

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 15 SEPTEMBER 2015

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

GRID REF: 344625 : 751473

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report advises Committee that the Education Service has identified the level of financial contribution required to mitigate the impacts on the education estate associated with planning application 13/01001/PPPM for a Proposed Residential Development comprising up to 300 dwellings on land West of Forfar Academy, Kirriemuir Road, Forfar for Elite Homes. The level of contribution has been agreed with the applicant.

1. RECOMMENDATION

It is recommended that Committee:-

- (i) approve the level of financial contribution identified by the Education Service as necessary to mitigate the impacts on the education estate of planning application 13/01001/PPPM;
- (ii) instruct the Head of Planning and Place, in consultation with the Head of Legal and Democratic Services, to secure payment of the required contribution by appropriate means.

**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 At its meeting on 21 April 2015 Committee considered planning application 13/01001/PPPM for a Proposed Residential Development comprising up to 300 dwellings on land West of Forfar Academy, Kirriemuir Road, Forfar for Elite Homes (Report 170/15 refers).
- 3.2 Committee resolved to approve the planning application subject to the planning conditions detailed in Report 170/15 and subject to conclusion and recording of a valid Planning Obligation to secure a financial contribution towards the necessary cost of improving primary and secondary school infrastructure in Forfar in order to ensure appropriate education capacity for the development. The report confirmed that the final value of the contribution would be reported to Committee for approval.

- 3.3 Further consultation has been undertaken with the Education Service and it has been identified that a contribution is required in respect of secondary school provision only. The Education Service has indicated that a financial contribution of £5,100 per dwelling towards addressing capacity issues at Forfar Academy is required (excluding dwellings designated as affordable housing units or single bedroom properties).
- 3.4 The applicant has confirmed agreement to that level contribution.
- 3.5 Report 170/15 advised that the required Planning Obligation should 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.

4. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The Human Rights issues associated with the determination of this application are set out in Report 170/15.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

EQUALITIES IMPLICATIONS

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

**VIVIEN SMITH
HEAD OF PLANNING AND PLACE**

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
EMAIL DETAILS: PLANNING@angus.gov.uk

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