgers were not identified as a constraint. Breeding birds similarly do not create a barrier to development providing site works are undertaken between August and March or mitigated outwith these times. Bat roosting potential has however been identified in the former farmhouse and the former agricultural shed as well as some nearby trees.
- 5.6 The Drainage Report gives detailed drainage calculations and is to be read in conjunction with the submitted drainage layout drawings.

6. CONSULTATIONS

- 6.1 Scottish Environment Protection Agency - No objection.
- 6.2 Angus Council - Roads - No objection subject to a number of proposed conditions.
- 6.3 Scottish Water - There was no response from this consultee at the time of report preparation.
- 6.4 Angus Council - Flood Prevention - No objection.
- 6.5 Aberdeenshire Council Archaeology Service - No objection. Conditions relating to a programme of archaeological works and a level 1 standing buildings survey are suggested.
- 6.6 Angus Council - Education - Has indicated that primary 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 contribution of £5,750 per dwelling (excluding affordable units) is required in order to mitigate the impact of the development on primary school infrastructure.
- 6.7 Angus Council Housing Service - 25% affordable housing contribution required in accordance with SPP and the emerging Local Development Plan. The type and tenure would be agreed at a later date.
- 6.8 Angus Council - Parks and Burial Grounds – No objection.
- 6.9 Community Council - There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

7.1 Fourteen letters of representation were received, all of which offered objection to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website. The main issues raised relate to:

- **Traffic impacts on Greenlaw Terrace**
- **Lack of safe walking routes for pedestrians and cycle provision**
- **Amenity impacts on neighbouring properties**
- **Overdevelopment**
- **Inappropriate layout and density for location**
- **Lack of adequate drainage infrastructure**
- **Contrary to development plan**
- **Visually incongruous**
- **Effects on Bats**
- **Impact on wildlife**
- **Loss of trees**
- **Flood risk**
- **No need for the development (housing land supply)**

These matters are discussed at Section 8 below.

7.2 In addition the following matters have been raised: -

- **Impact on local infrastructure (schools & Medical Centre)** - The matter of education contributions is discussed at Section 8 below. No representation has been made from the operators of the local medical centre and Council has resolved to grant planning permission for other large scale residential development at this general location and existing and emerging land use policy for the area do not identify a requirement for a contribution towards improvement of local healthcare infrastructure.
- **Intention of the landowner to sell additional land for housing (sets precedent)** - The proposal does not represent a binding precedent in terms of future land release.
- **Lack of public consultation** - The level of consultation that has been undertaken is appropriate for a development that is defined as a Local development by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- **Unsustainable development** - The proposed site is included as an opportunity site in both the extant local plan and the emerging local development plans. Both of these plans state a presumption in favour of the re-use of brownfield sites within development boundaries ahead of greenfield land release. In this context the development of the site is considered to be sustainable in land release terms as the site has previously been developed and lies within a principal settlement close to local services.
- **Air pollution/health impacts** - There is no indication of how the proposed development would result in any exceptional risks in this respect.
- **Disturbance during construction** - Construction activity would be restricted by condition as detailed at Section 10 below.
- **Loss of light** - The development as proposed is not considered to represent an unacceptable impact in respect of available light. As discussed in Section 8 below the layout meets the required separation distance for buildings.
- **Lack of economic benefit** - There is no requirement for economic benefits to be realised as a result of a housing development. All developments will however have inherit economic effects in terms of developers economic considerations, labour and supply benefits and other knock on effects in the local housing market. Any form of growth will also have multiplier effects to some extent in the local economy in terms of the use of local services and businesses.
- **Lack of play facilities** – the layout has been amended through the course of this planning application to include play provision and open space and this is discussed further in Section 8 below.

- **Impact on property value** - This is not a valid 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 1.
- 8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.
- 8.5 At its meeting on 03 November 2015 Committee considered Report No 420/15 which dealt with a Proposal of Application Notice (ref: 15/00911/PAN) for residential development at a larger site which encompassed the site under consideration and the agricultural field to the immediate east of the site. Committee agreed that report and confirmed that the key determining issues in relation to any planning application for housing on the site would include the following matters:
- Acceptability of the proposal to develop housing on a site that is part identified as an opportunity site and part unallocated land that lies outwith but adjacent to the development boundary of Carnoustie and Barry;
 - Acceptability of the number of residential units proposed having regard to development plan policy in respect of housing land supply;
 - Impact of development on existing infrastructure, in particular impacts on the roads and drainage networks, the education estate and local healthcare provision;
 - The identification and mitigation of flood risk from known surface water extents;
 - The impact of the development on natural habitats and ecology, particularly in respect of existing site features that may be subject of removal or alteration proposals;
 - Landscape impact including potential impacts on important landscape features such as mature trees;
 - Archaeological potential on the site;
 - Acceptability of the proposed access arrangements for pedestrians, cyclists, public transport and other motor vehicles and the suitability of access and transportation provision in the area generally;
 - Acceptability of open space provision and landscaping, including subsequent maintenance;
 - Suitability of the proposed site layout and design of buildings, having regard to matters such as the acceptability of the residential environment that would be created and the impact of the development on neighbouring land uses and properties;
 - Provision of affordable housing in accordance with relevant policy requirements;

- The potential for the development to be prejudicial to the plan making process having regard to factors such as the Proposed Angus Local Development Plan and its stage in the plan making process.

Having undertaken the PAN exercise which is relevant to planning proposals that are likely to constitute major developments under the provisions of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, in terms of the first bullet above, the applicant has elected to apply only for the land that is identified as an opportunity site in the extant Local Plan Review and the emerging Local Development Plan. As such the application is not for a major development. The proposed development constitutes a local development in terms of the above regulations. The key determining factors identified in Report No 420/15 are nonetheless considered to be relevant considerations in the determination of the application and they are addressed below.

Development of an Allocated Opportunity Site

- 8.6 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. It indicates that priority should be given to the reuse of previously developed land and buildings. The application site is located within the development boundary of Carnoustie and Barry which is a Tier 3 principal settlement and the site is previously developed or brownfield. Since the use of the site as an agricultural complex has ceased, the site has been used for ambiguous storage of scrap and other detritus. The redevelopment of a site in the condition of the application site within the development boundary of a principal settlement is compatible with TAYplan's locational priorities.
- 8.7 In terms of the ALPR the site is identified as an opportunity site for housing development (C5-Opportunity Site- Greenlaw Hill) although no numbers are specified. The C5 proposal specifies that the open nature of the site and its prominence at the entrance of Carnoustie should be reflected and that access should be taken from the Upper Victoria Link Road. The detail of the development is discussed below. Proposal C5 does however state a presumption in favour of the principle of housing development on the site and the emerging LDP also reflects the desire to see the site redeveloped.

Number of Units Having Regard to Development Plan Policy in Respect of Housing Land Supply

- 8.8 Policy SC3 deals with proposals for residential development (of 5 or more units) on unallocated sites within the development boundaries. It indicates amongst other things that such proposals will be supported in addition to the identified supply where they make a significant contribution to regeneration and renewal, and where they are compatible with established and proposed land uses in the surrounding area. Whilst Policy SC3 is relevant to unallocated sites it does give a reasonably sound basis for the consideration of development on opportunity sites as the issues such sites present are broadly comparable; windfall and opportunity sites do not have specific housing numbers attributed to them and will generally consist of previously developed or infill sites within development boundaries.
- 8.9 In this case the former agricultural use of the site has ceased and, as discussed above, the site has fallen into a derelict and unkempt state. The buildings that previously occupied the site have largely been removed although areas of hard surfaces remain. One large portal framed shed remains as does one nissan style shed. The original farmhouse also stands on the site, albeit in a poor state of repair. The site is vacant, underused and in its redevelopment would make a significant contribution to regeneration and renewal. The proposed residential development is not considered to cause conflict with neighbouring residential land uses that are adjacent to the site. The number of dwellings proposed by this application is not insignificant but the policies of the local plan allow windfall and opportunity sites to come forward for development in addition to the identified land supply. On this basis the principle of redeveloping the site for housing is broadly compliant with development plan policy. The number of dwelling units that would be acceptable is

therefore determined by site specific considerations as discussed below.

Layout, Design and Amenity

- 8.10 The proposed layout for the site follows a perimeter block principle with dwellings on the site frontage facing the road and dwellings within the site running back-to-back and facing outwards over streets or open spaces as applicable. A single vehicular access is proposed and there would be a single circulation route within the site for vehicles. Other linkage opportunities are limited due to topography or built constraints. Alternative pedestrian linkages are however facilitated at the east and west of the site including a main pedestrian link back towards Greenlaw Terrace at the south west of the site which offers a walking link back towards Barry Main Street where public transport infrastructure is located. At the south of the site, the dwellings would overlook the main open space for the development which would consist of an augmentation of the existing protected open space to the south between the site and Corby Drive and Ravensby Park Gardens. The green space would also provide for open play and a 400sqm play area (LEAP). Overall the layout is considered acceptable.
- 8.11 There are dwellings to the west of the site with adjoining boundaries that have potential to be affected by the development. It is noted that occupiers of some of these dwellings have objected to the proposal however in situations involving sites that are allocated for housing around the edges of settlements, there will always be the potential for a degree of conflict with some occupiers of existing houses who may have become accustomed to sharing a boundary with a site that may be fairly inert or dormant in land use terms or which may only see occasional activity such as agricultural fields. Whilst it is accepted that wholesale change on neighbouring land can be quite unsettling for existing residents, such change will only be allowed where it falls within acceptable limits. In this case, the redevelopment of the site would involve the removal of a potential nonconforming use due to the current degraded state of the site and the previous activities that have taken place there (including scrap storage). The result of the development would be that the current occupiers of neighbouring dwellings would have a shared residential boundary. This is a common situation that can be addressed with standard boundary treatments and appropriate dwelling to boundary distances. The application proposes the provision of a timber screen fence between the site and existing properties and the dwellings as proposed have been sited to comply with the Council's current standards for building to boundary distances where two storey development abuts single storey development (12m from common boundary). However, the levels information submitted with the application suggests that ground levels would be increased within the application site and this has potential implications for the amenity of neighbours in terms of overlooking and over-dominance, particularly to the west of the site. A condition of the permission indicates that the proposed ground and finished floor levels are not approved.
- 8.12 The development would provide for a reasonable mix of house types with detached, semi-detached and terraced dwellings offering 2, 3 and 4 bedroom options. The proposed house types are fairly typical of the ranges offered by volume house builders with rectilinear building footprints and traditional pitched roofs. Main elevations are generally given added interest with projecting porch or canopy features and integral garages in some cases. Reconstituted stone would be used on key plots to add further interest. The shape and form of the proposed dwellings is reasonably consistent with other volume built house types that have been approved on edge of settlement sites in South Angus in recent years. The general area offers a broad range of housing types and densities and the proposed development would not be inappropriate in that context.
- 8.13 Detail of the proposed palette of materials has been provided (Grey roof tiles, white render and grey reconstituted stone features and base courses. A burnt ochre paving would be used on hard surfaces to add some warmer tones. The general palette of materials is considered to be acceptable.
- 8.14 Garden areas throughout the development would vary depending on the house type. Such provision is considered to contribute towards a wider choice of house types depending on individual requirements and offering choice with those seeking a dwelling with a smaller garden being able to choose a terraced or semi-detached over a three bedroom detached property with a larger garden or vice versa for example. Overall the private garden area provision is considered

appropriate having regard to the nature of the proposed open space within the site and the ready access to the open countryside from the site. Whilst some garden areas will be smaller than others the visual interest that would be created through the use of different housing forms such as terraces; which do not lend themselves to the comfortable formation of large garden areas due to their narrow plan form, is taken into account. Overall the proposal is considered to provide a good living environment for the future residents without unacceptably affecting the amenity of occupants of existing dwellings.

Impact on Infrastructure

- 8.15 Impacts on road infrastructure are discussed below under Access and Transport.
- 8.16 The applicant advises in the supporting information that it is proposed to connect the houses to the public sewer for foul drainage and to connect to the public water supply. The proposal indicates that surface water would be discharged to a combined sewer but that this would be attenuated to the greenfield run-off rate. SEPA initially raised some concern regarding the proposed means of surface water disposal but has subsequently indicated that it is satisfied with the justification for this approach. Scottish Water, whilst not offering specific comment on the planning application, was involved in discussions between the applicant and SEPA, and has accepted the surface water treatment proposals in principle. As would always be the case, this would be without prejudice for the requirement of the developer to obtain the necessary permissions for those connections from Scottish Water. The Council's Road Service has similarly offered no objection to the application in respect of surface water drainage or flood risk. The proposal does not give rise to any significant issues in terms of water or drainage infrastructure.
- 8.17 Policy 8 in TAYplan seeks to mitigate any adverse impacts on infrastructure, services and amenities brought about by development, including impacts on schools. Policy Imp1 in ALPR has similar objectives. In addition Policy 2 in TAYplan seeks to deliver better quality places by amongst other things, ensuring that new development is integrated with existing community infrastructure. The Education Service has indicated that there is sufficient capacity at Carnoustie High School to accommodate children from the development. However, capacity at primary schools in Carnoustie is more limited with all schools operating above 80%. Having regard to the potential number of primary school pupils that would be generated by this and other potential development within the town, it is considered that the existing school estate will require to be extended in order to accommodate those children. A contribution of £5,750 per dwelling (excluding affordable units) would therefore be required in order to mitigate the impact of the development on education infrastructure. Such contribution would be used to increase primary school capacity in order to accommodate children that can reasonably be expected from the development. On this basis it is considered that impacts on education infrastructure could be adequately mitigated.

Flood Risk

- 8.18 There is a small area of surface water flood extent shown on SEPA's indicative flood map around the rear garden areas of 3 and 4 Greenlaw Terrace which slightly encroaches into the site. SEPA and the Council's Roads Service have been consulted and have both confirmed that they have no objection to the application in terms of flood risk. The proposal could allow for better management of surface water arising from the site and again this will be addressed by condition.

Impacts on Natural Environment and Ecology

- 8.19 Policy ER4 in ALPR states that 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. The applicant has undertaken an extended Phase 1 Habitat Survey that covers habitat potential, bats, badgers and breeding birds. The survey concludes that there are no habitats within the site notable for rarity or quality although some of the mature trees are worthy of retention where species are native. Badgers were not identified as a constraint. Breeding birds similarly do not create a barrier to development providing site works are undertaken between August and March or mitigated outwith these times.

- 8.20 Bat roosting potential has however been identified in the former farmhouse and the former agricultural shed as well as some nearby trees. A full suite of surveys is therefore recommended taking in dusk and pre-dawn surveys between May and September. The applicant has proposed to undertake the relevant surveys in May and June and SNH is satisfied that the proposed survey suite would be appropriate.
- 8.21 Committee will be aware that it is contrary to the relevant legal framework in respect of habitats and protective species for consenting authorities to issue permissions and consents for development that effects European Protected Species or their habitats unless they are satisfied that the development will either not impact adversely on any European Protected Species or that in its opinion, all three tests necessary for the eventual grant of a licence under the Habitat Regulations are likely to be satisfied. There is no option to use a suspensive planning condition in this respect as in doing so, the consenting authority will not have satisfied itself that any of the foregoing tests can be met at the time of granting planning permission.
- 8.22 On this basis it is recommended that, if Committee is minded to grant planning permission for the development in all other respects, matters regarding the impact of the development on bats is delegated to the Head of Planning and Place. Consultation with SNH will be undertaken on the further bat surveys that are submitted. Provided these demonstrate no unacceptable impact on bats, or that relevant licensing tests are met, the planning permission will be issued. This approach will avoid the determination of the application being delayed until August if the surveys conclude that the presence of bats or their habitat or even the lack of bats would not present a barrier to development. In any other circumstances the application will be referred back to Committee for determination.

Landscape Impacts

- 8.23 The C5 allocation of the site as an opportunity site states that proposals should reflect the rural setting and its prominence at the entrance of Carnoustie. The development plan framework seeks to minimise adverse landscape impacts and to locate development where it is capable of being absorbed in the landscape. The development would occupy a contained site set between slightly raised farm land to the north and a wooded open space to the south beyond which lies a similarly dense urban form. The development would be contained between the track serving Greenlaw to the east and 1-4 Greenlaw Terrace to the west. Whilst there is no doubt that the development would be visible when approaching from the north on the Upper Victoria Link Road, it is considered that such an impact would not represent an unacceptable landscape impact due to the relatively well contained and discreet nature of the site. Many of the mature trees on the south and east of the site would be retained and this will help with integration in the landscape. It is considered however that the development would read in the landscape in much the same way as the established development at Hillview when viewed by the passing spectator on approach to the town.

Archaeology

- 8.24 The site is located in an area where there is known local archaeology. Policy ER19 in ALPR states that archaeological evaluation should be undertaken on sites of known or suspected archaeological interest. Aberdeenshire Council Archaeological Service has been consulted on the proposal and has not objected. However conditions have been suggested in respect of a programme of archaeological work and photographic recording.

Access and Transport

- 8.25 Amongst other things, the development plan framework seeks to reduce the need to travel and improve accessibility by sustainable transport modes. In this case the application is supported by a Transport Statement. The statement concludes that the traffic volumes associated with the development would be small in comparison to network capacity and that the site is well located for walking, cycling and public transport links. The proposed site layout makes reasonable provision for pedestrian accessibility.

- 8.26 Members have previously determined through a resolution to grant planning permission in principle for a residential and employment development at the nearby Pitskelly site that this area is reasonably well located in terms of nearby shops and services. The site is within reasonable walking distance of Main Street Barry and Barry Road Carnoustie where public transport connections are available. In terms of impacts on the nearby road network, the applicant's assessment indicates that vehicular traffic from the proposed development can be accommodated and give no cause for concern over the operational or safety characteristics of the existing infrastructure and highway network. The proposal provides for a single vehicular access and egress to Greenlaw Terrace which links directly to the Upper Victoria Link Road which in turn offers good access into Carnoustie and to the A92. The Roads Service has reviewed the submitted information and has offered no objection to the application subject to a number of planning conditions which are given at Section 10 below.

Open Space and Landscaping

- 8.27 The overall layout and design is proposed to be complemented by a landscaping scheme and provision of open space which would mainly be located at the southern end of the site adjacent to an existing protected open space that separates the site from residential development to the south. Policy SC33 of the ALPR requires development proposals to provide open space and make provision for its long term maintenance. Provisions should generally be in accordance with the National Playing Field Association standard of 2.43 hectares of open space per 1000 head of population. For a site comprising 46 units this would equate to a requirement for 2794sqm of open space. The proposal provides for in the region of 4000sqm of open space. Following amendments to the scheme the main open space is well located and provides a useable area that would have good natural surveillance from the surrounding the dwellings to the north. Landscape Services has indicated that the proposed open space arrangements are satisfactory although further agreement would need to be reached on the level and nature of the equipped play area.
- 8.28 The landscape proposals for the site provide for the retention of the majority of the mature trees to the south of the site as well as new tree planting throughout the site. It is also worthy of note that in order to meet with the landscape and open space requirements for the site, the developer has deleted three housing units from the original proposed scheme. This has facilitated the inclusion of an open play space as well as the retention of more trees than had been initially anticipated in the submitted tree survey which would lessen the potential visibility of the development from Greenlaw to the east. Boundary treatments along the access track to Greenlaw would be kept to a minimum with low fencing proposed with planting outwith the house curtilages. The frontage and entrance of the site would have boundary walls to match the proposed base course material of the houses. The broad landscape strategy for the site is considered to be acceptable.

Affordable Housing

- 8.29 Policy SC9 of the ALPR addresses affordable housing and sets out the requirements for a 40% contribution in the South Angus Housing Market Area. TAYplan Policies 5 and 8 and Policy Imp1 in ALPR are also of relevance. However, notwithstanding the 40% requirement identified in the ALPR, it is relevant to note that Scottish Planning Policy states that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. It is also relevant to note that Policy TC3 of the Proposed Angus Local Development Plan indicates that a 25% contribution towards affordable housing will be applied to all housing market areas. The Housing Service has indicated that the proposed level of contribution at 25% is acceptable.

Contaminated Land

- 8.30 ALPR Policy ER40 indicates that development of 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. Environmental Health has been consulted on the proposal as the site is previously developed and scrap has been known to have been stored on the site. No objection is raised by Environmental Health to

the proposal subject to planning conditions being attached to any permission requiring further investigation of land contamination issues and further approval of any necessary mitigation measures. The approach offered is fairly common and there is no reason to consider that any issues associated with this site cannot be successfully addressed.

- 8.31 The granting of planning permission on the proposed site would not be prejudicial to the plan making process having regard to factors such as the Proposed Angus Local Development Plan and its stage in the plan making process. The continuation of the site as an opportunity site is not contested through the local plan Examination.

Conclusion

- 8.32 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is to develop a 1.7 hectare former farm complex with a fairly ambiguous subsequent history. The site is a brownfield site, which is set within the Carnoustie development boundary, and which is identified as an opportunity site for housing development.
- 8.33 Housing development in this location is compatible with the locational requirements of TAYplan. Similarly, redevelopment of a brownfield site within the development boundary of Carnoustie in a manner that will secure the reuse of a redundant and potentially contaminated site is compatible with the general policies that deal with large 'windfall' sites in the ALPR. The proposal will not have an unacceptable impact on the surrounding area and will facilitate the reuse of the site that is fairly untidy and unkempt. No land use compatibility issues are raised by the proposal. The layout and design of the proposed development is considered broadly acceptable and has been amended in order to ensure that relevant open space standards are met in an acceptable manner. In respect of other policy considerations, the site has reasonably good accessibility to nearby services and is close to established transportation routes. In landscape terms the development will not represent an adverse impact and whilst it is accepted that the urban edge of Carnoustie and Barry will become more visible, this in itself is not an unacceptable impact when dealing with the matter of planned land release. Education impacts and other impacts on infrastructure associated with the proposal can be mitigated through planning obligation or conditions and no outstanding objections from consultees remain.
- 8.34 Account has been had of the matters raised by the third party but these do not raise material considerations that justify refusal of the planning application. The proposal will secure the appropriate redevelopment of a redundant and previously developed site that is identified as an opportunity site within a development boundary. The proposal is generally consistent with the relevant policies of the development plan.
- 8.35 At this stage there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan. However, if the final bat surveys that are awaited, indicate that the proposal will have unacceptable impacts on bats or that relevant licensing tests will not be met then the application will be referred back to Committee for consideration and determination. If the bat surveys do not identify any unacceptable impacts the application will subsequently be issued by the Head of Planning and Place subject to any additional conditions necessary to mitigate the impact of the development on bats.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

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

Reason(s) for Approval:

That the proposal provides for new residential development on brownfield land that is located within the development boundary of Carnoustie and Barry and that is identified as an opportunity site suitable for residential development in the Angus Local Plan Review. The proposed development is compatible with relevant development plan policy subject to the stated conditions and there are no material considerations that justify refusal.

Conditions:

1. That, prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted for the written approval of the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. Thereafter, where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of any dwelling within the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority.

Reason: In order to ensure that all land contamination within the site is identified in accordance with a recognisable code of practice and where such contaminated land is identified; that it is remediated in a satisfactory manner, all in the interests of the residential amenities of potential occupiers of the site.

2. That no built development within the site shall take place until the developer has reached written agreement with the Planning Authority in consultation with the Councils Landscape Services Manager on the precise nature and location of the play equipment that is to be installed in the proposed Local Equipped Area of Play (LEAP). Once the nature and location of the play equipment has been agreed in writing, it shall be installed in accordance with any phasing agreed as part of Condition 4 below.

Reason: In order to establish how formal play provision within the site shall be facilitated in the interests of the residential amenities of the site.

3. That the development hereby approved shall be undertaken in accordance with the following requirements in relation to roads and access:

Prior to the commencement of development:

- i. Visibility splays shall be provided at the junction of the proposed access with U557 Greenlawhill Road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of U557 Greenlawhill Road.
- ii. Within the above visibility splays nothing shall be erected, or planting permitted to grow to

- a height in excess of 1050mm above the adjacent road channel level.
- iii. A footway at least 2.0 metres wide shall be provided on the south side of U557 Greenlawhill Road along the frontage of the site. The footway shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).
- iv. The U557 Greenlawhill Road shall be widened between the existing 30mph speed limit and the C1 Monikie- Barry Road. The carriageway shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).
- v. The existing 30 mph speed limit on U557 Greenlawhill Road shall be extended in an easterly direction to a point to be agreed, in writing, with the Planning Authority [for a distance of 220 metres].

Within 60 days prior to the occupation or use of the penultimate dwelling:

- vi. All details relating to access; road layout design, specification and construction, including the provision of street lighting and surface water drainage shall be fully completed.

Prior to the occupation of the first dwellinghouse:

- vii. A Travel Plan shall be submitted for the written approval of the planning authority. The plan shall have regard to the provision for walking, cycling and public transport access to and within the site and shall identify the measures to be provided for the management monitoring, reviewing, reporting and duration of the plan.

Reason: In order to ensure safe and suitable vehicular access to the local roads network and to ensure the timely provision of adequate infrastructure to an appropriate standard that will facilitate multi modal transport and safe pedestrian access all in the interests of road safety and the free flow of traffic.

- 4. That prior to the commencement of development hereby approved, the following details shall be submitted to and approved in writing by the Planning Authority: -
 - (a) A scheme for the phasing of the development including details of the timing for the provision of dwellings (including the number to be completed each year), roads, footways, infrastructure, open space, play equipment and landscaping. Thereafter the development shall be undertaken in accordance with the approved scheme.
 - (b) A scheme for the management and maintenance of all open spaces, play equipment, outdoor communal areas and unadopted infrastructure. That scheme shall provide for the maintenance of those areas in perpetuity and the approved scheme shall be implemented upon occupation of the first dwelling within the development.

Reason: In order to ensure that the Planning Authority may confirm the acceptability of the proposed phasing arrangements in the interests of the proper planning, amenity and environment of the area and to ensure subsequent management and maintenance of the site in the interests of the amenity, environment and safety of the area.

- 5. Noise associated with construction works including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A 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

Reason: To ensure no unacceptable impact on the amenity of occupants of nearby properties.

6. That no works shall take place within the site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeenshire Council Archaeology Service. Thereafter, prior to the commencement of development, 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.

Reason: In order to safeguard and record the archaeological potential of the area and to ensure that the development is undertaken in accordance with Policy ER19 in the Angus Local Plan Review.

7. Prior to any works commencing, the developer shall secure the implementation of a Level 1 archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the Planning Authority. The scope of the archaeological standing building survey will be set by the Aberdeenshire Council Archaeology Service on behalf of the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.

Reason: In order to record features of the historic environment around the site in accordance with Policy ER19 in the Angus Local Plan Review.

8. That tree works on the site shall be undertaken in accordance with the submitted Alan Motion Tree Consulting Ltd Tree Survey and Arboricultural Constraints Report of 17 December 2015 with the following exceptions:

Additional Trees to be Retained - 401, 402, 405, 406 and 407.
Additional Tree to be Removed - 395.

Reason: In order to ensure that existing tree cover within the site will in as far as is possible, be retained in the interests of integrating the development with the surrounding landscape.

9. That prior to the commencement of development a scheme for precise details of the landscaping associated with the proposal, shall be submitted to and approved in writing by the Planning Authority. These details shall include precise details of all hard and soft landscaping including tree and shrub planting along with details of any level changes or deposits of materials excavated/transferred on the site. Once approved, the landscape plan shall be implemented in full accordance with the approved details. Any plants or trees which, within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of meeting the landscaping requirements of the Planning Authority, to assist the integrating the development within the wider landscape and to ensure subsequent maintenance during the establishment period for new plants.

10. That the proposed ground and floor levels, specifically those shown on drawings 15-030-SK-30 Rev D, 10122-P(00)003-B and 10122-P(00)004-B are not approved. Prior to the commencement of development, further drawings showing existing ground levels and revised proposed ground and floor levels relative to a fixed Ordnance datum and to the ground and floor levels of neighbouring properties to the west of the site shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be undertaken in accordance with the ground and floor levels as approved.

Reason: In order to ensure that the new dwellings do not adversely impact the residential amenity of occupants of dwellings to the west of the site by virtue of unacceptable finished ground and floor levels.

11. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will provide that:
- a) A sum of £5,750 per dwelling unit (excluding affordable housing units) will be paid to the local planning authority for the purpose of the provision of primary school educational facilities;
 - b) The provision of 25% 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.

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

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

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DATE: 23 MAY 2016

Appendix 1 : Location Plan
Appendix 2: Development Plan Policies

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Appendix 2: Development Plan Policies

TAYplan Strategic Development plan

Policy 1A : Settlement Concentration

Strategies, plans, programmes and development proposals shall 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 regions 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, Oudenarde, 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.

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.

Policy 1B : Land Release Priorities

Strategies, plans, programmes and development proposals shall 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 2C : Integration of Transport

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.

Policy 3D : 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, geo-diversity,

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.

Policy 5A ; Build Rates, HMA Shift

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 five years effective land supply at all times, and work towards the provision of a seven 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.

Policy 8 : Deliver Strategic Development

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

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

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 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 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 ER6 : Trees, Woodlands and Hedgerows

Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.

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 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 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.

C5 : Opportunity Site - Greenlaw Hill

1.7 ha of land at Greenlaw Hill provides an opportunity for residential development which should reflect the rural setting and open nature of this site, and its prominence at the entrance to Carnoustie on the Upper Victoria Link.

Access will be from the Upper Victoria Link road and development will not be permitted until the new road is completed.