

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 7 OCTOBER 2014

PLANNING APPLICATION - LAND AT KINGSTON PLACE KINGSMUIR FORFAR

GRID REF: 347747 : 749310

REPORT BY HEAD OF PLANNING AND PLACE

This report deals with planning application 14/00139/FULL for change of use, demolition of industrial buildings and erection of 23 dwellings, roads and ancillary works - re-application, on Land at Kingston Place, Kingsmuir for Allied Irish Bank ([Plan](#)). The application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

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

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

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

3. INTRODUCTION

3.1 The applicant proposes to demolish the existing office/industrial/warehouse building and shelter, remove the remnants of the builder's yard, and erect 23 new houses on the site. The applicant proposes a new road to access the site directly from Kingston Place, with the majority of the proposed houses being accessed in this way. Six houses that front Kingston Place would be accessed directly from Kingston Place. The applicant also proposes an amenity space measuring 1400 square metres in area in the southeast corner of the site. The applicant proposes four different house types, all of which would be two stories in height.

3.2 The applicant amended the site plan on 5 August 2014. This moved the proposed house on plot 4 south. Drawing number 674 02 Revision F superseded drawing number 674 02 Revision E.

3.3 The applicant amended the design of the proposed house on plot 2 to remove the dormer windows on the northwest elevation. Additional drawing number 674 11 Revision A titled 'House Type 4A Plans and Elevations' submitted.

3.4 The application was advertised in the Dundee Courier.

4. RELEVANT PLANNING HISTORY

06/00739/OUT for demolition and replacement of two dwellinghouses and outline consent for erection of 12 dwellinghouses was determined as "Application Withdrawn" on 11 September 2006.

Committee approved application 06/01345/OUT for the demolition and replacement of two

dwellinghouses and outline consent for erection of 12 dwellinghouses (Re-Application) on 6 February 2008.

Committee resolved to grant planning permission for the erection of nine dwellinghouses (ref. 07/00416/FUL) in 2007, the application was determined as "Application Withdrawn" on 9 May 2014.

12/00487/FULL for Change of use, demolition of industrial buildings, and erection of 23 dwellings, roads and ancillary works was determined as "Application Withdrawn" on 11 July 2012.

13/00620/FULL for Change of use, demolition of industrial buildings, and erection of 23 dwellings, roads and ancillary works was determined as "Application Withdrawn" on 20 September 2013.

5. APPLICANT'S CASE

The applicant submitted a Drainage Impact Assessment in support of the application. In summary, it states that the site is outwith the SEPA indicative flood map and no surface water features were noted. The main flood risk to the site is overland surface water runoff from the agricultural fields draining towards the site. Any surface water runoff entering the site is predicted to flow through and off the site. The proposed development footprint is located outwith the 1 in 200 year return period fluvial floodplain, and is therefore considered to be at low/medium risk of flooding in line with Scottish Planning Policy. The detailed drainage design will adopt the sustainable drainage systems approach. The proposed drainage will be designed to contain the 1 in 200 year return period rainfall event. The surface water outfall will be piped to the open channel east of the Dunnichen Place or arrangement agreed with Scottish Water.

6. CONSULTATIONS

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Angus Council - Roads** - This consultee has no objection to the application subject to conditions requiring the submission of a scheme for Kingston Place to be brought up to adoptable standards including surface water drainage and street lighting and agreement of the landowner(s).
- 6.3 **Scottish Water** - This consultee has no objection to the application. However, it is indicated that due to the size of the development, a Development Impact Assessment would be required. It is also indicated that the development may require works to the local water supply and wastewater networks and that the developer should discuss these implications directly with Scottish Water.
- 6.4 **Scottish Environment Protection Agency** - This consultee has no objection to the application on flood risk grounds but recommends that finished floor levels be above surrounding ground levels and that flood resilient design and materials be used in the construction of the buildings.
- 6.5 **Angus Council Environmental Health** - This consultee has no objection to the application in terms of amenity or contaminated land, subject to a contaminated land investigation being requested by condition, and any required mitigation being carried out.
- 6.6 **Angus Council - Flood Prevention** - This consultee has no objection to the application subject to evidence of Scottish Water's technical approval for connections being submitted.
- 6.7 **Angus Council - Parks and Burial Grounds** - There was no response from this consultee at the time of report preparation.
- 6.8 **Angus Council - Housing Service** - There was no response from this consultee at the time of report preparation.
- 6.9 **Scottish & Southern Energy** - There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

Three (3) letters of representation were received. 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:

- height of properties
- impact on daylight/sunlight
- Impact on privacy
- Impact on character of surrounding area
- surface water drainage
- flood risk
- hedge and tree removal
- access/egress and road safety
- turning for refuse vehicles
- disruption during construction

These issues are considered in the assessment below.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.3 As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Plan Review form the basis for the consideration of the proposal. The relevant local plan policies are reproduced at Appendix 1.

8.4 The site is partially located on the area of land allocated in the Angus Local Plan Review in Policy Ki2 for the development of around 12 dwellings, and partially located on an area of unallocated brownfield land. On the allocated site, the applicant proposes 14 houses, which in principle, is considered to be 'around' the 12 which the policy allows for. The applicant proposes nine houses on the part of the site that is not allocated and this is a windfall site for consideration in accordance with Policy SC3. This element of the development would make a significant contribution to regeneration and renewal due to the removal of the non-conforming industrial/office/warehouse buildings and their associated yard area, and that part of the site's redevelopment with a use that would better suit the amenity of the area. Account of the fact that the planning authority previously resolved to grant planning permission for nine houses on this site for similar reasons (ref. 07/00416/FUL) is also noted and the circumstances are largely unchanged since that time. On the basis of the above, the principle of 23 houses on the current application site is considered to be acceptable and in compliance with the local plan.

8.5 In terms of the compatibility of the proposed development with the land uses in the surrounding area, the site is surrounded by residential properties to the north, south and east and agricultural land lies to the west. The proposed residential use would be compatible with both of these uses and there are no other surrounding land uses that would conflict with the proposed use. Similarly, the impact of the proposed development on the amenity and privacy of the existing houses surrounding the site must be considered. The proposed houses meet the minimum window separation distances contained in Advice Note 14 and in that respect, would not cause any unacceptable impact on privacy. Whilst there was an issue with the rear elevation of the proposed house on plot four being less than 12 metres from the rear boundary that it would share with 44 Dunnichen Road, the applicant has amended the site plan to move the proposed house on plot 4 further south so that the minimum separation distance in Advice Note 14 can be achieved. There is also a potential privacy issue in relation to the proposed house on plot two. This house would

fail to meet the minimum separation distance of 12 metres between the rear elevation and the rear boundary. However, the rear elevation of this house lies at an angle of approximately 45 degrees to the house at 40 Dunnichen Road and would only overlook a small corner of the rear garden area. In addition, the applicant has amended the design of that house (plot two) so that there would be no dormer windows on the rear elevation. This would avoid any unacceptable impact on privacy. Whilst plots 18 to 23 of the proposed development directly front Kingston Place and in some cases are directly opposite existing houses, the minimum separation distance would be 22 metres and this would exceed the largest window to window separation distance contained in Advice Note 14 (20 metres) and would be acceptable. Given the separation distances between the proposed houses and the existing houses in the surrounding area, no unacceptable impact on amenity or privacy would result. The concerns regarding impact on loss of daylight/sunlight at 46 Dunnichen Road are noted, however the proposed houses (regardless of their two storey height) would be located approximately 30 metres from the house in question and this is considered to be more than an adequate separation distance so as to have a minimal impact on day light/sun light. This reason would therefore not justify refusal of the application.

- 8.6 Policy Ki2 requires Kingston Place to be upgraded to Roads Authority standards. Whilst the applicant proposes a new footway along the north side of Kingston Place, no scheme for bringing it up to adoptable standard has been submitted and the Roads Service has requested that such a scheme is required by condition. It is understood that Kingston Place itself is not within the control of the applicant and that part of Kingston Place may be owned by Forfar Common Good Fund. In that situation, the upgrading works required could not be undertaken without the land owner's consent. The proposed upgrading works which would involve resurfacing, drainage, street lighting and potentially widening could be undertaken without changing the nature, purpose or ownership of Kingston Place. All that would be required to carry out the improvement works would be the owner's consent. As a result, there is considered to be a reasonable prospect of the works being undertaken within the three year time limit and a negative suspensive condition would be acceptable to ensure this takes place. On the basis that Kingston Place is upgraded to an adoptable standard prior to any development beginning, this would be acceptable. Whilst a concern about refuse vehicle turning has been raised, the Roads Service has no objection. The layout of the site would provide turning spaces and the issue already exists for house on the south side of Kingston Place.
- 8.7 Additionally, Policy Ki2 also requires the existing overhead power lines that run across the site to be re-route but the applicant has not provided any details to show how this will be done. This would improve the amenity of the proposed houses and a condition is attached to secure a scheme for these power lines to be re-routed.
- 8.8 Both Policies Ki2 and SC3 require the provision of 15 percent of the total number of units on site to be made available as affordable housing, in accordance with Policy SC9 of the local plan. In this case, that would equate to three houses. A condition to secure a legally binding scheme for the provision of such affordable housing is attached and on that basis, the development would comply with Policy SC9.
- 8.9 In terms of layout and design, the applicant proposes a cul-de-sac style layout with a vehicular access into the site from Kingston Place. Whilst this is not something that would ordinarily be encouraged, it is considered to be acceptable on the basis that there is no other way into the site, because of the awkward triangular shape of the site and because this is a characteristic of Kingsmuir. The site is land locked to the northeast which prevents any permeability through to Dunnichen Road. Six of the houses would be have direct access onto Kingston Place which would help provide a more regular layout/street pattern. The applicant proposes an area of open space adjacent to the vehicular entrance to the site which would help provide an attractive entrance into the site, as well as giving the impression that the open space has two active frontages to aid natural surveillance. The area of open space measures approximately 1400 square metres and would contain a toddler's play area, a path, and landscaped open space. Such an area would comply with the requirements of Policy SC33 of the Angus Local Plan subject to confirmation of what the toddlers play area would contain which is requested by condition. The applicant proposes four different house types. House type 1 is a two storey, square plan house with an integrated garage. House type 2 is also a two storey design, but is based around an 'L' shaped plan. It also has an integrated garage. House type 3 is a 1 ¾ storey design with dormer windows on the front and rear, and a two storey projecting gable on the front. House type 4 is a 1

½ storey design with a dormer on the rear and a two storey projecting gable on the front. The applicant also proposes to remove the dormer on the rear of this house type on plot two. In relation to the house designs, Kingsmuir has a mix of traditional and modern, large and small property styles and none of the proposed house types would look out of place in that context. In terms of materials, the applicant proposes a mix of white, terracotta and buff wet dash rendered walls, red and slate grey coloured tiled roofs and white UPVC windows and doors. The terracotta wet dash and red roof tiles are not considered to be appropriate colours for a development in this location and therefore a condition is attached to ensure that none of the houses are constructed with these materials. On the basis of the above, the proposal is considered to have an acceptable layout and design and it is therefore compatible with Policy S3.

- 8.10 Regarding drainage, the applicant proposes to connect the development to the existing public drainage network in accordance with Policy ER22 of the Angus Local Plan Review. The applicant also proposes to connect to the public water supply. Scottish water has no objection to the application and this is acceptable. In terms of surface water drainage, the applicant proposes to deal with this by means of infiltration trenches and surface water sewers that connect to storm cells underneath the open space area, before discharging to Scottish Water's sewer. The applicant also proposes to improve the existing surface water issue on Kingston Place by installing a catch drain, private drain and road humps on the road. These would direct surface water to the existing open ditch on the north side of Dunnichen Road. The Flood Prevention Team and SEPA have considered this issue in detail and have no objection to the application. SEPA advises that finished floor levels be raised above surrounding ground levels with a freeboard allowance agreed with the Flood Prevention Team and that flood resilient design and materials be used in the construction of the houses and the applicant has been advised of this. The Flood Prevention Team advises that evidence of Scottish Water's approval for the proposed surface water connections be obtained prior to the commencement of development and a condition is attached in that respect.
- 8.11 Lastly, the application requires to be considered in accordance with Policy S6 and Schedule 1: Development Principles. Schedule 1 contains a number of assessment criteria relating to amenity, roads/parking/access, landscape/open space/biodiversity, drainage and flood risk, waste management and supporting information. There are no issues regarding amenity as explained above. Whilst the concerns about impact on amenity during construction are noted, such impacts would be temporary and typical of those that occur when development is undertaken in urban areas and would not be unacceptable. There are no issues regarding roads/parking access as explained above and the Roads Service has no objection. Open space provision is also considered to be acceptable as explained above and the site is not considered to be of any significant biodiversity value. In terms of landscaping, the applicant proposes to remove the hedge on Kingston Place and this would be required to implement the required road improvements. Some of the smaller trees in the northeast corner of the site and part of the hedge between the brownfield and greenfield sites are also proposed to be removed. The applicant's site plan indicates that new trees would be planted on the western boundary of the site and that new hedges would be planted on the south boundary. A landscape plan is requested by condition to confirm the proposals, and this would also deal with the proposed boundary treatments to ensure that they would be acceptable. In terms of waste/recycle provision, the applicant states that bin stances would be provided within each plot and this would be acceptable. There are no issues with any of the other relevant criteria and the application complies with Policy S6.
- 8.12 In conclusion, the applicant proposes 23 houses on a site that is partly allocated for residential development and partly an opportunity site on brownfield land. The application complies with the relevant development plan policies, would result in the regeneration and renewal of a brownfield site and would remove a non-conforming use resulting in an improvement to the character of the surrounding area. 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 Approved subject to conditions for the following reasons, and subject to the following condition(s):

Reason(s) for Approval:

The application complies with the relevant development plan policies, would result in the regeneration and renewal of a brownfield site and would remove a non-conforming use resulting in an improvement to the character of the surrounding area. There are no material considerations that justify refusal of the application.

Conditions:

1. That no work in connection with this permission shall take place until Kingston Place has been improved and brought up to adoptable standard between its junction with the Lownie Road and the south-west corner of the site (a distance of two hundred metres or thereby). A scheme to show the improvement works proposed in that respect shall be submitted to and approved in writing by the planning authority prior to the commencement of the development hereby permitted. Such a scheme shall include the following:
 - (a) drawing(s) showing the scope of the upgrading works, in accordance with the council's Road Standards;
 - (b) a construction specification, in accordance with the council's Road Standards;
 - (c) the provision of surface water drainage and street lighting; and
 - (d) an agreement with any land owner or person with rights of control over the land required for the upgrading works.

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

2. That prior to the commencement of development, all details relating to access, road layout design, specification and construction, including the provision of street lighting and surface water drainage shall be submitted to and approved in writing by the planning authority. All details shall be fully completed within 60 days of the occupation or use of the penultimate dwelling house within the site.

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

3. That prior to the commencement of the development hereby approved, the overhead electricity line running along Kingston Place within the site shall be re-routed to the satisfaction of the planning authority. A scheme for the revised route shall be submitted to and approved in writing by the planning authority in advance.

Reason: In order that the existing services are adequately protected and in the interests of residential amenity.

4. Prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the planning authority:

- (a) a legally binding scheme for the provision of 15% affordable housing or suitable alternative provision in accordance with Policy SC9 of the Angus Local Plan Review and Angus Council Affordable Housing Implementation Guide or any subsequent policy or guidance that replaces it;
- (b) a detailed landscape plan which shall provide details of all tree/hedge removal, details of their replacements, details of all hard and soft surfaces within the site and details of the means of site enclosure and boundaries to each of the residential units proposed to be used within the site. All planting comprised in the approved details of landscaping be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use 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;
- (c) a detailed scheme for the provision, and future maintenance of, the amenity space, toddlers play area and all other areas of communal land out with the proposed private gardens. Such a scheme shall include details on the phasing for the completion of such areas;
- (d) detailed plans to show the existing and proposed ground levels and finished floor levels relative to Ordnance datum;
- (e) evidence of technical approval from Scottish Water for all foul and surface water drainage connections to the public sewers;
- (f) a scheme for the future maintenance of the surface water drainage proposal(s); and
- (g) a comprehensive contaminated land investigation report which shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites - Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. Where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority. The development shall thereafter be implemented in accordance with the approved details and be maintained as such in perpetuity thereafter unless otherwise approved in writing by the planning authority.

Reason: In order that the council may verify the acceptability of the proposal in the interests of visual amenity and surface water flood risk, to ensure that the future maintenance of all communal areas is acceptable, in order to ensure that Scottish Water consents to the proposed discharge to their infrastructure and in order to ensure there is no unacceptable risk of contaminated land to the prospective residents.

- 5. That notwithstanding the plans hereby approved, no houses shall be finished with red roof tiles or terracotta wet dash walls. All houses shall be finished with a white or off white wet dash walls and slate grey coloured roofs unless otherwise approved in writing by the planning authority.

Reason: In the interests of visual amenity.

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.

P&P/IM/DG

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Date: 24.09.2014

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where

necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy SC3 : Windfall Sites

Angus Council will support proposals for residential development of 5 or more dwellings on windfall sites within development boundaries in addition to the identified supply where they:

- will make a significant contribution towards regeneration and renewal;
- are compatible with established and proposed land uses in the surrounding area;
- include affordable housing in accordance with Policy SC9; and
- take account of the provisions of Policy S6 : Development Principles.

Ki2 : Housing - Kingston Place

1.3 ha of land at Kingston Place is allocated for around 12 dwellings with a requirement for 15% of the capacity of the site to provide LCHO affordable housing. Kingston Place will require to be upgraded to Roads Authority standards to provide a suitable access to the site and the overhead electricity lines running along the Kingston Place boundary of the site will require to be rerouted.

Policy ER28 : Flood Risk Assessment

Proposals for development on land at risk from flooding, including any functional flood plain, will only be permitted where the proposal is supported by a satisfactory flood risk assessment. This must demonstrate to the satisfaction of Angus Council that any risk from flooding can be mitigated in an environmentally sensitive way without increasing flood risk elsewhere. In addition, limitations will be placed on development according to the degree of risk from coastal, tidal and watercourse flooding. The following standards of protection, taking account of climate change, will be applied:-

- In Little or No Risk Areas where the annual probability of flooding is less than 0.1% (1:1000 years) there will be no general constraint to development.
- Low to Medium Risk Areas where the annual probability of flooding is in the range 0.1% - 0.5% (1:1000 – 1:200 years) are suitable for most development. Subject to operational requirements these areas are generally not suitable for essential civil infrastructure. Where such infrastructure has to be located in these areas, it must be capable of remaining operational during extreme flood events.
- Medium to High Risk Areas (see 2 sub areas below) where the probability of flooding is greater than 0.5% (1:200 years) are generally not suitable for essential civil infrastructure, schools, ground based electrical and telecommunications equipment.
 - (a) Within areas already built up sites may be suitable for residential, institutional, commercial and industrial development where an appropriate standard of flood prevention measures exist, are under construction or are planned.
 - (b) Undeveloped or sparsely developed areas are generally not suitable for additional development.

Policy SC33 : Open Space Provision

Development proposals will require to provide open space and make provision for its long term maintenance. Angus Council will seek to ensure that as a minimum the NPFA standard of 2.43 hectares of open space/recreational space per 1000 head of population is met. The specific requirements of any development will be assessed on a site by site basis and this standard exceeded or relaxed as appropriate taking account of the level, quality and location of existing provision.

Policy ER22 : Public Drainage Systems

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

Policy SC9 : Affordable Housing

Angus Council will seek to secure the provision of affordable housing from housing developments on allocated sites, opportunity and windfall sites which will contribute towards meeting identified needs in each Housing Market Area as follows:-

- Arbroath – 20% LCHO housing;
- Brechin/ Montrose – 25% LCHO housing;
- Forfar, Kirriemuir and Glens – 15% LCHO housing;
- South Angus – 40% social rented and/or LCHO housing.

The requirement for affordable housing in each Housing Market Area will be applied to the overall capacity of sites of 10 or more units, or a site size equal to or exceeding 0.5 hectares. Where a site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will still be applied.

Affordable housing developments may be permitted on sites outwith but adjacent to development boundaries provided it can be demonstrated that:-

- there is an identified local need that cannot be met on a suitable site within defined development boundaries;

- the proposal takes account of the provisions of Policy S6: Development Principles; and
- proposals are in accord with other relevant policies of the Local Plan.

In all circumstances, Section 75 or other legal agreements may be used to secure the delivery of affordable housing.

TAYplan Strategic Development plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

Cairngorms National Park Local Plan

The site is not within the National Park.