

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 25 AUGUST 2015

PLANNING APPLICATION - SITE AT DUBTON FARM BRECHIN

GRID REF: 358658 : 760627

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application 15/00425/FULM for a Residential Development Comprising 99 Dwelling Units and Associated Infrastructure at a site at Dubton, Brechin for Scotia Homes. The application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that this application be approved for the reasons and subject to the conditions 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 Full planning permission is sought for the erection of 99 residential units on a site of approximately 12.5 hectares (ha) at Dubton Farm, Brechin.

3.2 The site is located on the western edge of Brechin and predominantly comprises agricultural land. The application site forms the northern portion of a site allocated within the Angus Local Plan Review for residential use under Policy B1. The application site represents approximately 45% of the 29 ha allocation under this policy. The site is bounded to the north by the A90 trunk road, to the east by Pittendriech Road and North Latch Road, to the west by Dubton Farm and Brechin Business Park beyond and to the south by further agricultural land (much of which is the remainder of land allocated under Policy B1). The application proposes an access point from Pittendriech Road as well as a further access to the south at the A935, adjacent to which it is proposed to locate the Sustainable Urban Drainage System (SUDS) detention basins.

3.3 It is proposed to erect the 99 dwellings between Pittendriech Road/North Latch Road and Dubton Farm. A community woodland park and open space is proposed in the northern portion of the site between the proposed houses and the A90. Additional landscaped open space areas are proposed on the eastern boundary with a games area in the west of the site. Pedestrian access linkages are proposed to connect the site externally along the public road and towards Dubton, as well as internally connecting the houses to the open space, play and woodland areas. Vehicular access would be from upgrading of the existing access from Pittendriech Road/North Latch Road to the east and a new access and road on the A935 to the south.

3.4 Alterations to application site boundary were made with drawing numbers 1251-100 Revision A (Location Plan) and 1251-302 Revision A (Overall Site Plan) submitted on 16 July 2015 superseding the original versions of these drawings submitted with the initial application.

3.5 The proposal has been advertised in the press as required by legislation.

3.6 This application requires to be determined by Angus Council because it is a 'Major' development, as defined in Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

4. RELEVANT PLANNING HISTORY

4.1 A finalised Development Brief for the site allocated B1 'Dubton Farm' in the Angus Local Plan Review was approved by the Infrastructure Services Committee on 3 March 2009 (Report 199/09 refers). The Brief set out detailed planning requirements for the development of the site including phasing, supporting information, access and circulation requirements, public transport, drainage, open space provision and affordable housing.

4.2 Committee resolved to approve a planning application (ref: 09/00675/FUL) for the erection of a mixed use development comprising 99 residential units and 120sqm of retail/commercial units at its meeting on 6 July 2010 (Report 491/10 refers). That permission was granted on 22 October 2014 following conclusion of the required legal agreement.

4.3 A Proposal of Application Notice (ref: 14/00867/PAN) in respect of a residential development at the site was considered by Committee at its meeting on 6 January 2015 (Report 11/15 refers). Committee noted the key issues identified in that report but also made observations regarding: -

- the need to ensure that any structural landscaping within and around the periphery of the site, including the provision of community woodland adjacent to the A90 Trunk Road would provide effective noise mitigation; and
- that the Roads Service/Transport Scotland should be consulted at an early stage on the road ramps into and out of Brechin on the south side of the A90 Trunk Road, intended to service the development.

5. APPLICANT'S CASE

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

- A Pre-Application Consultation (PAC) Report;
- Design and Access Statement;
- Transportation Assessment Addendum;
- Updated Preliminary Ecological Appraisal;
- Tree Survey;
- Drainage Impact Assessment & Revision;
- Archaeological Evaluation and Written Scheme of Investigation;
- Road Traffic Noise Impact Assessment;
- Road Safety Audit Report;
- Street Engineering Review & Quality Audit; and
- Residential Travel Pack.

5.2 This information can be viewed on the Council's Public Access website but a summary is provided at Appendix 2.

6. CONSULTATIONS

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

- 6.2 **Angus Council - Roads** - the submitted information and plans have been considered in respect of roads standards and the findings of the Transport Assessment are agreed and specific comments are made in respect of pedestrian accessibility, cycling, public transport, vehicular activity, parking, road safety and travel plans. No objection is raised subject to planning conditions addressing visibility splays, completion of accesses, completion of roads infrastructure and provision of a footway.
- 6.3 **Scottish Water** - there was no response from this consultee at the time of report preparation.
- 6.4 **Angus Council Landscape Services** - advise that the amount and type of open space being provided is acceptable. These spaces are well distributed across the site - being easily accessible from the houses and users of the path network and connection to services and amenities. The specification for landscaping is also acceptable throughout. The woodland planting is generally very dense with narrow footpath connection. The density could be lessened around the paths and towards the south, with openings, to achieve better usability. Additional landscaping could be provided as a buffer between the informal sports area and Dubton Farm to soften this edge. Final specification of play areas and maintenance of the 'games field' would be required. Generally the proposed provision accords with the site Development Brief.
- 6.5 **Angus Council - Education** – has indicated that Maisondieu Primary School is currently at over 80% capacity but acknowledges that there is an extant planning permission for a development of this scale on the application site.
- 6.6 **Angus Council - Housing** - has confirmed that the level of contribution towards affordable housing would be 25%, equating to 25 units. The form of the 25 units should take the form of a combination of social rented housing, affordable housing for sale and commuted payments at a determined value.
- 6.7 **Scottish Environment Protection Agency** - hHas confirmed no objection to the planning application. In respect of flood risk it is noted that a part of the site is within the medium likelihood (1 in 200 years/0.5%) flood extent on SEPA's Flood Maps and could be at medium to high risk of surface water flooding. A detailed assessment of this matter should be undertaken to identify risk and mitigation. In respect of surface water drainage it is advised that two levels of treatment is required and that the volume aspect should be considered by the local authority.
- 6.8 **Angus Council Environmental Health** - agree with the conclusions of the Noise Impact Assessment that noise from traffic on the A90 Trunk Road has the potential to impact on the amenity of future occupants within specific houses. On that basis noise mitigation is required to protect this amenity and planning conditions are recommended to secure the implementation of appropriate glazing, ventilation and an acoustic barrier for the western and north western boundaries of the site.
- 6.9 **Tayside Police Legal Services** - there was no response from this consultee at the time of report preparation.
- 6.10 **Transport Scotland** - has no objection to the application but advises that a planning condition be attached to any permission granted to ensure that no means of direct access, either pedestrian or vehicular, is permitted to the trunk road.
- 6.11 **Angus Council - Flood Prevention** - no objection.
- 6.12 **Scottish Natural Heritage** - was consulted as the development may affect a European site - the South Esk Special Area of Conservation (SAC). It has been confirmed that, given the distance of the site from the SAC at some 1500 metres upstream, and through the Drainage Impact Assessment and binding rules about construction that surface water run-off will be adequately controlled. On this basis Appropriate Assessment is not required because there is no likely significant effect on the SAC.

- 6.13 **Aberdeenshire Council Archaeology Service** - the application site was subject to archaeological investigations in 2010, with trial trenches being evaluated in connection with prehistoric settlement activity (Angus Scheduled Monument Register: NO56SE0108). It was recommended that further investigation should be undertaken which has not yet taken place. It is requested that a programme of archaeological works are undertaken prior to the commencement of development - which can be secured through a planning condition.
- 6.14 **Shell Oil Co** - no objection.
- 6.15 **British Petroleum/Amoco** - no objection.
- 6.16 **Angus Council - Transport Section** - bus service 34 calls at nearby Banks of Brechin and would serve the proposed development and have no further comment in this regard. It is noted that there are proposals for a link road from Pittendreich Road to A935 in potential further phases of the development which would allow the operation of a bus service into the site.
- 6.17 **Health & Safety Executive** - does not advise, on safety grounds, against the granting of planning permission.

7. REPRESENTATIONS

Two letters of representation have been received. 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:

- The plans are inaccurate at the southern boundary adjacent to the property known as Oak Villa, West Road and this has implications for SUDS provision - amended plans have been submitted to address this matter;
- Adverse impact on the saleability of properties and house prices within the local area – Members are advised that these are not material planning considerations;
- The outfall from the SUDS detention basin will cause erosion and the ditch at Skinners Burn cannot cope with additional demand;
- Adverse impacts from building works – construction activities are likely to have some impact on the amenity of the area but that is generally the case with any sizeable development. A condition is proposed that seeks to mitigate impact associated with development activities;
- Increase in road traffic; and
- Lack of leisure facilities in Brechin.

These matters will be considered in Section 8 below.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Plan Review (Adopted 2009)
- 8.3 The relevant policies of TAYplan and the Angus Local Plan Review are reproduced at Appendix 3.
- 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 published the Proposed Angus Local Development Plan for a statutory period for representations. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The statutory period for representation has now expired and submitted representations are in the process of being assessed. Any unresolved representations are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents until the level and significance of any objection to the policies and proposals of the plan are known.

- 8.5 The site is located within the Brechin development boundary as defined by the Angus Local Plan Review (ALPR) and is allocated in that Plan for residential use under Policy B1. That Policy indicates that an initial phase of 100 units will be permitted within the Plan period (to 2011).
- 8.6 In addition to the Local Plan land allocation, there is an extant planning permission for the erection of 99 dwelling units on the same application site (appn: 09/00675 refers). Accordingly the principle of residential development of the scale proposed by this application is compatible with Local Plan policy and has been confirmed through the grant of the previous planning permission.
- 8.7 Policy B1 also requires development to be in accordance with the development brief prepared for the site. That brief was approved by Committee in March 2009 (Report 199/09 refers). Having regard to the terms of the relevant policies and the development brief Committee confirmed at its meeting on 6 January 2015 that the key issues in relation to the application were likely to be: -
- Acceptability of the number of residential units proposed having regard to development plan policy;
 - 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 occupiers, in particular impacts on or from the neighbouring Brechin Business Park and possible impact of noise from the A90 trunk road on the amenity of occupants of dwellings within the development;
 - Impact of development on existing infrastructure, in particular impacts on the roads and drainage networks, including impacts on the Brechin accesses to the A90 Trunk Road;
 - Acceptability of the proposed access arrangements for pedestrians, cyclists, public transport and other motor vehicles;
 - Acceptability of open space provision and landscaping, including subsequent maintenance;
 - Provision of affordable housing in accordance with relevant policy requirements; and,
 - Potential impact of the development on the River South Esk Special Area of Conservation

Number of Units

- 8.8 As indicated above the Local Plan allocation for the site allows an initial phase of 100 units in the period up to 2011. At this stage no units have been erected on the site although there is an extant planning permission for the erection of 99 houses on the current application site. The representation regarding the need for further housing in Brechin is noted but planning policy requires the Council to make land available for new housing development and the Council has previously determined that this is the most appropriate site through the allocation of the site in the Local Plan and through the grant of the previous planning permission. This application essentially seeks permission for a revised layout and house designs on the area previously granted planning permission. The principle of the use and scale of development proposed is compatible with the locational and housing policies of TAYplan and with the B1 land allocation contained in the ALPR.

Layout, Design and Amenity

- 8.9 The proposed site layout takes a reasonably regular grid type form. The proposed houses form perimeter blocks, largely ensuring that private areas do not abut public areas with buildings generally facing onto public streets and open space areas to provide active frontages and natural surveillance. The street layout provides a good level of permeability and ensures connection to the substantial areas of open and amenity space in the north and west of the site and beyond to the local services through the Brechin Path Network. It is also noted that the proposal attempts to minimise the impact of car parking on the street scene through the use of street trees, landscaping and parking provision between buildings or set back behind frontages. The proposal provides for a mix of single and 2-storey, detached, semi-detached and terraced house types. The basic form of the houses reflects traditional design approaches but with modern materials and design detailing. These designs are considered to be of a good quality and acceptable in this location. The layout and dwelling design will ensure that each dwelling has an appropriate level of private open space and will not be subject to unacceptable levels of overlooking. The relatively low scale of the buildings would also ensure that the dwellings do not sit prominently on the higher ridge location at the northern end of the site.
- 8.10 The development is located close to the A90 Trunk Road, which lies adjacent (albeit at a higher level) to the northern boundary of the site. The Development Brief requires consideration of noise from the road affecting the residential amenity. The applicant has submitted a Road Traffic Noise Impact Assessment in support of the proposal. This report recognises the significant impact noise would have on the amenity of outdoor areas around dwellings and within houses that would directly face the A90 and recommends a continuous acoustic barrier along the north and west of these dwellings. The Environmental Health Service has been consulted on this matter and has indicated no objection to the proposal subject to planning conditions to ensure the mitigation measures outlined in this report are submitted for approval, installed and maintained thereafter. It is noted that the proposed houses would lie in excess of 100 metres from the Trunk Road and would be separated from it by the proposed community woodland area. The houses would be a similar distance to the Trunk Road as is currently approved by the extant planning permission and would be a greater distance from the road than existing housing to the east. The site also lies to the east of Brechin Business Park with the closest houses proposed in the region of 150 metres from the landscaped boundary. Again the Environmental Health Service has indicated no objection to the application in respect of this proximity.
- 8.11 There are a number of nearby residential properties and the character of the area and the amenity currently enjoyed by residents of those properties will be affected by the development as currently open and undeveloped fields will be developed for housing. However, the separation distances between existing and proposed dwellings are such that amenity impacts should not be significant and impacts would be similar to those that would be experienced as a consequence of the previously approved scheme. Impacts on privacy would be mitigated by the separation distances proposed and by associated landscaping.

Impact on Infrastructure

- 8.12 The plans seek the provision of two access points; one from Pittendriech Road/North Latch Road and a further access from Castle Street (A935). The creation of vehicular accesses from the development site to these points is considered desirable and in the interests of integrating the development with the town; indeed these are key requirements stated within Policy B1 and the site development brief. The applicant has submitted a Transport Assessment in support of the proposal and this indicates that the traffic impact arising from the proposed development is acceptable. Notwithstanding concern raised in one representation about increases in road traffic, the Roads Service has considered the potential impact on the road network and has indicated no objection subject to several matters being addressed through planning conditions, which includes provision for enhanced pedestrian connectivity. In addition, the applicant has submitted a draft 'Residential Travel Pack' which would be provided to homeowners to influence travel behaviour and increase the use of sustainable transport. In respect of possible traffic impacts on the A90 Trunk Road, Transport Scotland does not object to the application subject to a planning condition to ensure no vehicular or pedestrian access to the road in the interest of safety.

- 8.13 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. 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. A third party has raised concern about the impact the drainage arrangements would have offsite, at the outfall from the SUDS at Skinners Burn. The proposal and supporting information in relation to flood risk and drainage has been considered by SEPA and the Council's Road Service. That information indicates that the site is not at risk from flooding and whilst surface water drainage arrangements are restricted by poor permeability 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 is acceptable. The proposal does not give rise to any significant issues in terms of water or drainage infrastructure.

Accessibility

- 8.14 The site is located adjacent to a route used by existing local bus services that operate on Pittendriech Road/North Latch Road as well as services on Castle Street (A935) and the development could utilise these services. The Council's Transportation team has confirmed that accessibility to these services is acceptable and no further infrastructure is required for this proposal. It is noted that Core Path 057 passes through the northern part of the site - connecting the development to both Brechin High School (via Core Path 056) and Brechin Business Park (via both Core Paths 057 and 065 to the north and south respectively). This network enhances the non- connectivity of the site with wider services and helps promote non-vehicular transport modes. The proposal incorporates the upgrading of Core Path 057 as well as providing enhanced connectivity to other routes. Detail for these infrastructure improvements, together with the phasing of the development and rerouting of Core Path 057, is recommended to be addressed through a planning condition. It is noted that a formal Diversion Order may also be required for the rerouting of this path and it is indicated that this can generally be supported.

Open Space and Landscaping

- 8.15 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 Brief also calls for careful integration of development within the existing landscape framework through peripheral structural landscaping including the provision of a community woodland adjacent to the A90 and sensitive siting and heights of buildings. The provision of the community woodland provides a suitable landscape and visual buffer in the northern end of the site, to the south the proposal is presently an open aspect at the ridge; the landscape containment here can be resolved when that phase of development comes forward. On the periphery of the site landscaping through trees are proposed, which will assist in integrating the site. This can be strengthened on the western boundary with Dubton Farm through further landscaping. The scale of the proposed dwellings assists in minimising the 'sky lining' of the development at the highest points of the site. In combination the design would ensure the key objectives of policy and the Development Brief are met.
- 8.16 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 6,000 square metres for this development, on the basis of the 99 dwellings proposed. The Council's Landscape Services Manager has confirmed that the amount of open space being proposed here is considerably in excess of these requirements (it is understood that at least some of this provision would be utilised by future phases of development). Equally the types and location of the open space is considered to be acceptable, with a mixture of formal play areas and sports recreation as well as amenity spaces and woodland. This would generally meet the requirements of Policy SC33 and the Development Brief, subject to final agreement of full landscape proposals. This would include providing some open space between pathways and woodland and a reduction of woodland density near these pathways, additional landscaping to be provided between the sports area and Dubton Farm, specification of play area equipment and details of future maintenance for all landscape areas. These matters are proposed to be

addressed through planning conditions.

Affordable Housing

- 8.17 Policy SC9 of the ALPR addresses affordable housing and sets out the requirements for a 25% contribution in Brechin and Montrose 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 in respect of developer contributions. The Housing Service has been consulted on this matter and has confirmed that a 25% 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.

Natural Heritage

- 8.18 Policies of the development plan framework seek to safeguard the natural environment and protect habitats of importance. The applicant has submitted an Ecological Appraisal providing analysis of these matters. On site, there are no designations for nature or biodiversity value and no significant impact on biodiversity is anticipated. Indeed, through the community woodland and landscaping 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 on the site, subject to further survey being undertaken prior to works commencing and other mitigation measures being implemented. Wider considerations relate to the possible impact of the development affecting a European designated site, specifically the South Esk Special Area of Conservation (SAC). Scottish Natural Heritage (SNH) has confirmed that given the distance of the site from the SAC together with the drainage arrangements no significant effect on the SAC is likely. Accordingly SNH advise that on this basis Appropriate Assessment is not required.

Other Matters

- 8.19 The development plan framework seeks to safeguard built heritage interests, including archaeological sites. The application was supported by an Archaeological Evaluation. This report notes some potential for sub-surface archaeological remains and on this basis indicates a strategy for further investigation and mitigation should be developed. 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 to be undertaken prior to the commencement of development. In relation to other built heritage interests, there are listed buildings and scheduled monuments in the vicinity, to the southeast towards the town centre and to the south towards Brechin Castle. The development of the site has potential to impact on the setting of these interests; however, given the nature of those interests, intervening development, and relative separation distances it is considered that any impacts on their setting are not significant.
- 8.20 The Education Service has indicated that Maisondieu Primary School is currently at over 80% capacity. However, this site benefits from an existing planning permission and therefore it would not be appropriate to require a contribution to address potential capacity issues in this case. Notwithstanding this, it is relevant to note that this development would generate in the region of 23 primary school age pupils and the school has capacity to accommodate approximately 88 additional pupils. Any impact on education infrastructure associated with future phases of the development can be considered as applications for those phases come forward.
- 8.21 The current planning application site forms part of a wider site that has been allocated for residential development of around 400 dwellings in the Proposed ALDP under Policy B1. The detailed wording of that allocation is provided at Appendix 3. The Proposed ALDP is however at a stage in the statutory process of preparation where it may be subject to further modification. However, this proposal does not raise any significant conflict with that Proposed Plan.

- 8.22 As indicated above there is an extant planning permission which provides for the erection of 99 houses on this site. That permission remains extant and could be implemented and therefore represents a significant material consideration in the determination of the current planning application.

Conclusions

- 8.23 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 12.5 hectares of land within the settlement boundary for a large-scale housing development. The site forms part of a larger area of land that is allocated for housing development and in this respect the principle of the proposal is consistent with Policy B1 of the ALPR.
- 8.24 Planning permission has previously been granted for a development that includes 99 residential units on the site and this proposal essentially seeks to alter the layout and design of the development. In that respect the detail of the application is compatible with relevant development plan policy and with the provisions of the Council's approved development brief for the site. No objections have been raised by statutory consultees and impacts associated with the development can be mitigated by the proposed planning conditions. Third parties have raised a number of concerns and the development would alter the amenity currently enjoyed by a number of neighbouring properties but such impact is not considered untypical or unacceptable in an existing urban area.
- 8.25 The application is considered to comply with relevant development plan policies and there are no material planning considerations that would justify refusal of the application. The application is therefore recommended for approval as detailed in Section 10 of this report.

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 conditions for the following reasons, and subject to the following condition(s):

Reason(s) for Approval:

That the development will provide housing in a manner that complies with relevant policies of the development plan. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. 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) Specifications and samples for all external building materials and hard surfaces (including roads surfaces, parking areas and driveways);
 - (b) Full details for the provision, location and design of all waste management facilities;
 - (c) Specifications for all boundary enclosures and fencing;
 - (d) A legally binding scheme for 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;
 - (e) Precise details of the proposed link road to the A935;
 - (f) A scheme for the phasing of the development which shall include details of housing, roads and landscaping;
 - (g) A scheme for the management and maintenance of all open space or amenity areas, roads or paths, and infrastructure within the site which is not within the curtilage of a dwelling or adopted by a public authority;
 - (h) Detailed plans showing existing and proposed ground levels and proposed floor levels relative to neighbouring land/properties and a fixed ordnance datum;
 - (i) Specification of play area equipment; and
 - (j) A scheme for the location and specification of all artificial lighting.

Thereafter the development will be carried out in complete accordance with approved details.

Reason: In order that the planning authority may verify the acceptability of the details in the interests on ensuring that the proposal complies with relevant development plan policy and in the interests of ensuring that the environmental and amenity impacts of the development are acceptable.

2. 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. This scheme shall include additional landscaping between the site and Dubton Farm, a reduction of planting density in the community woodland adjacent to pathways and details for the future maintenance for all landscape areas. Once approved, the landscape plan shall be implemented in full accordance with the approved details and all planting comprised in the approved details of landscaping shall be carried out in accordance with the approved phasing details for the site or at earlier stages. 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.

3. That prior to the commencement of development, and notwithstanding the details on the approved drawings, a scheme for precise details of the provision of and alteration to pathways shall be submitted to and approved in writing by the Planning Authority. This scheme shall include minimum widths of Core Paths of 3 metres, a linkage between Core Path 057 and Core Path 056, a continuous shared path along the frontage of North Latch Road, full details of pathway construction materials and details for the ongoing maintenance of pathways. For the avoidance of doubt, the scheme shall ensure measures are in place so that continuous public access to Core Path routes during construction including the details and timing of diversions that are required. Once agreed, the pathway and public access scheme shall be implemented in full accordance with the approved details.

Reason: In the interest of providing suitable public access.

4. Prior to the commencement of development the developer shall submit a glazing specification of all windows to the living rooms and bedrooms to plots 011, 016, 053, 058, 059, 071, 070, 069, 068, 082, 083, as detailed in Technical Report No. R-7061-EP1-RGM 31 (March 2015) - produced by RMP Consultants, for the written approval of the planning authority. The sound insulation specification for the windows shall have a minimum sound insulation performance of RTRA 28. Thereafter the approved window specification shall be installed prior to the occupation of the dwellings and maintained to the satisfaction of the Planning Authority.

Reason: In the interest of ensuring satisfactory residential amenity.

5. Prior to the commencement of development the developer shall submit a scheme for the proposed means of ventilation for the living rooms and bedrooms to plots 011, 016, 053, 058, 059, 071, 070, 069, 068, 082, 083, as detailed in Technical Report No. R-7061-EP1-RGM (31 March 2015) - produced by RMP Consultants, for the written approval of the planning authority and shall enable each living room and bedroom to be adequately ventilated without the need for opening windows and thus minimising noise ingress. Where necessary the sound insulation performance for the ventilation system shall have a minimum specification of Dn,e,w 32 dB. Thereafter the approved scheme of ventilation shall be installed prior to the occupation of the dwellings and maintained to the satisfaction of the Planning Authority.

Reason: In the interest of ensuring satisfactory residential amenity.

6. Prior to the commencement of the development the developer shall submit a detailed scheme for an acoustic barrier to be erected along the Western and North Western boundaries of the site. The acoustic barrier shall be a minimum of 2 metres in height and have a minimum surface density of 15kg/m² as detailed in Technical Report No. R-7061- EP1-RGM (31 March 2015) - produced by RMP Consultants. Thereafter the approved acoustic barrier shall be erected prior to the occupation of the dwellings and maintained to the satisfaction of the Planning Authority.

Reason: In the interest of ensuring satisfactory residential amenity.

7. 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, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

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

8. That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with North Latch Road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of North Latch Road.

Reason: To ensure a safe and suitable access, in the interests of road safety.

9. That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the A935 Brechin to Montrose Road giving a minimum sight distance of 90 metres in each direction at a point 4.5 metres from the nearside channel line of the A935 Brechin to Montrose Road.

Reason: In the interests of road traffic and pedestrian safety.

10. That, 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.

Reason: To provide and maintain adequate sightlines, in the interests of road safety.

11. That the proposed vehicular access road from the A935 shall be completed in accordance with the details approved under Condition 1 above prior to the completion of the 51st dwelling hereby approved.

Reason: To ensure the completion of the required access route in accordance with the approved development brief for the site and in the interests of road traffic and pedestrian safety.

12. That notwithstanding the provisions of any Development Order no vehicular access or egress shall be formed between the site and the Brechin Business Park. Vehicular access or egress between the two sites is prohibited.

Reason: In the interests of road traffic and pedestrian safety and to comply with the approved development brief for the site.

13. That, within 60 days of the occupation or use of the penultimate dwelling house, 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 in accordance with approved details.

Reason: To ensure a satisfactory standard of road construction in a timely manner.

14. That, prior to the commencement of development within the site, a scheme for providing a footway on the south side of North Latch Road between the most northerly boundary of the site and the existing footway at No. 29 North Latch Road shall be submitted to and approved by the Planning Authority. Thereafter the approved scheme shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS) and completed prior to the commencement of any development associated with this planning permission unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of pedestrian safety and to ensure adequate and safe access for residents to Brechin and its facilities.

15. That, prior to the occupation or use of the development, a Residential Travel Pack shall be submitted to and approved in writing by 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. Once approved the document shall be provided to the first occupants of each dwelling.

Reason: To encourage sustainable modes of travel.

16. That notwithstanding the provisions of any Development Order, no direct vehicular or pedestrian access or egress shall be formed between the site and the A90 Trunk Road.

Reason: To minimise interference with the safety and free flow of the traffic on the Trunk Road.

17. That prior to the commencement of development a scheme for surveying and mitigation for the protection of species and habitats shall be submitted to and approved in writing by the Planning Authority. This scheme shall include:

(a) A pre-construction survey of the site to identify badgers (to be undertaken within 6 months of commencement of development);

- (b) A pre-construction survey of the site to identify breeding birds (if vegetation is to be cleared during the breeding season - March to September);
- (c) The reduction of noise during construction;
- (d) Minimising waste on site during construction;
- (e) Root protection areas for retained trees; and
- (f) No open trenches left overnight.

Upon the Planning Authority giving the written approval for the foregoing all development works shall be undertaken in accordance with the scheme approved.

Reason: In the interest of habitat and species protection.

18. 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 B: 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 nearby properties.

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

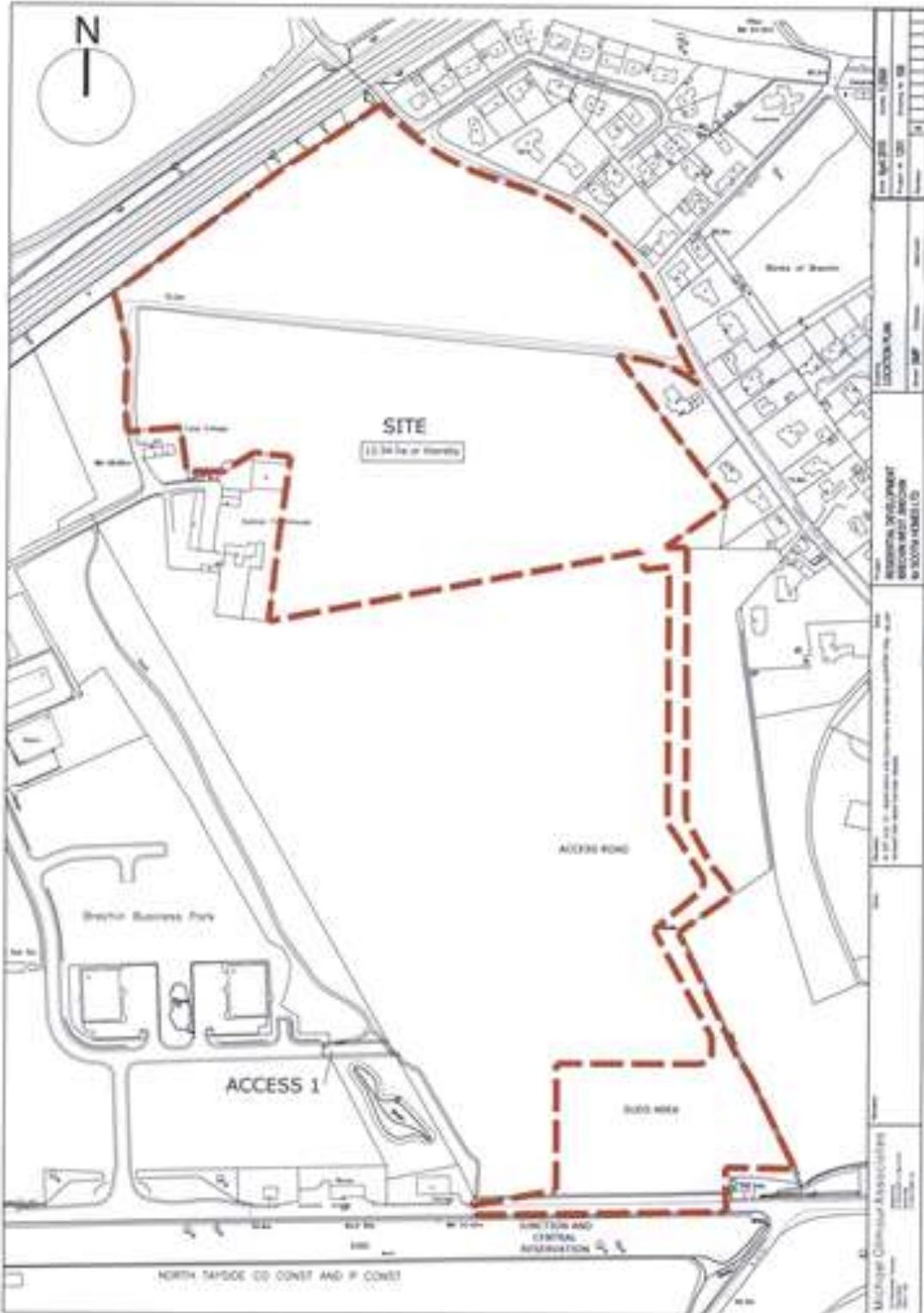
Date: 17 August 2015

Appendix 1: Location Plan

Appendix 2: Summary of supporting information

Appendix 3: Development Plan Policies

Appendix 1: Location Plan



Appendix 2: Summary of supporting information

A 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 7 hours in Brechin on 13 January 2015. The report advises that a total of 81 people attended the event, with feedback in the form of comments provided from 17 attendees (one received after the event) which were generally positive. The main points raised were the maintenance of walking routes through the site; concern over increased local traffic; a wide range of housing types; and negative comments in respect of density and housing types. The report goes on to explain responses to these comments and how the proposal would address them. In summary, the developer has indicated a commitment to maintaining core path routes through the site, reiterated the safety of the accesses and level of traffic, the development will include a mix of market and affordable homes in various sizes throughout the site and the scale of development is commensurate with the allocation in the local plan and planning permission granted (with overall lower heights of buildings).

Design and Access Statement: This document provides an assessment of the site's planning status, context and characteristics that informed the identification of design principles that informed the basis of an indicative masterplan (that covers the whole of the allocated site, not just this planning application). This information and assessment has in turn informed the layout and design of this application, phase 1 of the overall scheme. This layout is presented as a successful response to the site characteristics and the site development brief, with good connections and open spaces highlighted. The house designs are contemporary but based on the vernacular style in a mix of sizes and tenures. The siting and orientation of the houses has been planned to front the street and provide an active contribution to the streetscape and to benefit from passive solar gain. The streets have been designed in accordance with Designing Streets principles. A landscape design strategy has also been presented which is informed by the site characteristics, constraints and opportunities.

Transportation Assessment Addendum: This is an update to the Transport Assessment undertaken for the previous approved planning application on the same site (09/00675/FUL) and is based on the current proposal of 99 dwellings. The existing transport infrastructure and conditions of the site and its immediate area are identified, including the presence and use of the A90 trunk road and local road network. An assessment of sustainable accessibility and connectivity is provided for walking, cycling and bus transport is provided. It is presented that there exists or is potential for a good level of sustainable travel to the site, particularly on foot or cycling. Bus services are available through Brechin Town service 34. The status and capability of the existing road network (trunk and local) to accommodate the development is then assessed through traffic parameters, trip generation figures on the network and its junctions and accident statistics. It is concluded that the proposed development would have no adverse impact on the road network, including the operation of all junctions. On this basis, it is advised that a ghost island junction for right turning traffic is not required from the A935 to the site. The assessment concludes that the proposed development is accessible and would be a sustainable location. The development would not cause detriment to the road network either operationally or in terms of road safety.

Updated Preliminary Ecological Appraisal: This report seeks to identify ecological characteristics of the site and to ensure that there is no detrimental effect on statutory protected habitats and or species as well as wider biodiversity. An evaluation of the assessment is presented for each topic. In respect of designated sites it is identified that the only site in the search area is the River South Esk Special Area of Conservation (SAC). That site is not considered to be affected by the development due to its distance and features between the site and the SAC. In terms of habitats, the Phase 1 Habitat Survey confirm the presence of Arable Field Margins and Hedgerows; which is listed on the Scottish Biodiversity List (SBL). The hedgerows are species-poor but should be retained to provide some habitat value. The area of wet grassland, which is a Local Biodiversity Action Plan (LBAP) habitat, is of poor quality and small in area. All other habitats are of negligible value. Mature trees overhanging the site should not be damaged. The community woodland identified in the master plan which would aid the buffer from the A90 and increase biodiversity in the local vicinity. In respect of protected species there is no suitable habitat for amphibians; there is suitable sett habitat and foraging for badgers within the study area and therefore a pre-construction survey of the site prior to development commencement (within 6 months) is advised to identify badgers; there is sub-optimal habitat for reptiles and no further assessment required; the site had no suitable watercourses for otter or water voles and no further survey is required; none of the trees on the site were deemed suitable to support roosting bats and similarly built features were also not suitable;

and lastly evidence of nesting birds was found and if vegetation needs to be cleared during the breeding season (March to September) then a pre-construction survey is advised. Other mitigation is proposed in respect of artificial lighting being directed away from boundary features and downwards; noise reduction during construction; minimising waste on site; root protection for any suitable trees; no open trenches overnight; a tool-box talk of the legal implications of work affecting wildlife could be provided to contractors and they remain vigilant; cessation of works if protected species are discovered; and any additional site clearance should not occur with the advice of an ecologist being sought.

Tree Survey: A Tree Survey plan has been submitted that identifies the location, type and condition of all trees within or adjacent to the proposed development. This survey has in turn informed the proposed layout and landscaping scheme.

Drainage Impact Assessment _ Revision: This report is an update to the report supporting the earlier application. The report considers the suitability of the site for development and to identify appropriate drainage proposals in accordance with relevant guidance. It notes the site is in agricultural use and the land slopes from north (79.5m AOD) to south (50.0m AOD). For foul drainage it is proposed to connect to the existing Scottish Water foul sewer on the south of the site, which can accommodate the development. For surface water drainage conventional Sustainable Urban Drainage System (SUDS) is not appropriate considering the relatively poor infiltration rates and steep site gradients. Therefore run-off from adopted roads will drain via gullies to surface water sewers in turn draining to a detention basins in the southeast corner of the site. The detention basin and pond will provide two levels of treatment and one level for roof run off. Discharge from the basin will be at a greenfield run-off rate via controlled outlet to Skinners Burn and onward thereafter to the River South Esk. Source control will be utilised in plots through manhole attenuation and porous paving areas. In terms of flood risk it is noted that the site is not at risk from fluvial flooding, indicated on SEPA's flood maps. The site is not at risk of drainage flooding; the SUDS system will have a neutral effect. Measures will be implemented for ensuring no risk during the construction phase. It is proposed that both foul and surface sewers and SUDS infrastructure will be adopted and maintained by Scottish Water. Roads and communal areas are to be adopted by the Roads Authority and private areas will remain the responsibility of the householders.

Archaeological Evaluation and Written Scheme of Investigation: The Archaeological Evaluation presents the results of an archaeological evaluation undertaken in November 2010, including 95 trial trenches covering some 7% of the development area. The scheme for which (the Written Scheme of Investigation) was agreed by Angus Council prior to being carried out. Evidence of shallow pits and linear features were recorded as well as rig-and-furrow cultivation. Two suites of archaeological remains were exposed and rested. The first was the remains of a 6 metre diameter post-built roundhouse - likely to be from Neolithic to Iron Age in date. In Angus such structures have been dated to the latter half of the first millennium up to the early centuries AD. The second features were the remains of a souterrain (a curved underground passage) with associated post-built roundhouse which date to the Iron Age. The association of these two features in this manner is common; similar structures were excavated at the Brechin Business Park site. A strategy for further investigation and mitigation will be developed in consultation with Angus Council.

Road Traffic Noise Impact Assessment: Is submitted in support of the proposal in recognition of the relatively close proximity of the A90 Trunk Road from the proposed development. Survey measurements taken in 2010 and traffic flows were considered as part of the assessment. It is noted that Transport Scotland has confirmed that traffic flows have not significantly changed since this date. The survey results have been plotted on noise maps to illustrate areas where levels would be in excess of reasonable limits. This assessment has informed the proposed layout of the scheme, orientation of houses and their design. It is recommended that a continuous acoustic barrier is constructed parallel to the A90 in order to control noise in the garden of properties near the northern boundary; a likely specification would be a 2 metre close boarded timber fence or clock/concrete wall. It is anticipated that this would reduce noise levels by up to 10 decibels in garden grounds. This acoustic fence is recognised as having minimal impact on noise levels without houses however; it is therefore identified that for all rooms in the houses with direct line of sight to the A90 (opposite the proposed barrier) that acoustic rated glazing and associated ventilation systems be used to reduce noise levels by a minimum of 32 decibels. Other dwellings are predicated to be partially screened and regular glazing and ventilation can be used. The report illustrates noise mapping to highlight the effectiveness of this approach.

Road Safety Audit Report: The objective of this report is to identify any aspects of the proposed road design of construction that gives rise to road safety concerns and identify modifications to the design of

the scheme. A number of potential issues were identified, all of which have been addressed through the proposed layout and proposed landscaping scheme (to increase visibility sightlines).

Street Engineering Review - Quality Audit: Considers the suitability of the site in respect of the objectives and principles within the Scottish Government's 'Designing Streets' and the industry guide, the 'National Roads Development Guide'. It is concluded that the development proposals provide a solution compatible with the principles set out in these documents.

Residential Travel Pack: A draft of a proposed pack to be issued to new homeowners has been included. This leaflet would make residents aware of available travel choices from the house including walking and cycling routes and public transport. The Brechin Path Network and National Cycle Routes are highlighted. Information on local bus routes and timetables is also given. These are presented as viable alternatives to car only trip and the need and benefits to alternatives to the private car are highlighted.

Appendix 3: Development Plan Policies

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 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 lay-bys, 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 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 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 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 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.

B1 : Housing - Dubton Farm

Approximately 29 ha of greenfield land in the west of Brechin at Dubton is allocated for residential development together with significant areas of landscaping and public open space.

An initial phase of 100 units will be released within the plan period. The scale of further land release in the period beyond 2011 will be determined by a future Local Plan. Proposals should be in accordance with the development brief which will be prepared for this site which will include details of the following requirements:

- structural landscaping within and around the periphery of the site, including the provision of community woodland adjacent to the A90(T) to provide effective noise mitigation, define development areas and help to integrate new development into the existing landscape framework and adjacent built up area;
- access to be taken directly from the A935 and Pittendriech Road;
- provision for public transport and linkages for pedestrians and cyclists throughout the whole site and to key public places such as schools, the town centre, community woodland areas, Brechin Business Park and visitor attraction to the west;
- developer investment to upgrade off site sewers;
- noise impact assessment focusing on the A90(T) and Brechin Business Park to the west;
- provision of associated community facilities;
- 25% of the capacity of the site should provide LCHO affordable housing.

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.

Proposed Angus Local Development Plan

B1 Housing – Dubton Farm

29 Ha of land at Dubton Farm is allocated for residential development of around 400 dwellings. Around 250 dwellings will be released within the plan period including a first phase of around 125 dwellings in the period to 2021 and the remaining 125 dwellings permitted in the period to 2026. The scale of further land release in the period beyond 2026 will be determined by a future Local Plan.

Development proposals should be in accordance with the approved development brief for this site updated as appropriate to reflect policies in this Local Development Plan.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of the River South Esk SAC, in accordance with Policy PV4 Sites Designated for the Natural Heritage and Biodiversity Value.