

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 15 SEPTEMBER 2015

**PLANNING APPLICATION - TAYMOUTH ENGINEERING WORKS 2 ANDERSON STREET
CARNOUSTIE DD7 7LZ**

GRID REF: 355076 : 734066

REPORT BY HEAD OF PLANNING AND PLACE

Abstract: This report deals with planning application No. 15/00558/FULM for the erection of 82 No. Dwelling Units (42 No. Dwelling Houses & 40 No. Flats) and Ancillary Works for Ogilvie Homes at the site of the former Taymouth Engineering Works, 2 Anderson Street, Carnoustie. This application is recommended for conditional approval subject to a Section 75 Planning Obligation.

1. RECOMMENDATION

It is recommended that the application be approved for the reasons and subject to the conditions/ planning obligation given in 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 The applicant seeks full planning permission for a housing development of 82 dwellings including landscaping and associated works on a site covering 2.14 hectares at the site of the former Taymouth Engineering Works, Anderson Street, Carnoustie.

3.2 The site is located in a reasonably central location within Carnoustie and is bound to the north and west by existing residential areas on Taymouth Terrace and James Street. There is also a Children's Nursery adjacent to the north east boundary of the site. Dwellings on James Street are screened by an 18 metre wide tree lined buffer to the immediate west of the site. The east of the site is bound by Anderson Street beyond which lies the former Victoria Street Maltings site which is now significantly cleared and has been subject to limited housing development in the form of a large block of 68 apartments over five floors on the site frontage erected under the provisions of planning permission ref: 06/00806/FUL. The south of the site is bound by the east coast railway mainline beyond which lies the Carnoustie Golf Links.

3.3 The site has previously been developed and was industrial use but that use has ceased and is now substantively cleared of buildings.

3.4 The proposal would involve the erection of 82 dwelling units comprising 42 houses in a range of detached, semi-detached and terraced configurations offering three and four bedrooms and 40 flatted dwellings each providing two bedrooms. The Tweed and Spey house types are detached properties offering 4 bedroom accommodation over 2 storeys. The Kirkland is a 4 bedroom three storey town house configuration which would be semi-detached. Both the Tay and Eden house

types are two storey semi-detached offering three bedrooms although the Tay has also been configured with the 2 bedroom Rannoch House type on the site frontage to form two terraces of four dwellings. The Shiel is a building of 2 storey height which contains four, two bedroom flats with individual entrances. The site would also contain two blocks of 16 two bedroom flats over four floors. The site would be arranged with a mix of flats, semi-detached townhouses and detached houses facing south over the golf links with the majority of the balance of the site facing onto an amenity open space that would form a green and play area. As previously mentioned, there would also be a row of terraced and semi-detached dwellings fronting onto Anderson Street.

- 3.5 All dwelling within the site save for the frontage properties and the larger flatted blocks would be accessed via a single access from Anderson Street. Direct access to the frontage properties and the flatted blocks would also be taken from Anderson Street.
- 3.6 The application has been the subject of a layout variation in order to conform to relevant Roads standards.
- 3.7 This application requires to be determined by Committee because it is a 'Major' development, as defined in Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- 3.8 The proposal has been advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

A proposal of application notice (15/00259/PAN) was submitted on 12 March 2015. The PAN was reported to Development Standards Committee on 31 March 2015 (Report No 144/15).

5. APPLICANT'S CASE

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

- Transport Statement;
- Drainage statement;
- Flood Risk Assessment;
- PAC Report;
- Site Investigation Report;
- Remediation Statement;
- Acoustic Assessment;
- Design and Access Statement.

- 5.2 These documents are summarised at Appendix 2.

6. CONSULTATIONS

- 6.1 **Network Rail** – No objection to the principle of the development however it is requested that advice relating to matters of railway safety during construction and in the lifetime of the development are taken into account and if necessary attached as advisories or conditions to any planning permission granted.
- 6.2 **Angus Council - Transport Section** – No objection.
- 6.3 **Angus Council - Flood Prevention** – No objection subject to condition relating to further agreement on final drainage designs.
- 6.4 **Scottish Environment Protection Agency** – No objection.
- 6.5 **Angus Council Environmental Health** - No objection in relation to noise subject to conditions requiring details of mitigation being submitted to and approved by the Council. In respect of contaminated land, no objection is offered subject to appropriate conditions.

- 6.6 **Aberdeenshire Council Archaeology Service** - No mitigation required.
- 6.7 **Tayside Police Legal Services** - There was no response from this consultee at the time of report preparation.
- 6.8 **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.
- 6.9 **Angus Council – Landscape Services** - The location of the open space as one area in the centre of the site is serving all properties equally well and producing a well-connected, safe environment for many age groups. A combination of open grass and planting areas, seating and play environment will ensure a flexible use of open space. The play park should be designed to the standard of a LEAP provision, which is geared to children aged 0 to 9 years, with a range of equipment offering a minimum of 3 to 6 play activities. All plant species, sizes and planting densities are appropriate for the type of development.
- 6.10 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.11 **Angus Council - Roads** – No objection subject to conditions
- 6.12 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.13 **Angus Council – Housing Service** - Has confirmed that the proposed level of on site affordable housing is acceptable. It has also indicated that the contribution should be either social rented housing to be transferred to a social landlord; or properties available at intermediate rent; or affordable housing for sale; or a mix of the foregoing. 1 & 2 bedroom properties are required although larger properties will be considered. Although there are no single bedroom properties proposed at this time, the Housing Service has indicated that ground floor flats could meet this need if they were reconfigured to become single bedroom properties suitable for adaptable needs.

7. REPRESENTATIONS

One letter of representation has been received. The letter 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.

That letter offers broad support for the development but expresses general concern regarding the use of parking bays within the neighbouring development by contractors during the undertaking of that development (by the same developer). The concerns highlighted regarding parking of contractors and delivery vehicles during construction are noted however these do not amount to a valid planning reason for objection. The site in question is discreet from the neighbouring development site on which the parking issues took place and the concerns of the affected party have been passed to the applicant/developer to take cognisance of should development proceed following a grant of planning permission.

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 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 At its meeting on 31 March 2015 Committee considered Report No 144/15 which dealt with a Proposal of Application Notice (ref: 15/00259/PAN) for residential development at this 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 redevelopment of an existing employment site for housing;
- 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, in particular impacts from the adjacent mainline railway;
- Impact of development on existing infrastructure, in particular impacts on the roads and drainage networks and education estate;
- The identification and mitigation of flood risk from known surface water extents;
- 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;
- The identification and remediation of land contamination as necessary.

These matters are addressed below.

Redevelopment of Existing Employment Land

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 in Carnoustie which is a Tier 3 principal settlement and the site is brownfield. The broad principle of redeveloping a previously developed site that is within a principal settlement is compatible with TAYplan's locational priorities.

- 8.7 In terms of the ALPR the site is not allocated for any use although it has most recently been used for purposes falling within Use Class 5 (General Industry) in the Town and Country Planning (Use Classes) Order 1997. Policies of the Local Plan seek to safeguard established employment areas for employment related uses. However, in this case, the Local Plan makes specific provision for a new employment site at Carnoustie in order to allow possible relocation of employment uses from this general area. In this regard there is an extant permission for around 15 hectares of employment land at Carlogie and a resolution to grant permission for a further 10 hectares on land at Upper Victoria. On this basis it is considered that redevelopment of this site for an alternative use is unlikely to result in a shortage of good quality employment land in the town.
- 8.8 In addition, the site is surrounded on three sides by housing development and access to the site is taken through established housing areas. In that respect the reuse of the site for an industrial purpose would have potential to impact adversely on the amenity of the area and it is no longer well situated for industrial use. Redeveloping the site for an alternative use would allow for the removal of the potential for adverse amenity impacts as a consequence of industrial activity.

Principle of Housing Development and Number of Units

- 8.9 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.
- 8.10 In this case the former industrial use of the site has ceased and, as discussed above, alternative provision has been made within the Carnoustie area for employment land. The buildings that previously occupied the site have largely been removed although substantial areas of hard surfaces remain. 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 the predominantly 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 sites to come forward for development in addition to the identified land supply. On this basis the principle of redeveloping the site for a large number of dwellings 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

- 8.11 The proposed layout draws upon the pattern of development in the surrounding area, including the recent developments to the east and west. Residential units are separated from the railway line by parking areas and those units will benefit from open views over the links to the south. Other residential units typically back on to existing residential properties 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. A reasonably sizeable open space area is provided within the central part of the site. The roadway encircles the open space area and as indicated above the proposed houses that lie to the east, west and north of the open space will front on to it and will provide natural surveillance. Overall the layout is considered acceptable.
- 8.12 There are dwellings to the east, west and north of the site that have potential to be affected by the development. However, the dwellings to the east will be separated by Anderson Street and given the relative separation distances no significant impact on the amenity of either existing or proposed properties is anticipated. The dwellings to the west are separated from the site by a landscaped bund and again given the presence of the bund and the relative distance between properties and their respective orientation no significant amenity impacts are anticipated. The proposed houses are closer to the existing dwellings to the north but generally are separated from the boundaries of those properties by a distance of approximately 12 metres. Dwellings on Plots 1, 18 and 27 are closer to the northern boundary of the site but in these cases it is blank gables that would face the neighbouring properties. The proximity of the proposed dwellings on Plots 18 and 27 may result in some overshadowing of neighbouring garden areas to the north but

such impact is unlikely to be significant or unacceptable. The proposed dwellings adjacent to the southern boundary of the site are close to the railway line but are separated from it by a car parking area and some proposed landscaping. Those dwellings would be a similar distance from the railway line as neighbouring dwellings to the east and west. The Environmental Health Service has considered this matter and relevant information and has indicated that appropriate mitigation would ensure that the amenity of occupants of the properties would not be unacceptably affected by railway noise. 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. Indeed the proposal would see the removal of an industrial area that was close to existing houses and that is likely to result in an amenity improvement for the area.

- 8.13 The development would provide for a reasonable mix of house types including two storey cottage flats, detached, semi-detached and terraced dwellings, three storey townhouses and flats within a 4 storey block. 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 gable features in reconstituted stone, door canopies and integral garages in some cases. The shape and form of the proposed dwellings is reasonably consistent with the developments to the west and to some extent the north of the site. The general area offers a broad range of housing types and vintages from traditional cottage properties to interwar and post war speculative and local authority development.
- 8.14 The consistent feature of the area is rectilinear form with a grey pitched roofs save for the modern development to the immediate west which features a 'pepper pot' roof colour mix of grey and red. Generally the form of the proposed dwellings proposed is considered to be appropriate within this mixed context where there is no predominant style that could dictate the form of any new development. It is however considered that further agreement on final finishing materials is appropriate. This agreement can however be secured by planning condition. Similarly, while the scale and form and layout of the proposed four storey blocks of flats is considered to be generally acceptable in the context of the area where larger buildings are already present on the frontage at the former Maltings site and on Panmure Industrial Estate (Laing House), however the detailing of the principal; south facing elevation of the proposed blocks is considered to have potential for improved detailing. The elevation will be extremely prominent from the adjacent golf links which is a well-used recreational area and given the scale of the buildings, the frontages will not be softened and integrated into the landscape by soft landscaping in the same way as buildings of a lesser height and scale. It is therefore considered to be appropriate to attach a planning condition to secure design improvements to the south elevations of Flat Blocks 1 & 2 prior to the commencement of any development.
- 8.15 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 three bedroom townhouse 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, the prevailing character of the surrounding area and the visual interest that would be created through the use of different housing forms such as terraces and townhouses which do not lend themselves to the comfortable formation of large garden areas due to their narrow plan form.

Impact on Infrastructure

- 8.16 Impacts on road infrastructure as discussed below under Access and Transport.
- 8.17 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 continue to 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 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. The Council's Road Service has similarly offered no objection to the application but has indicated that additional information regarding the final drainage arrangements design are required before development commences. It has been agreed that this can be required by planning condition. However, the proposal does not give rise to any significant issues in terms of water or drainage infrastructure.

- 8.18 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. This site is reasonably well located in relation to educational facilities. 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 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 mitigated.

Flood Risk

- 8.19 The applicant has submitted a Flood Risk Assessment in support of the application. That document concludes that the site is not at risk of coastal or fluvial flooding. It indicates that a small section of the site could be at risk of flooding due to overland flows from Anderson Street entering the site. It proposes mitigation measures to address this risk and these have been adapted following discussion with the SEPA. Both SEPA and the Council's Roads Service have confirmed that they have no objection to the application in terms of flood risk subject to the mitigation measures proposed.

Access and Transport

- 8.20 Amongst other things, the development plan framework seeks to reduce the need to travel and improve accessibility by sustainable transport modes. In this case the application is supported by a Transport Statement. This document suggests that the site is well located in relation to public transport and provides good pedestrian linkages to the wider area. The site has reasonable accessibility to nearby shops and services. The proposed site layout makes reasonable provision for pedestrian accessibility and also makes provision for cycle parking for the large flatted blocks.
- 8.21 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 two vehicular accesses and egresses to Anderson Street. A number of properties would also have parking spaces adjacent to the carriageway of Anderson Street. The applicant has amended the layout in order to provide sufficient car parking to meet Council parking standards. The Roads Service has reviewed the submitted information and has offered no objection to the application subject to a number of planning conditions.

Open Space and Landscaping

- 8.22 The overall layout and design is proposed to be complemented by a landscaping scheme and provision of open space. 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 82 units this would equate to a requirement for 0.498 hectares of open space. The proposal provides for in the region of 0.38 hectares of open space provided within the central area of the site and in landscape strips to the rear of units 43-50, between the site and the railway and within the courtyard of the proposed flatted blocks. The

main open space is well located and provides a useable area that has good natural surveillance from the surrounding properties. The Landscape Services Manager has indicated that the proposed open space arrangements are satisfactory and has reached agreement on the level and nature of the equipped play area that would be provided however the full on-site open space requirement identified by Policy SC33 is not provided. The shortfall (equivalent to the requirement for 19 units) will be secured as a financial contribution.

- 8.23 The landscape strategy provides for some street trees within the site. It also provides for trees along the southern boundary of the site adjacent to the railway line. The landscaping to the southern boundary is reflective of the approach taken in relation to the development site to the west. Conditions requiring detailing of the planting are attached and amongst other things these will allow issues raised by Network Rail to be addressed. However, at this stage the broad landscape strategy is considered acceptable.

Affordable Housing

- 8.24 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. In this case the applicant has indicated that 24 affordable units would be provided within the development which equates to 29% of the number of units proposed. The Housing Service has indicated that the proposed level of contribution is acceptable.

Contaminated Land

- 8.25 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. In this case, the applicant has provided a site investigation report and remediation statement. The site investigation report confirms that areas of the site contain contaminated land and the remediation statement proposes a methodology to address that contamination. Mitigation is proposed to be in the form of a 600mm capping layer of clean, inert topsoil and/or crushed building material over an anti-dig basal layer. The information submitted with the application together with other available information has been reviewed by the Environmental Health Service and no objection is raised to the proposal subject to planning conditions being attached to any permission requiring further approval of necessary mitigation measures. It is relevant to note that similar contamination issues were identified in relation to the previously developed housing sites to the east and west of the current application site and these were successfully addressed. On the basis of available information there is no reason to consider that the issues associated with this site cannot similarly be successfully addressed.

Conclusion

- 8.26 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 2.14 hectare former industrial brownfield site, which is set within a primarily residential area within the Carnoustie development boundary, for a major housing development of 82 units.
- 8.27 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 contaminated site is compatible with the general policies that deal with large 'windfall' sites in the ALPR. The proposal will not have an adverse impact on the surrounding area and will generally represent an improvement in the amenity of the area. While the proposal will see the loss of the site for general industrial use, 15 hectares of employment land has recently been approved to the north east of the town with a

further 10 hectares subject to a resolution to grant planning permission to the north west on sites that are considered to be better suited for industrial development in terms of their location and access arrangements. The development would therefore not prejudice the ability to bring forward new industrial development in the town in the future. The layout and design of the proposed development is considered broadly acceptable and has been amended in order to ensure that relevant roads standards are met. 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 represent an improvement to the appearance of a prominent frontage site which is well contained by the adjacent railway line and the adjacent golf links. Education impacts and other impacts on infrastructure associated with the proposal can be mitigated and no objections have been received from consultees.

- 8.28 In this case developer contributions will be required in respect of education and open space matters. Previously in such cases a Planning Obligation has been required to be concluded and recorded in advance of the grant of the permission. However, given an increase in cases where developer contributions are likely to be required to mitigate impacts associated with planning applications, Counsel Opinion has been sought on the appropriateness of granting permission subject to a planning condition that requires a planning obligation to be concluded. Such an approach would streamline the planning process, allow permission to be granted immediately following consideration by Committee and therefore provide developers with increased certainty regarding timescales for the issue of a formal planning decision. Initial indications are that such an approach may be appropriate although the Legal Opinion has not been fully reviewed at time of writing this report. If, having regard to relevant legal advice, this approach is considered appropriate the Planning Obligation in this, and other similar cases, would be secured by planning condition.
- 8.29 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 industrial site that lies within a predominantly residential area in a manner that is generally consistent with the 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.

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 reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposal will secure the appropriate redevelopment of a redundant industrial site that lies within a predominantly residential area in a manner that is generally consistent with the 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.

Section 75 Planning Obligation

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

- That a financial contribution either staged or as a lump sum of £5750 per house (excluding those units designated as affordable housing or single bedroom units) towards the necessary cost of improving primary school infrastructure in Carnoustie in order to ensure appropriate education capacity for the development;
- That a financial contribution either staged or as a lump sum of £500 per house equivalent to 19 housing units towards the improvements in local public open space provision in order that the development complies with Policy SC33 in the adopted Angus Local Plan Review

Conditions:

1. That unless otherwise agreed in writing by the planning authority in consultation with Angus Council Environmental Health, railway noise from the adjacent railway line shall be mitigated by means of Option 2 as detailed in the submitted Noise Impact Assessment by CSP Acoustics dated 29 May 2015. Finalised mitigation measures shall be submitted for the further written approval of the planning authority in consultation with Angus Council Environmental Health prior to the commencement of development and all measures employed shall comply with the sound insulation performance levels detailed in table 11 and 15 of the aforementioned Noise Impact Assessment. All approved mitigation measures shall be installed and operational prior to the occupation of any dwelling.

Reason: In order to ensure that railway noise is satisfactorily mitigated to an acceptable standard in the interests of the residential amenities of potential occupiers of the development.

2. That, prior to commencement of any development associated with the planning permission hereby approved, a comprehensive Asbestos Risk Assessment report shall be submitted to and approved in writing by the planning authority. The report shall be completed in accordance with a recognised code of practice such as CIRIA 'Asbestos in soil and made ground: a guide to understanding and managing risks' (CIRIA C733: 2014). The report must include a site-specific risk assessment and may require a desk study, an intrusive investigation, an assessment of risks and, where necessary, a remediation strategy (and subsequent verification report).

Reason: In order to ensure that risks from known on-site asbestos contamination has been properly assessed and if necessary, remediated in the interests of the amenities of the potential occupiers of the development.

3. That, prior to commencement of any development associated with the planning permission hereby approved, an updated Remediation Scheme and Method Statement which takes account of the approved Asbestos Risk Assessment report shall be submitted to and approved in writing by the planning authority. Thereafter the approved scheme shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the planning authority.

Reason: In order to ensure that contaminated land within the site has been adequately remediated in the interests of the amenities of the potential occupiers of the development.

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 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;
 - (b) Specifications and samples for all external building materials and hard surfaces (including roads surfaces, parking areas and driveways);
 - (c) Full details for the provision, location and design of all waste management facilities (for individual and flatted dwellings).
 - (d) Specifications for all boundary enclosures and fencing;
 - (e) Detailed plans showing existing and proposed ground levels and proposed floor levels relative to neighbouring land/properties and a fixed ordnance datum;
 - (f) A scheme for the management and maintenance of all open spaces, 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;
 - (g) A scheme for the phasing of the development including details of the timing for the provision of dwellings, roads, footways, infrastructure, open space, play equipment and landscaping.

Reason: In order that the Planning Authority may control the specified details in the interests of the amenity of the area, to ensure a high quality design throughout the development and to secure future maintenance of unadopted areas and infrastructure.

5. That prior to the commencement of development a scheme for precise details of the landscaping associated with the proposal, including details of the phasing of landscaping works shall be submitted to and approved in writing by the Planning Authority. These details shall include precise details of all hard and soft landscaping and tree planting adjacent to the east coast main railway line, 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.

6. That no development in association with the planning permission hereby approved shall be undertaken until details of surface water disposal arrangements have been submitted to and approved in writing by the planning authority in consultation with the local flood prevention authority. The submitted information shall include details of appropriate levels of treatment, run-off rates, maintenance arrangements in perpetuity and evidence that a 1:200 year storm event will not cause flooding within or adjacent to the site. Thereafter the approved surface water disposal arrangements shall be fully implemented prior to the occupation of any dwelling unit in the development.

Reason: In order to ensure that adequate surface water drainage provisions are made in the interests of the protection of the water environment, and the amenities of potential site users and the amenity of the area in which the site is located.

7. That notwithstanding the details shown on the submitted drawings hereby approved, no development in connection with the planning permission hereby granted shall take place unless a scheme of revised detailing for the south elevations of Flat Block 1 and Flat Block 2

has been submitted to and approved in writing by the planning authority. Flat Block 1 and Flat Block 2 shall thereafter be erected in accordance with the approved details.

Reason: In order to ensure that the principal elevations of Flat Block 1 and Flat Block 2 are detailed in a manner that is appropriate and acceptable for their prominent frontage location in the interests of the amenity of the area.

8. 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 occupants of nearby properties.

9. That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed north access with Anderson Street, Carnoustie giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of Anderson Street, Carnoustie. Within the 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 ensure a safe and suitable access, in the interests of road safety.

10. That, prior to the commencement of development, a footway at least 2.0 metres wide shall be provided/improved on the west side of Anderson Street between the existing railway crossing point and Taymouth Terrace. The footway shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

Reason: In order to provide adequate infrastructure in the interests of pedestrian safety.

11. 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.

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

12. That, prior to the occupation or use of the development, 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: To encourage multi-modal means of travel.

13. That notwithstanding the provisions of Schedule 1, Part 1 and Schedule 1, Part 2 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order, the proposed dwellings shall not be altered in any way or any building or means of enclosure erected within the curtilage of each dwellinghouse without an express grant of planning permission from the planning authority.

Reason: In order to ensure the integrity of any site remediation measures is not compromised by uncontrolled incremental works over the lifetime of the development.

14. That once formed, all garages within the development hereby approved shall be permanently retained thereafter as such and shall not be converted into habitable accommodation.

Reason: In order to ensure that adequate parking provisions are made throughout the development in the interests of road safety.

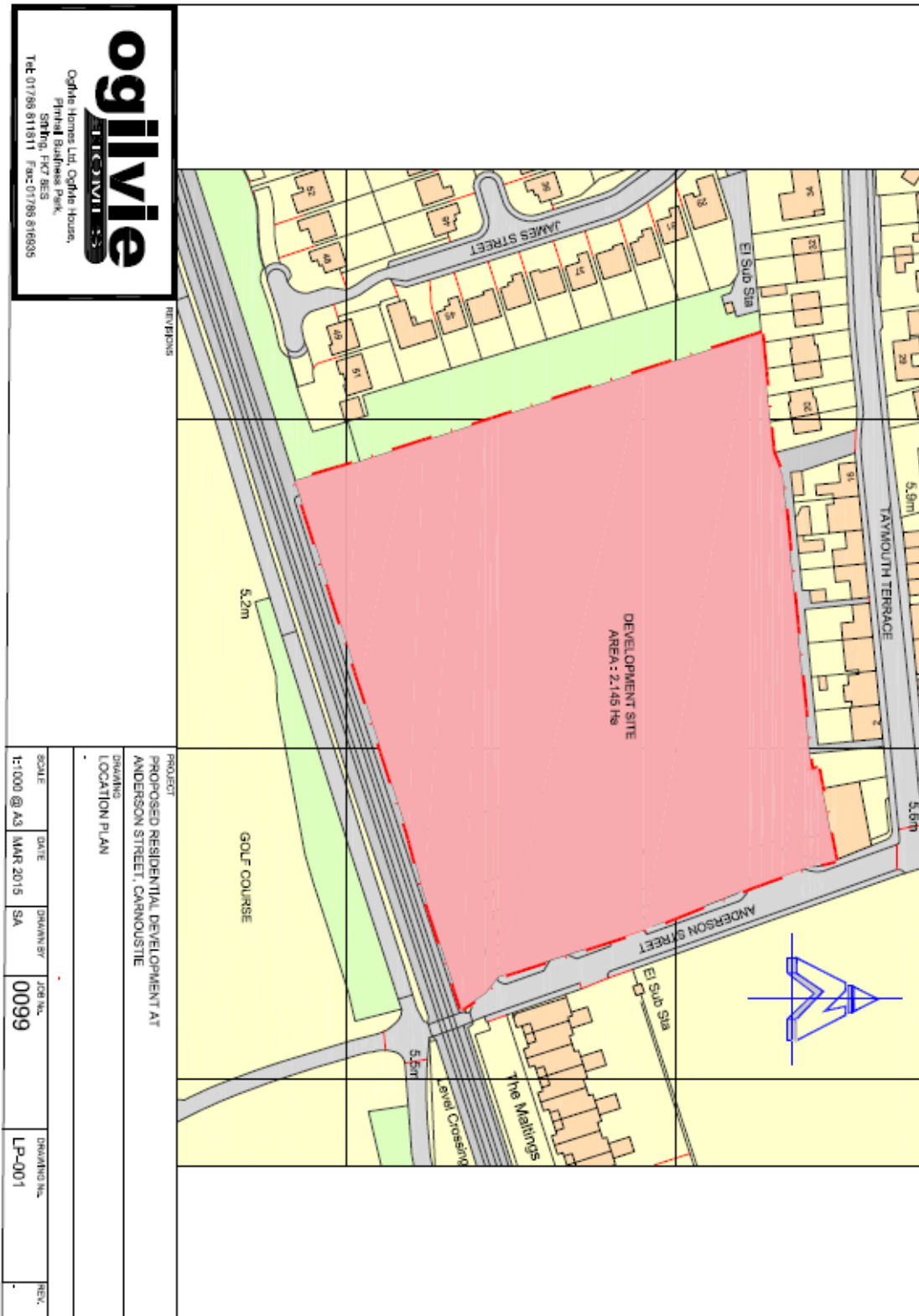
NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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DATE: 4 SEPTEMBER 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

Transport Statement: The transport Statement considers the impact of the development on local roads infrastructure provision in order to inform the planning decision making process. The report considers site accessibility and any infrastructure improvement requirements deemed necessary as a consequence of the development in terms of the local roads network and transportation links. The statement concludes that the site is well located in terms of existing walking and public transport infrastructure and that in terms impact on the roads network, car trip generation would be minimal. The site is considered to be well located to encourage sustainable transport and can be developed in a manner that satisfies all relevant transport policy criteria.

Drainage Statement: The drainage Statement describes the drainage approach to site development. It is highlighted that it is a requirement of SEPA, Angus Council and Scottish Water that a suitable drainage network is constructed to ensure adequate drainage of surface water and wastewater to an appropriate outfall without compromising the capacity of the existing waste water network and adjacent water courses. The statement highlights that drainage designs for the site are carried out in accordance with Sewers for Scotland and SEPAs Controlled Activity Regulations and CIRIA 697 for SUDS guidance. It is indicated that proposed development levels have been designed in a manner to control flow paths as a result of extreme rainfall or system failure and that finished floor levels are site at no lower than 6.3m AOD. Microdrainage simulation calculations were also carried out on the proposed drainage network comparing the 2, 30 & 200 (+10% climate change) year storm events confirming that there should be no flooding during the 2 & 30 year events with an insignificant overspill during the 200 year event, which should be contained within the public carriageway. The Statement summarises that Due to the surface water discharging into the existing combined network, no treatment train is proposed. Further that cellular storage to be incorporated to provide on-site surface water storage during heavy rainfall. Foul drainage would be to the existing sewer and the site levels have been designed to ensure that any overland flow to avoid inundation to properties due to pluvial flooding.

Flood Risk Assessment: The FRA discusses flood risk at the site and outlines any mitigation measures required to ensure that the proposed development is not at an unacceptable risk of flooding and will not increase the risk of flooding elsewhere in accordance with current planning policy. The FRA identifies that The development site falls within the natural drainage catchment of the Barry Burn, located some 150m south of the site, which discharges to Carnoustie Bay and the North Sea approximately 1km south east of the site. The FRA details historic flooding and defences and identifies existing drainage networks.

Both Coastal and fluvial flooding are considered. In terms of coastal flooding Based on the available freeboard and distance from the coast it is considered that the site is not at risk of coastal flooding. In terms of fluvial flooding it is considered that given the presence of, and protection provided by, the Carnoustie (Barry Burn) Flood Prevention Scheme that the development site is not at risk of Fluvial Flooding. Pluvial flooding and overland flows are also considered. It has been identified during consultation with SEPA there has been two recorded instances of flooding related to heavy rain and drainage issues, these being in August 2008 and September 2009. Neither of the recorded instances of flooding had any recorded effect on the development site.

It is concluded that there is the potential for surface water flooding to be conveyed south along Anderson Street. As a result It is recommended that properties fronting onto Anderson Street have a minimum finished floor level of 6.3mAOD. It is further It is recommended that the new site access be designed to prohibit overland flows in Anderson Street from entering the development site. It is considered that groundwater levels are likely to be in hydraulic connectivity with the surrounding surface water features of Barry Burn and will not pose a flood risk to the development. To remove any residual risk of groundwater flooding/ overland flow it is proposed that the plots and finished floor levels at the site are set a minimum of 150mm above finished ground level. It is the conclusion of the FRA that, by implementing the recommendations outlined within, the proposed development at the site will not be at an unacceptable risk of flooding.

Pre-Application Consultation Report (PAC Report): The report provides an overview of the Public Consultation undertaken during April – June 2015 in respect of the proposed residential development of a vacant brownfield Site located at Anderson Street, Carnoustie. The report sets out the steps taken to comply with the statutory requirements for Pre-Application Consultation, the outcomes of the consultation programme and how they have influenced the development proposals.

The PAC Report concludes that the development of this site has been well received as part during consultations and that proposals have been refined to make best use of the advice and suggestions that have been received.

Design and Access Statement: The Statement describes the design principles and concepts that have been applied to the proposal and highlights that access has been considered through a topographical survey that formed the basis of a design that ensures disabled access to all dwellings and all round access for wheel chair users.

Site Investigation Report: The report details investigations that were undertaken to provide information on soil and rock profile across the site, chemical contamination conditions, gas emissions, geotechnical characteristics and materials, foundation bearing characteristics and mining conditions. The report describes the intrusive site investigations undertaken and describes site conditions and risks. On the basis of the analyses and the recorded ground conditions various recommendations are made regarding the preparation of the site in order that it is suitable for built development and residential use. The Site Investigation Report is accompanied by a **Remediation Statement** which contains recommendations and methodologies on how it is considered that site contamination should be remediated to facilitate residential development. The statement also details the validation reporting process in respect of the remediation methods recommended.

Noise Impact Assessment: The NIA assesses the effects of railway noise on the proposed development in terms of residential amenity and identifies three different noise mitigation options that could be utilised that could potentially mitigate railway noise impacts on potential residents in the development. The FRA concludes that Option1 measures are likely to allow average day/night limits to be achieved in accommodation but LAmax limits would not be achieved during train events. Options 2 and 3 measures would allow the achievement of day/night average limits and night time maximum noise limits. It is considered that measures set out in options 2 and 3 may not be in keeping with those employed for existing residential developments in the immediate area.

Appendix 3 : 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 3A : Employment Land

Identifying and safeguarding at least five years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements:-

- safeguarding areas identified for Class 4 office type uses in principal settlements; and,
- further assisting in growing the year-round role of the tourism sector.

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 SC16 : Employment Land Supply

Angus Council will maintain a supply of employment land to which proposals for business and industry will be directed as follows:-

- Arbroath, Elliot and Kirkton, (minimum 10 ha);
- Forfar, Orchardbank (minimum 10 ha);
- Montrose, Forties Road and Broomfield (minimum 10 ha);
- Brechin, Business Park (minimum 5 ha);
- Carnoustie (up to 5 ha);
- Kirriemuir (up to 5 ha).

At these locations, and other established employment areas, planning permission will not normally be granted for uses other than Class 4* (business), Class 5* (general industry), and Class 6* (storage and distribution), but may be considered where they are small scale, complementary and ancillary to the existing or proposed use. Development proposals will require to demonstrate there is no detriment to the surrounding amenity.

* *As defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.*

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 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.