

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 1 NOVEMBER 2016

PLANNING APPLICATION - FIELD 100M EAST OF ELECTRICITY SUB STATION EAST MUIRLANDS ROAD ARBROATH

GRID REF: 362216 : 741534

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application 16/00354/FULM for the Erection of 287 Dwellings and Associated Open Space, Parking and Infrastructure in a Field 100 Metres East of Electricity Sub Station East Muirlands Road, Arbroath for Persimmon Homes North Scotland. The application is recommended for conditional approval (and subject to a Section 75 Planning Obligation).

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

3.1 Full Planning Permission is being sought for the development of a greenfield site for the erection of 287 dwellings, formation of associated open space and parking and provision of infrastructure on a 9.4 hectare site. The site is allocated for housing within the Angus Local Development Plan as a new housing allocation (Site A1- Housing - Crudie Acres, East Muirlands Road).

3.2 The site is bound to the north by agricultural land associated with Crudie Acres Farm beyond which lies several residential properties located at Denfield. The west of the site is defined by the access track to Crudie Acres Farm and the main electrical sub-station for Arbroath, located beyond the north west corner of the site. The C51 Arbroath to Hillend Road bounds the east of the site beyond which lies the Arbroath Western Cemetery. The south of the site is part bound by East Muirlands Road beyond which lies existing residential properties and the accesses to Gallowden Avenue, Gallowden Crescent, Alveston Gardens, Roseville Place, Muirton Road, Muirfield Place and Muirlands Crescent.

3.3 The proposed development layout indicates that two vehicular accesses will be taken from the south of the site, from East Muirlands Road. The layout of the development is orientated around these access points, complemented by secondary roads running east-west across the site, with blocks of development centred on a village green. It is proposed to incorporate and expand existing features in the landscape through woodland planting around the electricity substation, an

open space and tree planting along what would be the new settlement edge along the northern boundary and green space along the boundary with the C51 road to the east. The Sustainable Urban Drainage System (SUDS) detention pond is proposed in the south of this green space adjacent to the eastern boundary. The site frontage is proposed to be complemented with a tree line. The existing stone boundary wall on the eastern and southern boundaries is proposed for retention, save for access points. The majority of formal and informal open space is being provided within the green located centrally within the scheme. Additional landscape planting and greening is proposed throughout the site adjacent to roadways and shared surfaces. The proposed 287 houses would comprise 13 different house types of two storey and cottage flat properties ranging from 1 to 5 bedrooms. The area of housing in the south west corner of the site is proposed exclusively for 71 affordable housing units.

- 3.4 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.
- 3.5 The proposal has been advertised in the press as required by legislation.
- 3.6 The application has been subject of variation with respect to the layout and design of the proposed residential development and associated landscaping. Primarily, the Site Layout Plan (drawing number: 10123-P(00)002_B) submitted on 20 October 2016 revised the configuration of open spaces, pathways and other landscaping features and superseded the earlier versions of that drawing (10123-P(00)002) submitted on 14 September 2016 (that drawing replaced the initial version submitted with the application on 3 May 2016). In association with these changes all of the landscape proposal drawings were amended; with drawings submitted on 20 October 2016 (drawings: 143-99-01c, 143-99-02c, 143-99-03c, 143-99-04c, 143-99-05c, 143-99-06c, 143-99-07c and 143-99-08c) superseding earlier versions of these drawings submitted on 14 September 2016 (143-99-01b, 143-99-02b, 143-99-03b, 143-99-04b, 143-99-05b, 143-99-06b, 143-99-07b and 143-99-08b) (these drawings replaced the initial version submitted with the application on 3 May 2016). Further, the design of the proposed house types were revised to alter the external material specification; with drawings (V5-TF-1217d(10)507; TF-DOLLAR(14)18-V5; TF-DOLLAR(14)17-V5; TF-DOLLAR(14)16-V5; TF-DOLLAR(14)15-V5; TF-DUNLOP(14)15-V5; TF-DUNLOP(14)14-V5; TF-DUNLOP(14)13-V5; TF-DUNLOP(14)12-V5; V5-TF-1212d(10)508; V5-TF-1212d(10)507; V5-TF-1212d(10)506; V5-TF-1212d(10)504; V5-TF-1033d(10)507; V5-TF-0799t(10)508; V5-TF-0805s(10)506; V5-TF-0613t(10)506 and V5-TF-1247d(10)513) replacing the initial versions of these drawings submitted on 3 May 2016. A Finishes Layout Plan was submitted to support these changes on 19 September 2016 (drawing: 10123-P(00)004_B) and a specification of the Materials Palette was submitted on 20 October 2016 (drawing: 10123-P(00)005).

4. RELEVANT PLANNING HISTORY

- 4.1 Proposal of Application Notice 15/00708/PAN for Residential Development on this site was considered by the Development Standards Committee at its meeting on 4 August 2015 (Report No 280/15 refers). That report identified the key issues that Members wished to see addressed in any subsequent planning application. In addition to the items identified at paragraph 5.5 of that Report, Members indicated that they also wished to see consideration of road improvements at the double bends on the Arbroath to Hillend Road and traffic management at the junction of East Muirlands Road and Keptie Road at Western Cemetery.
- 4.2 At its meeting on 11 December 2014, Angus Council agreed to identify the application site as land suitable for housing development in its Proposed Angus Local Development Plan. That allocation was subsequently considered and confirmed at the Examination of that Plan undertaken by DPEA Reporters. Angus Council subsequently adopted the Angus Local Development Plan at its meeting on 4 August 2016 and in so doing confirmed the allocation of the current application site for housing development (Report 277/16 refers).

5. APPLICANT'S CASE

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

- Pre-Application Consultation (PAC) Report:
- Design and Access Statement:
- Extended Phase 1 Habitat Survey:
- Drainage Statement:
- Flood Risk Assessment:
- Sound Report:
- Tree Survey and Arboricultural Constraints:
- Transport Statement:
- Transport Assessment (TA):

5.2 These documents are summarised at Appendix 2 and can be viewed on the Council's Public Access website.

6. CONSULTATIONS

6.1 **Angus Council - Roads** - Have reviewed the submitted Transport Assessment (TA). Roads have confirmed agreement with the conclusions reached in the TA and are satisfied that the traffic likely to be generated by the development proposed can be accommodated on the road network with no significant detrimental impacts. No objection is raised to the application subject to concluding the matter of public utility services within the site and subject to planning conditions addressing: provision of visibility splays; siting of residential garages; extended 30 mph speed limit on the C51; completion of roads infrastructure; road construction details; and the agreement of a Travel Plan for the site.

6.2 **Angus Council - Parks And Burial Grounds** – Have confirmed that the landscaping strategy is generally acceptable. However, it has been requested that areas where the landscape design and maintenance details are considered to be lacking be addressed through a planning condition.

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

6.4 **Scottish Water** – There was no response from this consultee at the time of report preparation.

6.5 **Angus Council - Flood Prevention** - Have no objection to the proposal subject to planning conditions being attached to any permission granted to ensure approval of surface water discharge by Scottish Water and appropriate finished flood levels in the dwellings to address possible flood risk.

6.6 **Angus Council Environmental Health** - No objection subject to planning conditions to ensure adequate separation distances between dwellings and the electricity sub-station and control of noise from construction activities.

6.7 **Scottish Environment Protection Agency** - Have no objection to the proposal. SEPA have highlighted that consideration of possible run-off impacts to the south of the site and suitable SUDS arrangements should be assessed by Angus Council as the Flood Prevention Authority.

6.8 **Angus Council Housing Service** - Have indicated that a contribution of 25% towards affordable housing provision is required and that the proposed onsite location of the affordable housing provision is acceptable.

- 6.9 **Angus Council - Education** - Have confirmed that capacity at Arbroath is currently at 80.4%. It is estimated that this development would likely generate 49 secondary school children. However, to roll projections incorporating this and other planned (allocated development) illustrate that rolls in the school will fall and are content that mitigation measures would not be required address the capacity of the school. It has also been confirmed that the development would likely generate 66 primary school children. Capacity at the primary school for this catchment area, Muirfield Primary School, is however adequate to serve the development. It has further been confirmed that the planned replacement of Muirfield PS will accommodate 335 pupils, which includes forecasted increases to the roll as a result of all allocated residential development within the catchment area.
- 6.10 **Aberdeenshire Council Archaeology Service** - Note that the site is adjacent to a known archaeology site containing cropmarks. As such a suspensive planning condition is recommended to investigate the potential for unrecorded archaeology.
- 6.11 **Scottish and Southern Energy (SSE)** – There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

17 letters of representation from 16 properties have been received, of which 16 objected to the proposal and 1 offered more general comment regarding the detail of the scheme. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website. The main issues raised relate to:-

- The location is not suitable for a large number of dwellings;
- More suitable sites in Arbroath;
- The proposed number of 287 is in excess of the 230 allocated;
- Traffic increases will lead to congestion on local roads and junctions and lead to safety issues;
- Possible increase in through traffic, and having an adverse impact on road safety, in Arbirlot;
- Suggesting how traffic could be safely managed (including speed limit changes and provision of pathways);
- Two exits on to East Muirlands Road will exacerbate this;
- Upgrading of road infrastructure needed;
- Adequate parking for the new residents needs to be provided;
- No crossing point for school children;
- Noise pollution from construction, traffic and occupation of the new houses;
- Electricity sub-station will affect amenity of residents and cause health and safety issues;
- Will lead to surface water flooding of existing properties;
- Impacts on existing drainage systems along East Muirlands Road; and
- Capacity issues at schools (Muirfield PS and Arbroath HS).

These matters will be addressed in Section 8 of the report below.

Other matters raised include:-

- The area is within greenbelt land and building was previously banned.

Response: The site does not form part of a greenbelt designation; indeed there are no such designations within Angus. The site is located within the Development Boundary of Arbroath and is allocated for residential development as Site A1 within the Angus Local Development Plan.

- Some residents do not have access to the internet and were not certain as to how they could raise concern.

Response: The application was advertised in the local press and notification was sent directly to relevant properties as required in regulations. These notices advise that representation can be made in writing; by letter, online through the Council's Public Access site or via email.

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 Development Plan
- 8.3 The relevant development plan policies are reproduced at Appendix 3.
- 8.4 The Proposed TAYplan 2 Strategic Development Plan 2016 – 2036 was published for a period of representation in 2015 and is currently undergoing Examination. It is anticipated that the TAYplan SDP 2016 – 2036 will be approved by Scottish Ministers early in 2017. This will provide the strategic framework for a future review of the Angus Local Development Plan. The provisions of the Proposed TAYplan, including the Housing Land Requirement (HLR), have been established in the context of the revised SPP which was published in June 2014. This document is therefore a material consideration in the determination of planning applications and is relevant to the application in the matter of housing numbers. The implications of the Proposed TAYplan will be assessed in more detail below.
- 8.5 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.

Principle of Development

- 8.6 As indicated at paragraph 4.2 above, the site is allocated for housing development in the recently adopted Angus Local Development Plan 2016 (ALDP). In allocating the land for that purpose the Council had regard to the requirements of TAYplan and matters such as landscape capacity, school capacity, protected designations, flood risk, the green and blue network, active travel, available services and access constraints. Third parties raised objection to the land allocation and the matter was considered by a Reporter appointed by Scottish Ministers. The Reporter considered those objections but in his report on the Examination of the ALDP he concluded that the site is suitable for development and deliverable.
- 8.7 The site is now specifically allocated for housing development by Policy A1 of the ALDP. Other policies of that Plan lend support to the development of land that is allocated for housing purposes. On this basis the general principle of housing development on this site is established by the ALDP and is consistent with relevant development plan policy.
- 8.8 The application proposes 287 dwellings which exceeds the 230 units identified by Policy A1. However, the number identified in the Policy is indicative and based on notional land capacity. The Reporter who considered the allocation through the ALDP Examination acknowledged that the site might be able to accommodate more units than the allocation identified but recognised that the final numbers would be established through a planning application, having regard to matters such as the type of new houses proposed. The Reporter confirmed that the main outcome should be to produce a high standard of development rather than to be constrained by exact numbers. In that respect the key considerations in relation to the application are the capacity of the landscape and infrastructure in the area to accommodate the development and the quality/suitability of the proposed design solution and these matters are discussed in more detail below.
- 8.9 The Design Statement submitted with the application advises that the development of the 287 dwellinghouses, infrastructure, open space and landscaping will be undertaken in two distinct phases. The first phase will comprise 100 dwellings in the period up to 2021 and the second

phase will be the remainder thereafter. The applicant has submitted a 'Construction Layout and Phasing Plan' which provides further detail on the proposed development approach; with the housing broken down into five sub-phases (four phases of market housing and the Affordable Housing as separate phase). This does not detail the timing of housing number delivery however.

- 8.10 Policy A1 indicates that a first phase of around 100 dwellings will be permitted in the period to 2021 with the remaining phase of around 130 dwellings permitted in the period to 2026. The applicants made representation through the ALDP Examination process which sought to allow increased delivery of housing units within the period up to 2021. However, the Reporter concluded that the request to increase delivery was not substantiated. No additional information to justify a different phasing approach has been provided with this application and there is therefore no basis to depart from the phasing provisions set out in Policy A1. Available information through Annual Housing Land Audits indicates that programming on sites is likely to deliver the number of houses required on an annual basis over the required period. Other policies of the development plan would allow that position to be reviewed if any evidence of a shortfall in housing delivery was to emerge in the future. Accordingly, a condition regarding phasing of the site is proposed.

Access and Transport

- 8.11 Amongst other things, the development plan framework seeks to reduce the need to travel and improve accessibility by sustainable transport modes. Policy DS2 and Policy TC2 of the ALDP require that development are accessible to public transport networks or can be made accessible through provision for public transport, accessible for people with restricted mobility, provide convenient and safe access to path networks and are located where there is capacity in the local road network for the development. Policy A1 of the ALDP requires that proposals for the site should be accompanied by a Transport Assessment (TA) to demonstrate the capability of the area to accommodate the development.
- 8.12 In this case the application is supported by a TA. This document suggests that the site is well located in relation to public transport, with bus services and stops running adjacent to the site. The applicant has indicated that new footpath provision from the site to the existing footpath network will be provided at East Muirlands Road (3) and on to the C51 opposite the south western boundary walls of the Western Cemetery (2). The site has reasonable accessibility to local shops and services, including both Muirfield Primary School and Arbroath High School, and the new footpath provision would help enhance existing provision whilst aiding accessibility for new and existing residents in the area.
- 8.13 In terms of impacts on the nearby road network, the Transport Assessment was required to consider impacts on key junctions and sections on the local road network. The applicant's assessment indicates that vehicular traffic from the proposed development can be accommodated, with mitigation measures being adopted on the C51 Arbroath to Hillhead road to extend the 30 miles per hour limit to beyond the 'S' bend in this road at Bottlend Cottages. It is proposed to access and serve the proposed development through two vehicular accesses formed on East Muirlands Road. It is recognised that the development would generate additional traffic on the local road network and there are concerns from third parties through representation in this regard. Members previously raised concern about junction capacity at Keptie Road. The Forfar Road / Cairnie Road / Keptie Road and East Muirlands Road / Keptie Road were two of the specific junctions considered in details in the TA (junctions 1A and 1B). The study identifies that the level of traffic will increase at these locations by up to 13.3% in the morning at junction 1A and up to 42.2% in the morning on the East Muirlands link to junction 1B. The study identifies that the apparent large percentage increases are based on the existing 'Ratio of Flow to Capacity' (RFC) at these junctions being low and that the ratio of traffic flow against the capacity of these two junctions (as well as the other four) would rise by no more than 0.9% and all will continue to operate in a satisfactory manner without adverse impact. The Roads Service has reviewed the submitted information, including the relevant third party objections, and concurs with the findings of the Transport Assessment. Roads Service offers no objection to the application subject to a number of planning conditions. These planning conditions will ensure that the scheme will comply with relevant requirements for on-site provision of roads, parking and access; including mitigation measures on extending the 30 mph speed limit on the C51 and altering the pedestrian access on

to this road. The Transport Assessment also advocates a 'Travel Plan' in order to influence travel behaviour and increase use of sustainable transport and this can be secured by planning condition, as recommended by the Roads Service.

Flood Risk/Drainage

- 8.14 Policy PV12 of the ALDP identifies that development in areas known or suspected to be a low to medium flood risk may require a Flood Risk Assessment to demonstrate that the site flood risk is avoided or can be managed both within and outwith the site. Policy PV15 requires development proposals within development boundaries to be connect to public sewers for wastewater and in respect of surface water drainage, Sustainable Urban Drainage Systems (SUDS) are required to accommodate all surface water sustainably. SUDS schemes should also positively contribute towards biodiversity and local green networks. The applicant advises in the supporting information that it is proposed to connect the houses to public sewerage for foul drainage and to connect to the public water supply. This is considered to be appropriate in this location within the development boundary. Scottish Water has not offered any objection to this; however, this would be without prejudice for the requirements of the developer to obtain the necessary permissions from them for these connections. In respect of flood risk, the submitted information has been considered by the Council's Roads (Flooding) Service.
- 8.15 In terms of flood risk the Roads Service are satisfied that the site itself will not be at risk of flooding, subject to the finished floor levels being at or above the levels recommended in the Flood Risk Assessment. In terms of surface water drainage the Road Service are satisfied with the proposed drainage strategy to utilise drainage to the Hercules Den Burn for the northern portion of the site and to a Scottish Water sewer at the Gallowden Road/Westway junction for the southern portion of the site, subject to a planning condition that verifies Scottish Water's acceptance of this solution. The Roads Service are satisfied that all discharges will be treated appropriately for pollutants and discharge will be to a 'greenfield' rate; accordingly no concerns have been expressed about surface water drainage adversely impacting on other land or properties. The wider biodiversity and amenity benefits of the SUDS scheme required under the tests of Policy PV15 will be considered below.

Education

- 8.16 Policy 8 in TAYplan seeks to mitigate any adverse impacts on infrastructure, services and amenities brought about by development, including impacts on schools. Policy DS5 in the ALDP has similar objectives. In relation to school capacities it is noted that third parties have raised concern regarding the ability of the school estate to accommodate additional pupils at primary and secondary schools.
- 8.17 The Developer Contributions & Affordable Housing Finalised Supplementary Guidance states that developer contributions for education will be sought where a development is likely to place additional pressure on the planning capacity of a school and result in the need for additional space to be provided. It indicates developer contributions may be required where a school is operating in excess of 80% of planned capacity and is forecast to have a rising school roll – reviews for which are undertaken in an annual basis. The Finalised Supplementary Guidance identifies that Arbroath High School has sufficient capacity to accommodate planned development in the catchment area, including this proposed development and no contributions would therefore be sought. The Education Service advises that the current roll at Arbroath High School is just in excess of the 80% level. However, analysis of roll projections incorporating planned development, such as this proposal, shows that the roll is unlikely to reach a level within the period of this development where works will be required to be undertaken to the school to increase capacity. Accordingly, no mitigation through developer contributions is required on this occasion. In respect of primary school provision, the Guidance identifies that there are no capacity issues at Muirfield Primary School. The school is presently at 37.8% capacity, with the predicted 66 pupils from this development easily accommodated. Report 207/16 concerned Phases 2 and 3 of the Arbroath School Project and contained recommendations for a replacement Muirfield school; which was agreed by the Children and Learning Committee. The Education Service has confirmed that the capacity of the replacement school will be 335. Accordingly the roll would increase to 69% as a result of this development, well within the 80%

planning capacity where mitigation measures may be required as indicated in the Finalised Supplementary Guidance. On this basis it is concluded that there are no unacceptable impacts on education infrastructure for either primary or secondary schools and no mitigation is required. It is highlighted that this conclusion is based on anticipated phasing of development and any increase in phasing may require this matter to be reconsidered.

Landscape and Visual Impact

- 8.18 The development plan framework seeks to minimise adverse landscape impacts and to locate development where it is capable of being absorbed in the landscape. Policy PV6 seeks to protect and enhance the quality of landscape in Angus, selecting appropriate sites that are well designed and provide satisfactory mitigation to integrate development successfully. Policy DS3 requires for all development to fit with the character and pattern of development in the surrounding area and sensitively integrate with important townscape and landscape features. Policy A1 requires that proposals for the site must enhance the Hercules Den Burn, create new green infrastructure and form a landscaped edge to the town. Concerns were raised in representations regarding the impact of this scale of development on the area, which could result in an impact on the landscape. The proposed application site is bounded by built development to the south (housing), east (Western Cemetery) and to an extent to the west by the electricity substation. Agricultural use lies beyond to the west and to the north. The capacity of the landscape to accommodate large-scale housing development was considered through the proposed allocation of the site for housing in the ALDP, which included assessment undertaken through the Angus Settlements Landscape Capacity Study 2015. This assessment concluded that the site is a well-defined and contained site capable of accommodating housing development, which should include enhancement to the Hercules Den Burn to create and enhance green and blue networks. Through the ALDP Examination the Reporter concluded that a thorough assessment has been carried out on the site in respect of landscape capacity and impacts. Having regard to the scale and pattern of development proposed in this application the site is considered to be capable of accommodating the development without giving rise to unacceptable landscape or visual impacts. Impacts associated with the development are nevertheless mitigated further through the provision of the appropriate design, layout and landscaping as discussed above. In particular the strengthening of the green network at the northern boundary with the Hercules Den Burn and the retention and improvement to other boundary features achieve this successfully. The proposal raises no issues in regard to development plan policy in respect of landscape or visual impacts.

Design Quality and Amenity

- 8.19 Policy A1 requires for development of the site to be in accordance with a development brief which will be prepared for the site, its objectives would include: enhancement of Hercules Den Burn to contribute towards natural flood management, create new green infrastructure and form a landscaped edge to the town; opportunities for linkages with existing path networks; linking planting around the electricity sub-station and through the site for an enhanced the green network; identifies the need for supporting information including a Drainage Impact Assessment, SUDS, Flood Risk Assessment and Transport Assessment. At this time a development brief has not been prepared for the site. Nevertheless, these overarching objectives will be used in determining the suitability of the proposed development in terms of design quality - including consideration of amenity factors. In the first instance, it is confirmed in Section 4 above that all of the stated supporting information has been submitted. These will be referred to in the assessment below as necessary.
- 8.20 It is proposed to provide for a significant area of parkland measuring some 6600 square metres (0.66 hectares) along the northern boundary of the site, which provides for pedestrian access, informal recreation opportunities and notable areas of woodland and other soft planting. This area connects with the existing riparian habitat within the Burn area, connects with the existing woodland surrounding electricity sub-station and offers onward connection to green areas and path networks to the east and west. The development layout in this area also provides for natural flood management by ensuring the dwellings are located outwith the areas of flood risk identified within the Flood Risk Assessment. The landscape effects of this area and the site as a whole are discussed in further detail below. This large green network is supplemented by further landscape areas on the outer areas of the site; with significant portions on the eastern boundary facing with

the C51 road opposite the boundary to the Western Cemetery, linking onwards to the SUDS detention basin in the south east corner of the site. Along the frontage of East Muirlands Road the majority of houses face the road but are set back to allow for visual separation from it - with the intervening area being planted with a tree boulevard. Centrally the village green offers approximately 3700 square metres (0.37 hectares) of formal recreation (including play equipment) and informal recreation opportunities. As discussed above in respect of access, a number of pedestrian linkages are proposed from the site to connect with and supplement existing routes - interlinked with the internal routes proposed. Drawing the requirements of the intended development brief together it is concluded that the proposed site design achieves the key objectives stated in Policy A1.

- 8.21 In terms of the internal layout of the site, the proposal builds on a block pattern of streets broadly laid out in a rectilinear fashion running on north to south orientation from the two access points. As mentioned previously, generous areas of open and green spaces are proposed in key areas of the site. The layout has been tailored to specifically address the sensitivities and characteristics of the site. Along the northern boundary the setting backing of development not only mitigates against flood risk but lessens potential landscape impact of buildings along a higher point of the site – softening the new town boundary with further appropriate landscaping. Similarly the village green area offers centrally located open space that again mitigates from development being more prominent from this naturally higher point. In the site as a whole a good degree of amenity is offered. In respect of the relationship between the proposed houses other sensitivities have been acknowledged and addressed through the design; with adequate the Noise Report confirming that the closest dwellings to the south and east of the electricity sub-station are sufficiently far to be at no risk of undue noise impacts. The intervening screening between the uses provides further mitigation. Throughout the site the relationship between the proposed houses provides for a satisfactory degree of privacy, with typical distances of 19 to 22 metres between houses that back on to each other either directly or at off-set angles. There is a shorter distance of approximately 15 metres between some of the garden flats; however, which is common for flatted properties of this type. Private amenity space in garden grounds, relative to the size of the houses and having regard to the wider open space available; with areas ranging from 45 square metres for smaller terraced houses/garden flats up to 60-100 square metres for most houses and a smaller proportion have in excess of this, up to approximately 160 square metres. These standards are comparable to other housing development within the wider area. There are no adverse impacts on the privacy of existing areas of housing, with distances in excess of 30 metres between the frontage properties on the site and existing properties along East Muirlands Road. Again the intervening road and open space and tree line provides for mitigation in this regard. The scale of development is in excess of the indication made in the land allocation within the local plan of 230 dwellings, with 287 houses proposed. However, in terms of layout and design the quality of design is considered to be of an acceptable standard that respects the key characteristics of the locality and provides opportunity for a well-considered layout and design that can be accommodated successfully and creates a good quality of place.
- 8.22 The design of the individual dwellings is presented as modern styled house types with the use of traditional proportions and some design characteristics, such as roof pitches. The materials palette was altered following comments from the Planning Service. The proposed external finishing materials of three types of external roughcast coupled with two types of roof tiles is broadly acceptable having regard to the prevailing character of the area. However, red roof tiles are not characteristic of the town and in that respect the proposed red roof tiles are not approved. As advised the size of houses range in from the 1 bedroom cottage flats of the ‘Dunlop’ house type located within the affordable housing area of the site, through to larger 2-4 bedroom homes mixed throughout the whole site, up to the 5 bedroom ‘Thornwood’. All houses are two-storey in height (with the two styles of cottage flats being arranged in a one up and one down manner within the applicant’s typical Dunlop and Dollar house type designs). These house styles are a mix of detached, semi-detached and terraced. The range of house sizes and styles is considered to be good and reflects reasonably well the demand and need in the area, as required by ALDP Policy TC2. The range of affordable units is reflective of the demand for that market which has been developed in association with an interested Registered Social Landlord and gains broad support from the Housing Service and in principle accords with Policy TC3. The location and layout of the affordable housing is discussed below. The range design and finishes of the housing proposed is considered typical of modern housing developments but does provide an acceptable

design that reflects reasonably well the character and demand and need in the area, as required by ALDP Policy DS3 and TC2.

- 8.23 As highlighted, the overall layout and design is proposed to be complemented by a comprehensive landscaping scheme and provision of open and green spaces. Policy PV2 of the ALDP 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. The minimum level required for this development therefore totals just less than 17,500 square metres (1.75 hectares). The applicant has demonstrated that the usable open space proposed totals 19,050 square metres (1.9 hectares). While this includes the SUDS basin, which council policy disregards as usable open space, it has been demonstrated that the provision would meet the standard set in Policy PV2. In respect of the design and composition of the open spaces, Policy PV2 requires open and green spaces to accord with the principles set out in Policy DS3.
- 8.24 The landscape strategy is considered to be broadly acceptable. The approach adopted seeks to retain some landscape character features of the site, such as the riparian area at Hercules Den Burn and the stone boundary walls. These features are to be built upon as part of the landscape design and proposed pathway connections to and through the site to extend the path and green networks. However, the Landscape Service Manager has expressed that further emphasis is required to the structural landscaping in some areas. It is acknowledged that there are restrictions on landscaping options in areas along the southern and eastern boundaries where existing drainage infrastructure and their way leaves are located. It is considered that to better integrate the development within the landscape, softening the edge to the town as Policy A1 calls for, and to achieve a better sense of design quality and place that additional tree and shrub planting is nevertheless required in these areas. In this regard it is noted that the landscape drawings show that it is possible to plant trees along the southern boundary at East Muirlands Road using root barriers. It is recommended that additional structural planting of trees along this boundary is achieved – particularly near plots 21, 19, 1 and 269 which lie adjacent to the western access road. The entrance area would benefit from an imposing tree species where possible to enhance the entrance to the development, with supporting tree planting on this road in the area around plot 4. Further, the open nature and prominence of the space to the south of the SUDS basin would benefit from similar enhancements to tree planting. Leading north from the SUDS basin, the landscape buffer on the eastern boundary is considered to lack sufficient planting to act positively as a landscape feature. To provide a suitable softening effect in this prominent area it is recommended that the scheme is reviewed in this area to introduce planting in the form of small trees or shrubs, such as a hedgerow mix to a width of at least 5 metres, again with any necessary root protection for the drainage infrastructure. In other areas opportunities for supplementary tree planting exist along the common boundaries of garden ground with the electricity sub-station in the interest of protecting the amenity of residents and strengthening the green network, as called for in Policy A1. Lastly, it is noted that the riparian area of the Hercules Den Burn is being retained, which is welcomed. Further detail of the maintenance for this area is however required given the important role it plays for the landscape setting and biodiversity value it offers. It is recommended that all of these matters can be addressed through a planning condition.
- 8.25 Overall, subject to addressing further details in respect of materials and landscaping as discussed above, the proposal is considered to respond reasonably well to the overarching aims of ALDP Policy DS3 and the site-specific characteristics of Policy A1 and provides a positive design solution.

Natural Heritage

- 8.26 Policies of the development plan framework seek to safeguard the natural environment and protect habitats of importance. The applicant has submitted an Extended Phase 1 Habitat Survey and a Tree Survey and Arboricultural Constraints report to assess these impacts. The site is not designated for its nature or biodiversity value and no significant impact on biodiversity is anticipated. It is noted that some enhancement may be achievable through the boundary enhancements to the north in particular. The site is entirely productive agricultural land which limits its biodiversity value and there are no significant concerns in relation to natural heritage interests. Planning conditions are however recommended for the protection of trees to be

retained and for pre-construction checks for the presence of any badgers.

Affordable Housing

- 8.27 Policy TC3 of the ALDP addresses affordable housing and sets out the requirements for a 25% contribution towards affordable housing will be sought throughout housing market areas in Angus, in line with National policy in Scottish Planning Policy (SPP). The Developer Contributions & Affordable Housing Finalised Supplementary Guidance reaffirms this level of contribution and details flexibility as to how the contribution can be delivered, including on-site provision of social rented houses. TAYplan Policies 5 and 8 are also of relevance on this matter. The applicant has indicated within the proposed layout plan that a total of 71 houses in the south west of the site are indicated as being proposed as on-site affordable housing contributions. This figure falls slightly short of 25% confirmed by the Housing Service, which equates to 71.75 dwellings - which would be rounded up to 72 dwellings. It is evident that an additional unit could be provided through an acceptable means and the applicant has not raised any objection to this level of contribution. It is considered that the level of contribution to be provided by the development would be acceptable subject to a planning condition that would require a Section 75 Planning Obligation to secure the 25% equivalent contribution. The Housing Service is content with proposal and has not raised any objection regarding the affordable housing element of the application.

Built Heritage and Archaeology

- 8.28 The development plan framework seeks to safeguard built heritage interests, including archaeological sites. The application was not supported by an Archaeology Report. However, through consultation with the Aberdeenshire Council Archaeology Service it was highlighted that the site is adjacent to a known archaeology site containing cropmarks. In these circumstances, notwithstanding no known archaeological interest on the site at present, there is clear potential for unrecorded archaeology and a suspensive planning condition is recommended to investigate this potential. This approach will ensure adequate investigation and recording of archaeological matters. In relation to other built heritage interests, there are listed buildings and Scheduled Ancient Monuments in the vicinity (including the Mortuary Chapel at Western Cemetery and the known archaeological areas to the west of the site). The development of the site has potential to have some impact on their setting. However, given the nature of those interests and relative separation distances it is considered that there are no significant impacts on their setting.

Agricultural Land

- 8.29 Policy 3 in TAYplan seeks to ensure that prime agricultural land is protected from development that does not outweigh its productive value. Policy PV20 of the ALDP also requires consideration of prime agricultural land but indicates that its development will be acceptable where it is necessary to support delivery of the development strategy and policies of the local plan. The application site is Class 3.1 which is regarded as being prime agricultural land that would be lost from productive use as a result of development. However, the site is allocated within the ALDP for housing development under Policy A1 and therefore the principle of the loss of this area of agricultural land has been considered and accepted by Council.

Conclusion

- 8.30 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is for the erection of 287 houses on a greenfield site now within the Arbroath Development Boundary and allocated for housing through ALDP Policy A1. Development plan policy indicates that development on allocated sites will be the focus for such development and proposals will be supported where they are in accordance with the relevant policies of the local plan.
- 8.31 Housing development in this location is compatible with the locational requirements of TAYplan and the specific requirements of ALDP Policy A1. The layout and design of the proposed development is considered to be acceptable and provides a good level of amenity for the new residents and causes no unacceptable impact on the amenity of occupants of existing nearby residential property. The proposal will have an impact on the number of vehicles on the local road

network; however, that impact is not considered to be significant and the levels indicated can be safely accommodated without adverse impact. In respect of other policy considerations, the site has reasonably good accessibility to nearby services and is near established bus routes. In landscape terms it is well contained by existing landscape features and is within the defined development boundary; with positive enhancement to the northern edge being achieved. Collectively the development offers good potential for positive sense of place. Education impacts and other impacts on infrastructure associated with the proposal can be mitigated and no objections have been received from consultees.

- 8.32 The development of the site in the manner proposed will provide for a significant contribution towards housing land supply for Arbroath and the wider East Angus Housing Market Area in a manner that is consistent with relevant development plan policy. Account has been given to the matters raised by third parties and these have been dealt with in the discussion above. However, there are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the application be 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. The design and scale is acceptable and the proposal is in accordance with the allocation within the Angus Local Development Plan and other policies of this plan. There would be no unacceptable impact on the amenity of neighbouring property. The proposal does not compromise road traffic or pedestrian safety. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. Prior to the commencement of development, and notwithstanding the phasing information submitted with the application, a phasing strategy (supported by appropriate plans) for the entire development shall be submitted to and approved in writing by the Planning Authority. The phasing strategy should demonstrate that no more than 100 of the dwellings hereby approved shall be built in the current plan period to 2021 and no more than a further 130 dwellings (230 in total) shall be built in the period to 2026 unless in accordance with Policy TC1 and Allocation (Policy) A1 of the Angus Local Development Plan, or any phasing set out in a subsequent Local Development Plan. It should also provide details of the phasing for delivery of market housing and affordable housing; and details of the timing for provision of all infrastructure, including road construction, provision of street lighting, open space and green

network areas, landscaping, drainage infrastructure and the formation of the new pedestrian/cycle connections. Specifically, it should provide that within 60 days of the occupation or use of the penultimate dwelling house for each respective phase, all details relating to access, road layout design, specification and construction, including the provision of street lighting and surface water drainage for that phase shall be fully completed. The development shall thereafter be carried out in accordance with the approved phasing strategy.

Reason: In order to comply with the housing allocation A1 and ensure the suitable phasing for the development of the site in accordance with housing allocation A1 of the Angus Local Development Plan.

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will provide that:
 - The provision of 25% (72 units) affordable housing or suitable alternative provision in accordance with Angus Council's Affordable Housing Implementation Guide or any subsequent policy or guidance that replaces it.

Reason: To ensure provision of a contribution towards the provision of affordable housing in accordance with council policy.

3. 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 for all external roof finishes, boundary treatments (including any reinstatement works required for retaining and completing the stone boundary walls) and pathways. For the avoidance of doubt the antique red pan tile is not approved as a roof finish within the development and all roofs shall be dark grey in colour;
 - (b) Detailed plans showing existing and proposed ground levels and proposed floor levels relative to neighbouring land/properties and a fixed ordnance datum. This information should evidence that the finished floor levels of the dwellinghouses provide a minimum of 600 millimetres freeboard above the highest modelled flood level determined in the Flood Risk Assessment prepared by Kaya Consulting Limited dated April 2016.
 - (c) 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;
 - (d) A Travel Plan which 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; and,
 - (e) Evidence confirming that Scottish Water has accepted discharge of the surface water from the relevant area of the site (as detailed in the SUDS and Drainage Statement prepared by David R Murray and Associates).

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

Reason: To ensure a high quality of design for these matters in the interests of the quality of the development and the landscape character of the area; to ensure appropriate mitigation against flood risk of the dwellinghouses; to secure future maintenance of unadopted areas

and/or infrastructure; to encourage multi-modal means of travel; and to ensure appropriate arrangements are in place for surface water drainage in the interests of mitigation against flood risk.

4. That prior to the commencement of development a revised landscaping and landscape maintenance scheme for the landscaping works associated with the proposal, including details of the phasing of landscaping within the overall phasing submitted as part of Condition 1 of this permission, shall be submitted to and approved in writing by the Planning Authority. This scheme shall include provision for the supplementary planting of trees along the southern boundary with East Muirlands Road, supplementary planting of trees and/or shrubs in a buffer on the eastern boundary adjacent to the C51 road (to a width of at least 5 metres), additional tree planting on common boundaries with the electricity sub-station and the details for the maintenance of these areas and the riparian area of the Hercules Den Burn. These details shall also include demonstration that any trees being removed will be replaced by compensatory replacement planting elsewhere on the site, 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.

5. All works and development carried out in connection with this permission in respect of existing trees to be retained shall be done so in complete accordance with *British Standard (BS) 5837:2012 Trees in Relation to Development Protection* and all prevention and mitigation measures identified in the 'Tree Survey and Arboricultural Constraints' report prepared by Alan Motion Tree Consulting Ltd. For the avoidance of doubt, from the date of this permission, no trees within the site, other than those identified for removal in the aforementioned document, shall be felled, lopped or topped unless otherwise with the prior written approval of the Planning Authority.

Reason: To ensure protection for the trees on site at all times.

6. That no more than 6 months prior to the commencement of any development or works in connection with the permission hereby granted a pre-construction survey of the site to identify badgers shall be undertaken and a report of findings, including any necessary mitigation measures for the protection of badgers, shall be submitted to and approved in writing by the Planning Authority. 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.

7. That, prior to the commencement of development, a scheme for extending the existing 30 miles per hour speed limit on the C51 Arbroath to Hillend road in a north-westerly direction shall be submitted to and approved in writing by the Planning Authority. The speed limit as extended must be operational prior to the commencement of development.

Reason: In the interests of road safety.

8. That prior to the commencement of development, a scheme for the relocation of the pedestrian/cycle link to the C51 road in the northeast corner of the site as detailed in drawing 10123-P(00)002_B to a straight section of that road shall be submitted to and approved in writing by the Planning Authority. Once approved the link shall be provided in accordance with the phasing strategy approved in Condition 1.

Reason: In the interests of pedestrian and road safety.

9. That, prior to the commencement of any other development hereby approved, visibility splays shall be provided at the junction of each of the proposed accesses with East Muirlands Road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of East Muirlands Road. Within these 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 safe and suitable accesses are provided, and maintained, in the interests of road safety.

10. That any garage that is not set back a minimum of 8 metres from the nearside edge of the carriageway of the adjacent road shall be fitted with electronic roller doors, details of which shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved style of electronic roller doors shall be retained.

Reason: To ensure adequate parking spaces are maintained within plots in the interest of road safety.

11. 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 in writing by the Planning Authority. Thereafter the developer shall ensure that the approved 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.

12. 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.

13. That notwithstanding the provisions of Classes 1A and 1B of Schedule 1 - Classes of Permitted Development - of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or any order amending, revoking or re-enacting that Order the dwellinghouses at the following plots, as detailed on drawing 10123-P(00)002_B, shall not be enlarged without the express permission of the Planning Authority:

- 66, 67, 68, 69, 70, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89 and 90.

Reason: In the interest of maintaining adequate amenity standards for these dwellinghouses from possible adverse noise impacts from the nearby electricity sub-station.

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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Appendix 1: Location Plan
Appendix 2: Summary of Applicants Supporting Information
Appendix 3: Relevant Development Plan Policies

Appendix 2: Summary of Applicants Supporting Information

- **Pre-Application Consultation (PAC) Report:** Describes the consultation process undertaken prior to the submission of the application. The Report advises that the applicants, Persimmon Homes, undertook the PAC process in accordance with the statutory requirements. The public consultation event was held on a day/evening in a centrally located venue in Arbroath in September 2015. The report notes that approximately 40 people attended the event and 6 feedback forms were completed at that time. The Report advises that the feedback received in this process, including issues raised such as traffic and road safety, landscaping and house styles, were taken in to account in the design process.
- **Design and Access Statement:** Provides a background to the proposal, appraises the context of the site and identifies the characteristics and site specific circumstances that informed the layout and design proposal. The statement advises that the design has been informed by these characteristics and national and local policy requirements. The proposal consists of two-storey terraced, semi-detached and detached houses and cottage flats. The scale and massing of development are considered to be appropriate in the context of the adjacent housing on East Muirlands Road and would act as a logical extension to the town. The proposed landscaping will ensure the development is not incongruous and will integrate well within the landscape character. The statement also addresses connectivity and the proposed hierarchy of streets within the site. The extensive area of public open space within a central location - which also contains formal play areas - together with other areas offering habitat such as woodland edges and the SUDS basins are also identified. Statements on the applicant's awareness of and approach to sustainable design and standards are also given.
- **Extended Phase 1 Habitat Survey:** Surveys the habitat potential and impacts on habitats and/or species arising from the development for the whole site and areas adjacent to the boundary. In terms of habitats within the study area none were notable for their rarity, quality or extent. Although the mature trees present are worthy of retention where they are native or no-native species that have a high biodiversity value. The trees to be retained should be protected in accordance with British Standard 5837:2012 Trees in relation to development. The site habitat is summarised as being unremarkable and there are no ecological constraints to the development of the site. In terms of species, the site has not roosting potential for bats but there is some suitable foraging areas. There are no badgers setts or resting places within the application site, however, an abandoned sett is located 21 metres beyond the north west corner of the site - this is now in use by foxes. As a precaution however it is recommended that the burrows are re-checked for badger activity prior to the start of site preparation works within 30 metres of the burrows. If badgers are found at that time then a 30 metre stand-off exclusion zone would need to be established or a disturbance licence applied for from SNH to permit works within 30 metres. The survey advises a licence, if required, would be readily obtainable as the burrows are sufficiently far from the site works. Best Practice Measures to Safeguard Badgers should also be adhered to as a precaution. The impact on breeding birds is considered to be negligible, although soil stripping could be undertaken between August and March to avoid breeding birds entirely.
- **Drainage Statement:** Advises that the Sustainable Urban Drainage System (SUDS) and drainage strategy for the site has been prepared taking cognisance of relevant legislation and guidance. The surface water/SUDS strategy splits the site into two areas to suit topography; with the larger southern area (82% of the site) discharging into surface water sewers located at Gallowden Road and Westway and the northern part (18% of the site) in to an existing watercourse (Hercules Den Burn). All surface water runoff will be treated in accordance with regulations and best practice - with 2 treatments for roads and parking areas and 1 treatment for driveways and roofs. The detention basins will provide one treatment and the runoff will be at a greenfield rate. The water volume entering the Hercules Den Burn will be lower than the existing run off rates. Foul drainage is proposed through public (Scottish Water) infrastructure of a combined drain at the junction of East Muirlands Road and Gallowden Road. Scottish Water highlight that there are network capacity issues in the area and a Development Impact Assessment is required, which is underway.
- **Flood Risk Assessment:** Provides an assessment in respect of flood risk against national and local guidance. The study has been informed by flood mapping available from SEPA. The assessment

notes that Hercules Den Burn runs along the northern boundary of the site, flowing under the road (the C51) beyond the north eastern corner of the site which represents a low point on the site. The site generally has a slope towards the southwest corner; however, there are areas of local high ground in the centre of the site. It is noted from SEPA flood maps and modelling undertaken within the assessment that the north eastern part of the site lies within the functional floodplain of the Hercules Den Burn and is at risk from flooding in 1 in 200 year events. Blockages to the free draining of this burn are found to have a small impact on the application site; with a 50% blockage at the C51 bridge having a water level increase on site by 0.25 metres and the blockage of the Forfar Road bridge having no impact. These level changes should be addressed through the floor levels of the properties. The assessment highlights that SPP requires no development on flood plain areas - with no dwellings located in this area. There is no significant risk of flooding from surface water runoff from adjacent land; there is no significant risk of flooding from existing drainage systems; flood risk from groundwater is not considered to be significant; site runoff for surface water drainage should be no greater than the greenfield rate to not cause risk of flooding and the risk of flooding to site accesses is predicted to be low.

- Sound Report: Was commissioned to consider the possible impacts of noise from the adjacent substation (to the north west of the application site) on the amenity of residents within the proposed dwellings. The report details the sound level measurement procedures and methodology and presents results from the measurements obtained. The report finds that noise from the substation measures on the application site are well within the recognised limits (NR20) that is usually applied for this type of sound and therefore concludes that noise would not disturb residents of the new houses.
- Tree Survey and Arboricultural Constraints: A visual survey of trees within or adjacent to the site was undertaken and the locations were plotted. There is a shelterbelt comprising a row of single Italian alder tree up to 12 metres tall along the western boundary, which would benefit from thinning of up to 50%. Around the substation there is an area of maturing woodland of mixed character dominated by Scots pine and sycamore, the overall height of this woodland is 13 metres. An intermittent row of ash, sycamore and Italian alder form a hedgerow along the northern boundary at Hercules Den Burn, the trees have been pruned previously and have an overall height in this row of 8 metres. There are 3 young sycamores on the outside of the grass verge on East Muirlands Road. To prevent long term damage to trees being retained protection through BS 5837:20012 'Trees in relation to design, demolition and construction' should be set. The report concludes that the proposed design has been prepared with sufficient space between existing trees and new construction in compliance with BS 5837:2012. The presence of the alder on the western boundary will cause shading of these gardens and as such thinning and crown raising in this area is recommended. Minimal shading would occur to Plots 56-77 but the distance to the woodland edge of 14 metres would be sufficient. A Tree Protection Plan indicates Construction Exclusion Zones (CEZ) based on the root protection areas and other constraints - trees identified for retention should be protected in accordance with BS 5837:2012.
- Transport Statement: A Transport Statement was submitted in support of the application. This statement has been superseded by the Transport Assessment (TA) described below.
- Transport Assessment (TA): The Transport Assessment (TA) was prepared in view of the size of the development to examine the connectivity for pedestrians, cyclists and users of public transport as well as indicate the possible levels of vehicular traffic on public roads. The existing road network was considered and, through consultation with the Roads Authority, six junctions that serve access to and egress from the site were identified as critical and required consideration in further detail. Automatic traffic count surveys were taken on East Muirlands Road close to the proposed access points and junction count surveys were taken at the six junctions identified. The results identified that almost 50% of vehicles passing the proposed site access exceed the 30 mile per hour (mph) speed limit. As part of the proposed development the assessment identifies that the speed limit would be reinforced through creating an active frontage with houses overlooking the road, slowing traffic. Road traffic accident data was interrogated for the study area and junctions - no accidents occurred along the frontage of the development site. In terms of the proposal the assessment notes that the site is close to existing bus routes on East Muirlands Road, providing good access to public transport. The traffic volumes associated with the development are small in comparison with existing traffic flows on the public road network. The junctions tested in detail were found to be satisfactory accounting for the

development. The traffic flows at the Westway retail park did not justify any pedestrian crossing as a result of the development. The crash data at these junctions was of a level that would be expected. The proposed accesses to/from the site would be safe. It is recommended that the Council consider extending the 30 mph speed limit on the C51 Arbroath to Hillhead road to beyond the north of the existing 'S' bend on that road. The developer should consider moving the proposed pedestrian/cycle footpath in the northeast corner of the site to a straight section of the C51 road.

Appendix 3: Relevant Development Plan Policies

Angus Local Plan Review 2009

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS2 : Accessible Development

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

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

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy DS5 : Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- Education;
- Community Facilities;
- Waste Management Infrastructure; and
- Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

Policy TC1 : Housing Land Supply / Release

The Angus Local Development Plan allocates land to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. Where appropriate, sites are released over two phases of the plan: 2016 - 21 and 2021 - 26. However, land allocated in the latter phase of this plan (2021-2026) may be released for earlier development, unless a delay is justified.

The scale and distribution of housing land release across the four Angus Housing Market Areas is set out in Table 1 (below). A schedule of all sites identified by the Angus Local Development Plan which contribute to meeting the housing requirements set out in TAYplan Strategic Development Plan is included in Appendix 3.

To support delivery of a generous supply of effective housing sites and introduce additional flexibility Angus Council will support proposed residential development on appropriate sites as set out in Policy TC2 Residential Development Principles.

To ensure that a 7 year effective land supply is maintained at all times, land identified for residential development will be safeguarded from development for other uses. The continued effectiveness of sites will be monitored through the annual Housing Land Audit process.

Where the annual housing land audit identifies a shortfall in either the five years' or the seven years' effective housing land supply, the council will work with landowners, developers and infrastructure providers to bring forward additional housing land. The early release of sites planned for later phases of the plan, as well as sites identified as constrained or non-effective in the audit, will be considered first. If the shortfall is not met from existing sites, proposals for housing development on other housing sites may be supported where they are consistent with the policies of the plan.

Policy TC2 : Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);

- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

*Includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy TC3 : Affordable Housing

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites, including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- local housing needs (set out in the current Housing Needs and Demand Assessment);
- physical characteristics of the site;

- development viability; and
- availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

Policy PV1 : Green Networks and Green Infrastructure

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

Policy PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV3 : Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

A1 Housing - Crudie Acres, East Muirlands Road

9.4ha of land at Crudie Acres, is allocated for residential development of around 230 dwellings. A first phase of around 100 dwellings will be permitted in the period to 2021 with the remaining phase of around 130 dwellings permitted in the period to 2026.

Development proposals should be in accordance with the development brief which will be prepared for the site and should include:

- enhancement of the Hercules Den Burn to contribute to natural flood management, create new green infrastructure and form a landscaped edge to the town;
- opportunities for active transport through linkages with the existing path network;
- linking planting / landscaping around the electricity substation and through the site to enhance the green network; and
- supporting information including a Drainage Impact Assessment, Sustainable Drainage and Surface Water Management Plan, Flood Risk Assessment and Transport Assessment.

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 2A : Build in Resilience

Ensure that climate change resilience is built into the natural and built environments through:-

- (i) a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
- (ii) reducing surface runoff including through use of sustainable drainage systems;
- (iii) protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
- (iv) identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.

Policy 3C : Finite Resources

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

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

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.

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.