

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 16 FEBRUARY 2016**

**PLANNING APPLICATION - FORMER MONTROSE AIRFIELD CHARLETON ROAD MONTROSE**

**GRID REF: 372507 : 760023**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 14/00480/EIAM for the formation of a Business Park (class 4, 5 and 6) including office accommodation and facilities to support offshore renewable energy developments for John Lawrie Group at the Former Montrose Airfield, Charleton Road, Montrose. The application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons and subject to the conditions given 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:

- We have a sustainable economy with good employment opportunities
- Our natural and built environment is protected and enjoyed
- Our communities are developed in a sustainable manner
- Our communities are safe, secure and vibrant

**3. INTRODUCTION**

3.1 The applicant seeks planning permission in principle for the formation of a business park at the former Montrose Airfield, Charleton Road, Montrose.

3.2 The site currently consists of a former airfield that is located at the north of Montrose and measures in the region of 49.84 hectares. It currently serves as an informal open space and recreation area that forms part of a network of formal and informal sports and recreation areas that extend along the majority of the eastern edge of the town. The site lies between the Forties and Broomfield Industrial Estates to the west and Montrose Bay to the east beyond the Montrose Links dune system. The south of the site is bound by playing fields on Broomfield Road and an area of the airfield that has been previously approved as an extension to the operational curtilage of the existing GE Oil and Gas facility under the provisions of planning permission ref: 14/00034/FULL. The north of the site is bound by an informal open space comprising rough grass land and areas of broom and plantation woodland. Part of the area to the north lies within the St Cyrus and Kinnaber Links Site of Special Scientific Interest (SSSI). Notified Natural Features of the SSSI include Coastlands (Sand Dune, Shingle and Salt Marsh), Lowland Grassland, Vascular Plant Assemblages, Breeding Bird Assemblages, Invertebrates (moths) and Butterflies (Small Blue). The north part of the site also skirts around the existing Scottish Water waste water treatment works (WWTW) for the town which is accessed directly from the A92 Charleton Road.

- 3.3 Although the application is for planning permission in principle, an indicative site layout has been submitted that shows Class 4 (Business) uses fronting Charleton Road to the west of the site and to the south of the WWTW. This 10 ha area is currently allocated for employment uses within the adopted Angus Local Plan Review. Larger Class 5 (General Industry) and Class 6 (Storage and Distribution) uses would be located on the 40 ha balance of the site within the central and east parts of the proposed development. A grid like form of development is indicated that would be served by an internal road layout that would form an H pattern of two north-south access roads intersected by a west-east road. The plot layout would be softened by landscaping strips between blocks of units and road frontages and around the peripheries of the site.
- 3.4 The indicative layout shows a primary access being taken from the A92 Charleton Road with a secondary access also from the A92 via the existing access road serving the Scottish Water WWTW to the north of the site. There is currently no pedestrian access along the site frontage although there is an adopted footway along the west side of the A92. Within the site, there are two core paths running in a north to south direction (Core Paths 87 and 88 Montrose Airfield) and Core Path 86 (North Montrose Airfield) runs along the north boundary outwith the site. In addition National Cycle Route 1 runs in a north to south direction through the site. A SUDS drainage detention basin is indicated at the south east of the site. The site is however mostly sand under grass and as a result it is relatively free draining at present.
- 3.5 Other notable features around the site are an existing footway access that enters at the south west corner of the Charleton Road frontage at a secondary access into the existing GE Oil and Gas facility and crosses over the former Bervie railway line via a stone built bridge. While the site itself is relatively flat the land to the east rises steeply towards the crest of the dunes that separate the former airfield and links from the beach and foreshore. There are various vestiges of the former use of the site as a WW2 airfield in the form of concrete taxi ways and the steel mesh runway and some remnant concrete structures around the fringes of the site. The site is known to potentially contain Radioactive Contaminated Land (RCL) due to the breaking up and disposal of WW2 aircraft which used Radium 226 in their instrumentation and Unexploded Ordinance (UXO). Montrose Golf Links lies to the south east.
- 3.6 The application falls to be considered as a 'major' development in terms of the hierarchy of developments and as such must be considered by the Development Standards Committee. The application has not been subject of variation.
- 3.7 The application is supported by an Environmental Statement (ES). The application and the ES have been subject of statutory advertisement in the local press.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 A Proposal of Application Notice (PAN) was issued on 19 March 2013 (ref: 13/00582/PAN). It was confirmed on 23 July 2013 that the pre-application consultation (PAC) proposals detailed in the notice were considered to be acceptable for the type of development proposed.
- 4.2 A formal pre-application enquiry was made in relation to the proposal on 17 September 2013 (ref: 13/00513/PREAPP). At the pre-application stage the level of supporting information was indicated to the applicant's agent and it was indicated that the proposal would be likely to constitute EIA development.
- 4.3 A formal EIA Screening Request was submitted on 02 October 2013(ref: 13/00913/EIASCR). An EIA Screening Opinion was issued by Angus Council on 08 October. It was the Council's opinion that EIA was required.
- 4.4 A formal EIA Scoping Request was requested on 28 November 2013 (ref: 13/01104/EIASCO). Angus Council issued a Scoping Opinion on 16 January 2014 in which the Council's opinion on the scope of what should be covered in any subsequent Environmental Statement was expressed.

## 5. APPLICANT'S CASE

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

- A Pre-Application Consultation Report;
- A Design and Access Statement;
- An Environmental Statement (June 2014) (ES) including (1) Non-Technical Summary (NTS); (2) Written Statement (Volume 1); (3) Technical Appendices (Volume 2);
- Additional information regarding likely vehicle movements associated with the development and the likely significance of their environmental impact.

5.2 The **Pre-Application Consultation Report** (PAC Report) has been submitted as part of the applicant's submission. The PAC Report documents the consultation undertaken with the public prior to the submission of the planning application. The undertaking and submission of a PAC Report is a mandatory requirement for a major planning application.

5.3 The **Design and Access Statement** considers the proposal in the context of Montrose and its immediate natural and urban environment and the design approach that has been adopted and also refers to site accessibility. The Design and access Statement is a mandatory requirement for detailed major planning applications although this requirement does not apply to applications for planning permission in principle. In this respect the submission of a Design and Access Statement in this case exceeds statutory minimum requirements.

5.4 An **Environmental Statement** (ES) has been submitted in support of the application which contains an introduction (Ch1), an approach to the EIA process (Ch2) and a site and development description (Ch3). The ES describes the planning policy context relevant to the proposal (Ch4). The ES further contains technical assessments of the following topics:-

Ch5. Landscape and Visual Impact	Ch6. Ecology
Ch7. Drainage and Hydrology	Ch8. Coastal Flooding
Ch9. Traffic and Transport	Ch10. Archaeology and Cultural Heritage
Ch11. Socio- Economics	Ch12. Odour
Ch13. Noise	Ch14. Cumulative Impacts
Ch15. Conclusions	

The ES is supported by a Non-Technical Summary (NTS) and Technical Appendices (Volume 2) incorporating Visualisations and other Technical Appendices including an EIA Screening Request; An EIA Screening Opinion; An EIA Scoping Report; An EIA Scoping Response; A Landscape and Visual Assessment; An Ecology Survey; A Drainage Assessment; A Flood Risk Assessment; A Traffic Impact Assessment.

5.5 The ES, including the Non-Technical Summary, is available on the Council's Public Access portal. A copy of the Non-Technical Summary (NTS) is attached as Appendix 2 to this report.

## 6. CONSULTATIONS

6.1 **Scottish Natural Heritage** - no objection based on the submitted ecological information.

6.2 **Angus Council - Flood Prevention** - no objection subject to suggested conditions.

6.3 **Scottish Environment Protection Agency** - no objection in respect of drainage, hydrology and flooding. In respect of Radioactive Contaminated Land (RCL), SEPA highlights that a recent site

investigation in another area of the former airfield, being considered under a separate planning application (14/00034/FULL), has identified the presence of Radium 226 which is the most common radioactive contaminant associated with former military airfields used during WWII. On the basis of that investigation and the nature of the finds in that report relating to planning application 14/00034/FULL, SEPA recommends that the applicant for this application provides for the investigation of radioactive contaminants prior to the detailed design stage and prior to any intrusive site investigation to mitigate risks to future users of the site. The investigation should be carried out in line with the Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended) and the Basic Safety Standards (Scotland) Directive 2000. Any wastes arising should be addressed in accordance with the Radioactive Substances Act 1993 (and the associated exemption orders). SEPA therefore state that further consideration of radioactive contamination will need to be addressed prior to detailed design stage. It appears that the development of the site will take place on a plot by plot basis over a number of years. If this is the intention then a plot by plot investigation into radioactive contamination may not be sufficient if there is no restriction to the remainder of the site to the public due to potential risks from radioactive contaminants. A full site radiological walkover is recommended prior to any intrusive site investigation and prior to re-development of the site to mitigate risks to future users of the site, rather than on a block by block basis.

- 6.4 **Transport Scotland** - no objection subject to suggested conditions.
- 6.5 **Historic Environment Scotland** - indicates that it agrees with the findings presented that indicates significant effects on Scheduled Monuments, their settings, Category A Listed Buildings and their settings and Gardens and Design Landscapes will be unlikely. HES offers no objection.
- 6.6 **Angus Council Environmental Health** - background noise readings should be carried out in the vicinity of the site to an agreed methodology prior to any individual plots being occupied. With regard to odour from the sewage works, it is likely that the existing separation between the WWTW and sensitive receptors is likely to be a key factor used to minimise odour. Reducing this distance may potentially result in an odour nuisance as prescribed by the Sewerage Nuisance Code of Practice Scotland Order 2006 which would require Scottish Water to implement further control methods. As advocated by the guidance to the code of practice consultation with Scottish Water is recommended specifically on the subject of the potential likelihood of a sewerage nuisance arising and any odour improvements that might be necessary due to the proximity of the proposed development to the WWTW.

In respect of contaminated land, Environmental Health highlight that the Airfield gives rise to the possibility of contamination from the following sources: rifle ranges, munitions stores, buried aircraft parts etc.; the neighbouring areas to the west and south-west present the possibility of contamination to have migrated onto the identified area. No objection is stated subject to conditions.

- 6.7 **Angus Council - Transport Section** - whilst there may be limited potential to extend some existing peak time journeys that are paid for by Angus Council to and from Montrose Town Centre and the proposed site, it is highly unlikely that any local bus operator would be willing to take on a significant commercial risk to provide a dedicated shuttle bus without financial support. The developer could make a financial contribution to cover the costs of a new service linking the development with Montrose Town Centre. In other areas developers have met the full costs of providing a bus service for a three year period, which is deemed a reasonable length of time to assess whether the service is a viable and able to run without financial assistance. If a dedicated shuttle bus serves the proposed site then buses could use one of the proposed turning areas shown on the plans submitted with the application. It would be expected that the developer would also provide a bus shelter and raised kerb at a convenient and easily accessible location for use by business park employees. It would however be unlikely that Service 107 would be diverted off the A92 into the site itself; these services would call at the new stops on the main road.
- 6.8 **Aberdeenshire Council Archaeology Service** - no objection subject to conditions regarding archaeological mitigation.

- 6.9 **Aberdeenshire Council- Planning Service** - no significant issues to raise with the application as it is in line with the preferred option of the Angus Council Main Issues Report. Aberdeenshire Council does have some concern regarding the premature nature of the application in relation to the Angus Council Local Development Plan. As the planning application has come in before the plan has been adopted it does not allow the public to object to its inclusion in the normal Local Development Plan process.
- 6.10 **Angus Council - Economic Development Unit** - there is strong demand for commercial property in North Angus with little supply currently available. As a result, significant investment projects may be lost if development land does not become available in the near future.
- 6.11 **Community Council** - there was no response from this consultee at the time of report preparation.
- 6.12 **Angus Council - Roads** - no objection subject to suggested conditions.
- 6.13 **Scottish Water** - Scottish Water has no objection to the proposed development located next to its works at Montrose. Due to the proximity of the development to the works, a buffer zone of approximately 100m is recommended. The recommended distance is for guidance only and is site specific. The recommended buffer zone is in line with guidance outlined in paragraph 10.1.7 of the Sewerage Nuisance (Code of Practice) (Scotland) Order 2006.

## 7. REPRESENTATIONS

Two letters of objection have been 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 points of concern are as follows:

- **Potential road safety impacts particularly at the A937/A90(T) intersection (Laurencekirk South)** - This matter is discussed in Section 8 below.
- **Potential traffic impacts at Broomfield Road** – The application does not propose using Broomfield Road for access or egress to the site. The applicants Transport Assessment does identify a need for signalisation of the junction between Broomfield Road and Northesk Road and that matter will be addressed by planning condition.

## 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 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.
- 8.3 In this case the development plan comprises:-
- TAYplan (Approved 2012)
  - Angus Local Plan Review (Adopted 2009)
- 8.4 The key development plan policies relevant to consideration of this application are provided in Appendix 3 and have been taken into account in the preparation of this report.
- 8.5 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014

and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.

- 8.6 The main issue to be discussed in relation to this application is the acceptability of the proposal to establish a mixed use working area measuring around 50ha on a site that exhibits greenfield attributes although it has formerly been used as a military airfield and still exhibits some vestiges of that former use. As the application is for planning permission in principle only, it is the principle of development that is the main focus of the following consideration and whilst the application is supported by a reasonable amount of illustrative material, it should be borne in mind that any layouts shown are for illustration purposes only.
- 8.7 The proposed development has been identified as an Environmental Impact Assessment (EIA) development through the screening and scoping process detailed in Section 4 above and as such it is supported by an Environmental Statement (ES). At the EIA Scoping stage it was indicated that matters relating to planning policy context; landscape and visual capacity; ecology; noise and odour; hydrology, hydrogeology and geology (coastal flooding, flood risk, drainage and groundwater dependent terrestrial ecosystems (GWDTE)); archaeology and cultural heritage; traffic and transport; and socio-economic considerations should be addressed through the EIA process. In the intervening period Angus Council has published the Proposed Angus Local Development Plan (ALDP) and that has identified the current application site as a proposed allocation for employment uses. It identifies matters that require further consideration and mitigation and those reflect the matters addressed through the EIA process. These issues form the basis for the consideration of the proposal along with other material considerations.

#### **Principle of Proposed Development**

- 8.8 National Planning Framework (NPF3) identifies that opportunities for manufacturing and servicing to support the renewable energy sector will continue to grow changing Scotland's economic geography by broadening the distribution of employment and development. NPF3 recognises that Montrose with its port access could capitalise on new employment opportunities that could have a significant impact on local economies. The town is identified as part of the Low Carbon/Renewables East Enterprise Area and the strong existing links that coastal towns in the east have with the oil and gas sector are also highlighted. The strong coastal dimension of both the renewables and oil and gas sectors is recognised.
- 8.9 In relation to supporting business and industry, Scottish Planning Policy (SPP) states that the planning system should address the development requirements of businesses and enable key opportunities for investment to be realised. SPP states that the planning system should:
- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
  - allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
  - give due weight to net economic benefit of proposed development.

- 8.10 As a major planning application relating to a site that would be strategically important the proposal requires to be considered against the policies of TAYplan. It identifies Montrose as a Tier 2 principal settlement with potential to make a major contribution to the regional economy (Policy 1: Locational Priorities). Policy 3: Managing TAYplan's Assets, requires amongst other things that Local Development Plans identify and safeguard at least 5 years supply of employment land within principal settlements to support growth in the economy and a diverse range of industrial requirements. Policy 4: Strategic Development Areas identifies Montrose Port as a Strategic Development Area which will contribute to the economic success of the region and as important in supporting the growth of the off-shore renewable energy sector.
- 8.11 The proposed site lies within the development boundary for Montrose defined in the Angus Local Plan Review 2009 (ALPR). Key elements of the development strategy for Montrose set out in the ALPR include providing for economic growth by allocating additional land (10 ha) on part of Montrose Airfield, safeguarding natural features which are an important part of the character and setting of the town including the recreational links and seafront, and mitigating the effects of coastal erosion. The ALPR currently identifies 10 hectares of the current application site for employment uses. Other policies of that plan seek to support new employment related development within development boundaries where they can be accommodated within existing or planned infrastructure capacity, are not detrimental to surrounding amenity, and accord with other relevant policies. However, Policy SC32: Open Space Protection, presumes against the development of open spaces of sporting, recreational, amenity or nature conservation value landscape character and nature conservation value for other forms of development.
- 8.12 From the foregoing, it can be seen that there is broad national, strategic and local policy support for the establishment of a major employment area at Montrose. The principle of development of 10 hectares of the current site has been established under Policy M5: Working - Montrose Airfield of the ALPR, whilst other policies of that Plan provide support for additional employment land development within the town boundary. However, the remainder of the site is currently identified as open space and as such its development for employment purposes would give rise to some tension with Policy SC32.
- 8.13 Notwithstanding that, the Council's Economic Development Unit suggests that there is increasing demand for land and premises in Montrose particularly in relation to the oil and energy sector. In relation to the preparation of the Angus Local Development Plan, the Economic Development Unit has indicated that the existing 10 hectare allocation at the Airfield is unlikely to be sufficient to meet demand in the plan period to 2026. The supporting information submitted by the applicant highlights that Montrose is particularly well placed in locational terms to support the offshore renewable energy industry as highlighted in NPF3 and the National Renewables Infrastructure Plan (NRIP). It is considered that the proposal provides opportunity to meet the land requirements associated with the offshore renewables industry which cannot be delivered at Montrose Port where very limited land is available and various constraints limit the type of development that could take place. In so doing the proposed development would complement the role of Montrose Port and its potential to support the energy sector which is a key aim of TAYplan Policy 4.
- 8.14 In recognition of the potential demand for additional employment land, the Proposed Angus Local Development Plan allocates 50 hectares of land at Montrose Airfield for employment uses comprising Class 4 (business), Class5 (general Industry) and Class 6 (storage and distribution) under Policy M7 Working – Montrose Airfield. The allocation seeks to ensure that Montrose is well placed to accommodate new economic development and complement Montrose Port in supporting the renewable energy sector. The policy requires development proposals for the site to submit an Environmental Statement and identify appropriate mitigation for matters including Landscape and Visual Capacity, Ecology, Drainage and Coastal Flooding, Archaeology and Cultural Heritage, Noise and Odour and Traffic and Transport. The policy states that a development brief will be prepared setting out detailed requirements in relation to landscaping, access, design and footpath and cycle linkages. It also requires a Transport Assessment to be undertaken and for appropriate mitigation to be provided in relation to any impacts on the road network.
- 8.15 The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. That Plan is currently at Examination Stage and whilst

representations have been submitted in relation to Policy M7, these relate to the detailed policy wording rather than the land allocation in principle. As such, the allocation of the site in the PALDP is considered to be a material consideration of some weight.

- 8.16 This is a brownfield site within a defined development boundary. Part of the site is currently allocated for development of employment related uses. Whilst the majority of the site is identified as protected open space, it is recognised that it is well located in terms of providing for an extension to the existing employment land supply and that it has potential to accommodate new economic development and complement Montrose port in supporting the renewable energy sector. Available information suggests that there is likely demand for additional employment land at Montrose. The Council has approved the Proposed ALDP and it identifies the application site for employment uses. Whilst that plan is at examination stage, there are no objections to the principle of the development it proposes in Policy M7 and accordingly it is considered to carry considerable weight. The loss of existing informal open space is not consistent with adopted local plan policy but must be balanced against the considerable social and economic benefits that could be delivered to the town through the provision of additional employment opportunities. In these circumstances, and having regard to the Proposed ALDP, the principle of the proposed development at this location is considered acceptable. However, the site specific issues identified in Policy M7 and addressed in the submitted ES still require to be considered in order to determine the acceptability of this particular proposal.

### **Landscape and Visual Amenity**

- 8.17 The development plan framework provides a number of policies that seek to ensure that developments do not give rise to unacceptable landscape or visual impact. In particular, ALPR Policy ER5 (Conservation of Landscape Character) requires development proposals to take account of the guidance provided by the Tayside Landscape Character Assessment (TLCA) and indicates that, where appropriate, sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape. Policy S3 of the ALPR states that site location and how the development fits with the local landscape character is a relevant consideration.
- 8.18 The proposed development would be located within the TLCA 14b Coast with Sand Landscape Character Type (LCT). This LCT is characterised by areas of marine alluvium and windblown sand along lower sections of coast with sand dunes inland. More locally, the proximity of Montrose means that the influence of built development upon landscape character is greater than some other parts of the LCT. However the key characteristics of the wider LCT remain, including distant views with a perception of being open and vast. Montrose Links contains a range of typically recreational land uses, including golf course, playing fields; recreational seafront areas as well as the former airfield. The airfield has naturalised and functions as an informal recreational area close to Montrose. Montrose Links retains its open links character; with links grassland and scattered scrub, with sand dunes and the beach along its eastern edge. The Montrose Links (which includes the airfield) is important to the setting of Montrose with the steeple of Montrose St Andrew's Church being an important focal point across most of the Montrose Links.
- 8.19 The site surroundings are characterised by openness and simplicity, with extensive views over a textured area of grass, heath and scrub vegetation and the Montrose skyline on the horizon. The general absence of visual obstructions and the unified vegetation texture make this landscape highly sensitive. These landscape characteristics and the proximity to the sea result in a high recreational value of the site and the adjacent area
- 8.20 The submitted LVIA in support of the application assesses the landscape character sensitivity of LCT 14b as being medium. Given the above, It is considered that this is an under-assessment and that high sensitivity would be a more appropriate assessment.
- 8.21 The proposed development site overall has high landscape character sensitivity and this leads to a low capacity for built development. However, potential impacts on landscape character are highest towards the east of the site. Restricting the eastward extent of the proposed development would have the potential to significantly reduce the landscape impact. The addition of security



fencing, screening and a variety of new surfacing are not shown in the visualisations although these elements would likely be a source of equally or more significant landscape effects as those resulting from the sheds only. Mitigation could focus on minimising these effects by introducing a minimum of enclosures and additional spatial dividers; avoiding resurfacing and the introduction of obvious features that would break with the homogeneity of the surface where it is possible. Rather than being hidden or screened, the sheds - if superimposed on the existing landscape - could rather act as an element of bold contrast with the textured surface and the development would become a feature complementing the landscape to an extent.

- 8.22 Based on the high sensitivity of the site and the likely significant adverse landscape impacts of the development a mitigation design strategy could involve the zoning of the available area into varying degrees of development in terms of:
- the need for fencing, with some uses that might not need fencing
  - the need for outdoor storage areas
  - height and density of buildings
  - permeability of spaces between buildings for pedestrians
  - integration of the surface treatments with the landscape context
  - amount of traffic and road infrastructure needed
- 8.23 These could be arranged with high impact development to the west of the site and low impact more permeable and integrated development to the east close to the dunes. Controlling building heights would also reduce impacts upon landscape character. Whilst the landscape impact of the development in the long term will be high, an effective mitigation strategy can be incorporated into a development brief for the site.
- 8.24 Turning to visual impacts, Policy S6 of the Angus Local Plan Review requires that proposals should not give rise to unacceptable visual impacts. Policy S3 states the incorporation of key views into and out of the development as a relevant consideration. The flat character of the coastal landscape means that the proposed development would be widely visible along the coastal strip in particular. The built area of Montrose would provide a level of screening from the west, but taller buildings would be visible above existing development.
- 8.25 Montrose and Kinnaber Links are important recreational areas and development of the site is likely to result in visual effects of major significance. The development will undoubtedly have visual impacts when viewed from most directions both for recreational users in and around the site using core paths and National Cycle Route 1 who would have views out of the town towards the surrounding countryside and back towards the townscape of Montrose affected and in some cases eliminated. Similarly, observers looking into the settlement from the environs around Montrose from areas such as Rossie Moor, Kinnaber Links, from the western approaches around Montrose Basin and from the approaches to the town on the A92 would experience some visual effects where views to the Montrose St Andrew's Church Steeple and the skyline of Montrose could be lost.
- 8.26 As with the assessment of landscape effects visual sensitivity is highest towards the east of the site and again, restricting the eastward extent of the proposed development and building heights would have the potential to significantly reduce the visual impacts of the proposal. Similar to the assessment of landscape effects, a zoning approach and the control of building heights could potentially reduce visual effects. It would also be desirable that important views from the more valued and frequented locations are identified and built into the development. This would aim to retain views towards the steeple and/or the hills to the north and south by controlling building heights and undeveloped view corridors. Again it is considered that these issues can be suitably addressed through the production of a development brief for the site.
- 8.27 Taking all of the above into account, the development of the site as a business park is likely to result in significant landscape and visual effects within the context of a part of the local landscape that is sensitive to change. Such effects are inevitable where large scale development is proposed and on that basis, a greater focus on mitigation is the appropriate response. As stated above, the proposal is for planning permission in principle only and the submitted visual

representations are purely illustrative. They do however give some impression of how the site would impact both in terms of landscape and visual effects. The site is however strategic and it is unlikely that the level of development indicated in the illustrative materials would take place in the short term. The landscape and visual effects are likely to be incremental over a long period of time and for reasons discussed later in the report relating to coastal erosion, the more sensitive east part of the site is unlikely to be developed to the same degree as the west of the site in the short to medium term and may not be developed. The emerging policy in relation to the proposed land allocation in the emerging LDP envisages that the site be developed in accordance with a development brief which amongst other things would include landscaping, building design, boundary treatments and could include retention of important views through the site. A condition requiring such a brief to be prepared is proposed. Additionally, matters such as siting, design and landscaping would be matters specified for further consideration at this in-principle stage.

## **Ecology**

- 8.28 The Development Plan framework provides a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. It also indicates that the Local Biodiversity Action Plans will constitute material considerations in determining development proposals. Policy ER2 seeks to safeguard National Nature Reserves and Sites of Special Scientific Interest. Policy ER3 seeks to protect regional and local nature designations where development could affect habitats, species and/or geological or geomorphological features could be affected. Policy ER4 requires safeguarding of habitats protected under British or European law or other valuable habitats and species. SPP indicates, amongst other things that the importance of complying with international and national conservation obligations must be recognised.
- 8.29 Chapter 6 in the ES relates to ecology. Studies undertaken by the applicant as part of the assessment of ecological impact include a Phase 1 habitat survey, a bat survey and a reptile survey. No rare or notable flora or fauna was noted on the site and the ES indicates that no protected species would not be affected based on the surveys undertaken. In relation to habitats, acid grassland and dwarf shrub heath which are valued at a local level were noted on the site. However, the ES concludes that the loss of habitats as a result of the development is considered to be of significance at the local to low level and could be mitigated through landscaping opportunities.
- 8.30 SNH and SEPA have been consulted on the proposal and neither have raised an objection or identified any significant issues that they consider could not be overcome by planning conditions, which would amongst other matters, ensure that the mitigation measures identified in the ES are implemented. Having regard to these responses and all of the environmental information available, I conclude that the proposed development would not, subject to the recommended mitigation measures and conditions, give rise to any unacceptable impacts on ecological interests.

## **Noise and Other Atmospheric Pollution**

- 8.31 The development plan framework contains a number of policies that seek to ensure that developments do not give rise to unacceptable noise or other atmospheric pollution impacts. Criterion (a) of Schedule 1 of Policy S6 indicates that 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. Policy ER11 deals specifically with noise pollution. Policy S4 places an obligation on developers to demonstrate that issues raised under environmental protection regimes have been evaluated in order to ensure that local amenity would not be unacceptably affected.
- 8.32 Chapter 13 of the ES relates to noise. The applicant has suggested that noise issues could be addressed on a plot by plot basis. The Environmental Health Service has indicated that background noise levels should be established at this stage in order to inform future plot by plot decision making in respect of noise. A background noise report was requested from the applicant in the course of the consideration of the application however this information has not been

forthcoming. Notwithstanding this it is competent to make any permission conditional of the undertaking and submission of such a report prior to the commencement of development and an appropriate condition is suggested below.

- 8.33 Chapter 12 on the ES relates to odour. Again the applicant has suggested that odour issues could be addressed on a plot by plot basis. However, this issue does not only relate to the potential of the development to create odour nuisance, but also to the potential for odour complaints to arise from the proximity of new development to the existing WWTW at the north of the site. At this stage it is not possible to know who the end users of the site would be, particularly when a strategic and long term land supply is being considered and therefore at this stage potential odour impacts are unknown. However, odour generated by new uses could be considered as each plot comes forward for development. In respect of odour nuisance from the existing WWTW, Scottish Water has indicated that it is required to apply best practicable means for assessing, minimising and controlling odour arising from its works. This is carried out in practice through an Odour Management Plan (OMP) and in relation to Montrose this includes maintaining adequate separation to other development. Scottish Water has suggested a notional 100m buffer be applied around the WWTW although it is stated that this is a guidance distance only. In accordance with Policy M7 of the PALDP, it is proposed to require a development brief for the site. Such a brief could be informed by an odour assessment as appropriate and accordingly inform future decisions regarding the nature and proximity of proposed uses to the WWTW. In any case detailed matters relating to the layout of the site will require the submission of further applications for approval of those matters and accordingly matters relating to the proximity of uses to the WWTW can be considered at that stage. It is noted that the situation would be comparable with the existing situation at Orchardbank in Forfar for example where industrial operations take place in proximity to the Forfar WWTW.

#### **Hydrology, Hydrogeology and Geology (Coastal Flooding, Flood Risk, Drainage and Groundwater Dependent Terrestrial Ecosystems (GWDTE))**

- 8.34 The development plan framework contains a number of policies that relate to drainage, flood risk management and climate change considerations. TAYplan Policy 2 seeks amongst other things to ensure that climate change resilience is built into the natural and built environment through consideration of related matters. Criterion (m)-(o) of Schedule 1 of Policy S6 relate to site drainage and flood risk and state that sites within areas served by public sewers should connect to the public sewerage system as does Policy ER22. Criterion (n) of Schedule 1 states that surface water should not drain to the public sewers and instead should be dealt with via SUDS. Policy ER24 states a preference for SUDS disposal of surface water. Proposals are also required to consider flood risk in accordance with Policy ER28 which states that within already built up areas, sites may be suitable for industrial and commercial development if appropriate flood prevention measures are in place where there is a medium to high flood risk. Policy ER29 relates to coastal development and states that new development at coastal locations should be directed to sites within the developed coast and that all coastal development should be assessed against the Shoreline Management Plan.
- 8.35 Chapter 7 in the ES relates to drainage and hydrology and Chapter 8 covers coastal flooding. The drainage and hydrology chapter is supported by a drainage strategy which seeks to establish the suitability of the site for development and identify drainage principles that satisfy source control, conveyance measures, attenuation treatment and amenity enhancement in accordance with relevant legislation and guidance. Connection to the foul sewerage network is proposed and given the site proximity to the WWTW this would be achieved fairly easily. SUDS are proposed for the drainage of surface water and a flood risk assessment and Drainage Impact Assessment have been undertaken.
- 8.36 SEPA, Angus Council (Roads), and Scottish Water have been consulted on the proposals. In respect of drainage, SEPA state that the principles for drainage established in the application are acceptable and that they are supportive of the drainage philosophy as set out in the application. SEPA note that future applications should ensure that all Sustainable Urban Drainage Systems (SUDS) should be constructed in accordance with CIRIA C697. SEPA also recommend that further discussions should be held with their local area team prior to the submission of detailed drainage proposals at the Specified Matters stage. Angus Council (Roads) in their capacity as

Flood Prevention Authority are also satisfied with the drainage details at this stage and acknowledge that detailed proposals will be required at a later stage. Detailed drainage proposals would be a matter specified for further consideration. Scottish Water has offered no comment on the site drainage proposals.

- 8.37 In relation to coastal flood risk, SEPA have reviewed the information provided in this consultation and note that, part of the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may, therefore, be at medium to high risk of flooding. The site lies within the Milton Ness to Montrose Harbour Coastal Protection Unit (CPU) as identified in the Angus Shoreline Management Plan (SMP). The preferred policy option in the CPU is limited intervention and managed retreat in the short term with a no active intervention long term policy. The SMP bases these policies on the assumption that no significant industrial, commercial or residential development would take place within 400m of the dune crest line. The submitted indicative site layout does show development taking place within the 400m flood prevention zone.
- 8.38 SEPA have however reviewed the submitted Flood Risk Assessment which reviews predicted coastal flood levels and erosion rates for the area. The estimated 1:200 year still water coastal flood level based on the Coastal Flood Boundary Method is 3.65mAOD. SEPA note that the site falls east to west from 7.5mAOD to 4mAOD and is a minimum of 200-250m from the shoreline. The Draft Angus Shoreline Management Plan 2 (2012) suggests that erosion of 1m/yr is expected which would not pose a risk to the development site during the lifetime (50 years) of the development. If rates of erosion are greater (2.5m/yr) as noted within the report, the site would still be out with the area of risk during the predicted lifetime of the development. As there are inherent uncertainties associated with future changes to sea level, storminess, and erosion rates, SEPA stress that there remains a residual risk of flooding to the site. However, the proposed development is for a low-sensitivity use and, therefore, they do not object to the development. SEPA support the recommendation in the FRA of a minimum finished floor level of 4.7mAOD. Angus Council (Roads) has also reviewed the submitted flood risk assessment and recommend that no building should be constructed seaward of the 400m line during the first phase of development. It is also recommended that any development in later phases that would take place within the 400m zone should be subject to an adaptive management plan ensuring that development could only take place in future if coastal erosion was deemed to be at acceptable levels.
- 8.39 In general terms, drainage measures as proposed are considered to be acceptable at this in-principle stage and detailed site drainage would be a matter specified for further consideration. In terms of coastal flood risk, based on the information submitted, while parts of the site may be at risk from coastal flooding in the long term, appropriate measures are available to allow development to take place. The approach that would be adopted does not conflict with the approach of the Shoreline Management Plan and site phasing would ensure that the situation in relation to the 400m coastal flood zone could be reviewed at a later date in line with the prevailing coastal protection policy at that time.

### **Archaeology and Cultural Heritage**

- 8.40 The development plan framework provides a number of policies that seek to safeguard cultural heritage. These include TAYplan Policy 3 and policies ER16, ER18 and ER19 of the Angus Local Plan Review.
- 8.41 Chapter 10 of the ES relates to archaeology and cultural heritage. It identifies that the site is a former military airfield but that it is an undesignated asset as it is not listed or scheduled. No part of the site lies within a conservation area and the site is not an Inventory Garden or Designed Landscape. The ES notes that there are a number of Category A, B and C listed buildings within 1.5km of the site and that these are primarily within the core area of Montrose, much of which is a conservation area. There is also scheduled archaeology to the west and north of the site (mainly crop marks). It is noted that unexploded ordinance may be present and that a munitions contamination survey would be required prior to any excavations. Although it is highlighted that the submitted illustrations are indicative it is proposed that the layout of the site would in as far as is possible acknowledge the former use of the site maintaining the line of runway and taxiing

apron which would be utilised by diverted core paths. Landscaping proposals would also be more akin to a coastal airfield as opposed to a more conventional structural planting approach. Other measures such as street naming etc. would ensure that the former use of the site was acknowledged. No significant impacts on listed buildings or other designations are however indicated in the ES.

- 8.42 Historic Environment Scotland and Aberdeenshire Council Archaeological Service have been consulted on the proposal. HES welcome that the assessment has been provided for listed buildings to the south of the site and state that they are content to agree that there would not be significant effects on their settings. HES offer no objection to the proposal. Aberdeenshire Council Archaeological Service agree that the archaeological mitigation requirements for this site can be conditioned at this stage and it is noted that the proposed design serves to reflect, and where possible, incorporate original features and layout of the central runway and perimeter dispersal areas of the former airfield. Impacts on built heritage interests are not considered unacceptable and can be appropriately mitigated through detailed layout and design of the site which will be informed by a Development Brief for the site which it is proposed to require by condition.

### **Traffic and Transport (Local Roads and Trunk Roads Networks)**

- 8.43 The development plan framework requires consideration of accessibility of new development and impact on existing transport infrastructure. TAYplan Policy 2 indicates that new development proposals should ensure integration of transport and land use. Criterion (d) and (g) of Schedule 1 to Policy S6 relate to access arrangements, parking and roads as well as public access rights. Policy SC36 relates to public access rights and seeks to resist proposals that would result in loss of public linear access. Proposal SC40 relates to walking and cycling. Of particular relevance to this proposal is the statement in the proposal that cycle provision should be developed north of Montrose in support of National Cycle and North Sea Cycle Networks. Policy SC41 relates to bus transport and promotes amongst other things the improvement of passenger waiting infrastructure which is conveniently located for access to employment and other destinations.
- 8.44 Chapter 8 of the ES relates to traffic and transport. The ES is supported by a full Transport Assessment (TA) which considers the likely significant environmental impacts of the proposed development on the surrounding roads network with respect to transport and access. The ES highlights that the proposal would be served by one main vehicular access from Charleton Road with a secondary access via the unnamed road serving the WWTW at the north of the site. It identifies predicted increases in vehicle numbers joining and leaving the A90(T) at the A90(T) / A937 Laurencekirk junction. A network of pedestrian and cycle access is proposed to link into the wider network
- 8.45 The site would be accessed via the A92 Charleton Road. A number of core paths currently run through and around the site as does National Cycle Route 1. There is currently no bus infrastructure adjacent to the site although an hourly bus service passes and there is opportunity to provide infrastructure adjacent to the site. The Transport Assessment concludes that the following mitigation would be required: -

- Provision of a two lane approach southbound on the A92 at the A92 Charleton Road / A937 Coronation Avenue signalised junction;
- Signalisation of A92 North Esk Road / Brechin Road / Broomfield Road junction after 50% of the development is complete and operational; and
- Provision of two lane exit northbound on the A92 North Esk Road / Brechin Road / Broomfield Road signalised junction and widening of the carriageway to the east.

In addition, the following recommendations were made as part of the development proposals:

- The provision of a new pedestrian crossing facility on A92 Charleton Road to the south of the southern access;
- The provision of a new footway to the east of the A92 Charleton Road carriageway along the site frontage;

- Extension of the 30mph speed limit approximately 700 metres to the north on the A92 Charleton Road;
- Safeguarding of NCR1 through the site with internal links to the NRC1 provided within the site;
- Implementation of a bus shuttle service from Montrose town centre to site during commute times;
- Implementation of a staff Travel Plan; and
- Contribution towards improvements at the A90(T)/ A937 Laurencekirk junction that are proportionate to the scale and level of impact of the development proposals.

8.46 Transport Scotland and the Council's Roads and Transport Services have been consulted on the proposal. Transport Scotland (TS) has not objected to the proposal but has reviewed the information on increased vehicle movements provided by the applicant and has indicated concern regarding the impact of predicted additional traffic from the development on road safety at the A90(T)/ A937 Laurencekirk junction. The level of increase predicted by the applicant is considered significant and on that basis TS recommend that suspensive conditions are attached to any permission granted. These conditions would amongst other things, prevent any development from taking place in relation to the planning application until a scheme to upgrade the aforementioned intersection to a grade separated junction has been undertaken. They would also require production and implementation of an appropriate travel plan. The Council is currently working with TS to establish whether part of the site could be released for development in advance of the provision of a grade separated junction at Laurencekirk. However, at this stage, there is no information to support such an approach and approval of the application without the conditions currently requested by TS would require notification of the application to Scottish Ministers. As matters stand, the conditions requested by TS are considered necessary in order to mitigate road safety issues associated with vehicle movements associated with the development on the Trunk Road network. That position could be reviewed if ongoing work was to indicate that a phase of the development could be released.

8.47 The Council's Roads Service has considered the proposals in relation to potential impacts on the local roads network. Roads have considered the application in terms of traffic likely to be generated by it and its impact on the local road network and are satisfied that the additional traffic generated by the development can be accommodated on the local road network subject to the implementation of the mitigation measures identified and as described in a number of conditions that are suggested. These conditions are in line with the indicative proposals and the Transport Assessment submitted by the applicant.

8.48 With respect to public transport provision, the Council's Transport Service notes the proposal to provide a new bus stop adjacent to the site however it is indicated that bus infrastructure would be provided in both directions on the A92. It is proposed to secure such provision by means of a planning condition as detailed below. In addition, the developers proposal to provide a bus shuttle service is noted through consultation with the bus operator and Angus Council. The Transport Service has indicated that it is highly unlikely that any local bus operator would be willing to take on a significant commercial risk to provide a dedicated shuttle bus without financial support. It is highlighted that the Council's public transport budget for tendered local bus service provision is currently fully committed. Any new services put on and paid for by the Council could mean the withdrawal of lifeline services to communities elsewhere in Angus. On that basis, it is considered to be appropriate to seek a financial contribution to cover the costs of a new service linking the development with Montrose Town Centre. The typical approach in such situations has been to require the developer to fund a new service for a three year period, which is deemed a reasonable length of time to assess whether the service is a viable and able to run without financial assistance. A condition to address this matter is proposed below.

8.49 The final issue in relation to transport is the matter of public rights of access in and around the site. As noted in Section 3 above, the site is intersected and skirted by several core paths and National Cycle Route 1. The development would require the re-routing of core paths within the site and this would be a requirement of the development brief to be prepared for the site and is included as a specified matter for further consideration.

## **Other Development Plan considerations**

- 8.50 Policy ER40 in the ALPR relates to land contamination and seeks to restrict development on land that is known or suspected to be contaminated unless it can be satisfactorily demonstrated that such contamination can be successfully remediated. A section of the western extent of the site is forms part of the former Bervie branch line. The site is also a former WW2 airfield where aircraft are likely to have been disposed of along with other unknown military paraphernalia. The issue of unexploded ordinance (UXO) being present on the site has also been highlighted in the submitted supporting information. It is also highly likely that the radioactive contaminated land (RCL) is present to some degree due to the radioactive content of aircraft dials contained in aircraft that may have been disposed of at the site. The presence of RCL and UXO on an adjacent site has recently been confirmed through the remediation of an adjacent site. Environmental Health and SEPA have been consulted in respect of land contamination and have considered the information contained in the ES in this respect. Both consultees are content that at this stage the matter of land contamination (both conventional and RCL) as well as UXO could be addressed through planning conditions and the site development brief.

## **Other Material Considerations**

- 8.51 The matters raised in third party representations are noted. As indicated, it is not proposed to take access or egress from Broomfield Road although signalisation of the North Esk Road/ Broomfield Road junction is proposed. The concerns raised regarding the A90(T)/ A937 junction at Laurencekirk have been considered by Transport Scotland and are addressed by the proposed condition detailed below.
- 8.52 SPP contains a presumption in favour of development that contributes to sustainable development. It states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. It is stated that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations. SPP indicates that where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in the SPP. The same principle should be applied where a development plan is more than five years old. Where a plan is under review, SPP states that it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan.
- 8.53 In this case the adopted local plan is more than 5-years old. It is therefore appropriate to have regard to the SPP and its presumption in favour of development that contributes to sustainable development. The proposal would provide significant economic development opportunities for the area, and the submitted Environmental Statement and consultation responses do not identify any environmental impacts that cannot be suitably addressed by planning conditions. It is identified for employment related development in the Council's Proposed Angus Local Development Plan and the principle of that proposed allocation is not subject of objection. Accordingly, approval of this application is not considered to prejudice the development plan making process. The application represents a departure from the adopted Angus Local Plan Review as it involves the development of land that is safeguarded open space. However, the proposal attracts support from other policies of the development plan framework and the redevelopment of brownfield land within a development boundary for employment uses is broadly consistent with the overall

strategy of the Angus Local Plan Review. Accordingly, the proposal is not considered to represent a significant departure from the development plan. There are no material considerations that justify refusal of the application. Notwithstanding that, if Committee determines to approve the application without conditions requested by statutory consultees, it would be necessary to notify the application to Scottish Ministers.

- 8.54 As indicated above the development of the site would be subject of a suspensive condition relating to the provision of an upgraded intersection at the A90(T) / A937 Laurencekirk south junction. Whilst it was recently announced that funds would be made available by the Scottish Government to facilitate works at this junction, at this stage precise detail of the scheme or of the timing of any works is unknown. As the application is for PPP the typical timescale for the submission of Matters Specified by Conditions is three years with a further two years allowed for commencement of development upon the approval of the final specified matter. Section 59 of the Town and Country Planning (Scotland) Act 1997 (As amended) makes provision for a planning authority to make a direction that standard time limits for commencement of development are not to apply; but that the permission is to lapse on the expiration of a period, whether longer or shorter than 3 years, specified in the direction unless the development to which the permission relates is begun before that expiration. On the basis of the relative uncertainty of the timing of an essential infrastructure improvement that would be out of the control of either the applicant or the planning authority, it is considered appropriate in this case to make a direction that the applicant be allowed a longer time period in which to commence development. It is suggested therefore that a period of 5 years be allowed in which to submit a matters specified application or applications and a further three years in which to commence development upon the approval of the final specified matter.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, 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 recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### **EQUALITIES IMPLICATIONS**

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

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

That the proposal provides for additional employment land on a brownfield site within an identified development boundary. The proposal offers potential for significant economic development benefits in a manner that does not give rise to unacceptable environmental impacts subject to appropriate planning conditions. The principle of the development is consistent with the Council's Proposed Angus Local Development Plan. There are no material considerations that justify refusal.

**Direction under Section 59(5) of the Town and County Planning (Scotland) Act 1997 (as amended):**



The period of 3 years referred to in section 59(2)(a)(i) and (3) is substituted with a period of 5 years and the period of 3 years referred to in section 59(4) is substituted with a period of 3 years.

**Conditions:**

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.
  - (a) the overall layout of the site, including the distribution of uses and the provision of landscaping;
  - (b) all details relating to access, road layout, design and specification, including primary and secondary access from the A92 Road and associated junction improvements;
  - (c) the means of foul and surface water drainage. For the avoidance of doubt all foul drainage from the development shall be directed to the public sewer and no development shall commence until evidence is provided to the planning authority to demonstrate that the public sewer has capacity to accommodate development of the entire site. Surface water shall be directed to a Sustainable Urban Drainage System (SUDS) and full details of SUDS for the entire site along with details of phasing, maintenance and management shall be provided. All water retention/ detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose;
  - (d) the landscaping of the site including:
    - A detailed levels survey of the site and cross sections showing existing and proposed finished ground levels relative to a fixed ordnance datum point;
    - Boundary treatments and planting, including details of the phasing, maintenance and management of all landscaped areas;
    - Cycle and pedestrian linkages including the realignment of core paths and National Cycle Route 1;
  - (e) a scheme for the phasing of the entire development, including for the delivery of infrastructure and provision of open space and pedestrian and cycle linkages, as well as for the delivery of the access requirements identified in condition 3;
  - (f) evidence of a legally binding agreement between the developer and an appropriate bus operating company relating to the provision of a local bus service at the developers expense to serve the development for a period of three years commencing upon the occupation of the first plot within Phase 2 or at such other time as may be approved in the phasing plan required by condition 1(e). The scheme shall include details of the proposed frequency and nature of the bus service along with details of the proposed financial provisions for the funding of the service and a bond or similar arrangement to cover the funding of the service in the event that the developer is unable to fulfil their obligations in this respect all to be agreed in writing with the planning authority in consultation with the local transport authority;
  - (g) a public transport scheme that details provision for suitable bus laybys, bus shelters (with real time display, bus stop pole and raised kerbs) on both sides of the A92 Road adjacent to the site;

Thereafter there shall be no development or use of any plot or plots until the written approval of the authority has been given for the following matters: -

- (h) the layout of that plot and its proposed use, the means of access, drainage, landscaping, design and external appearance of the building(s) and detail of the car parking within that plot curtilage;
- (i) a detailed levels survey of the site and cross sections showing existing and proposed finished ground levels relative to a fixed ordnance datum point;

The measures that are approved shall be implemented in their approved form unless otherwise detailed in conditions attached to this permission or in a subsequent approval of matters specified in conditions.

*Reason: to ensure that the matters referred to are given full consideration and are acceptable to the planning authority having regard to relevant development plan policy.*

2. That any application for approval of matters specified in condition 1 (a) – (e) above shall be accompanied by the following:-
  - a) A Design and Access Statement in accordance with the requirements of Part 3, Regulation 13 (5) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
  - b) A Transport Statement;
  - c) A lighting strategy, in accordance with a method statement that has been approved in writing by the planning authority;
  - d) A comprehensive contaminated land survey and remediation strategy, including Gamma Radiation and Unexploded Ordnance surveys, in accordance with a method statement that has been approved in writing by the planning authority. For the avoidance of doubt the Gamma Radiation Survey investigation shall be completed in accordance with The Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended) and The Radioactive Substances (Basic Safety Standards) (Scotland) Direction 2000. Any wastes arising shall be addressed in accordance with the Radioactive Substances Act 1993 (and the associated exemption orders).
  - e) A Development Brief and Masterplan which shall provide: -
    - a landscaping strategy covering the whole site designed to integrate the site with the existing landscape character and to provide for high quality landscaping along the A92 frontage of the site and the eastern extents of the site and to include a phasing plan for the establishment of site landscaping;
    - an overall design concept for buildings within the site taking account of building orientation, building height, use of materials, and a palate of colours and textures to be used in the construction of buildings including high quality building design on the A92 site frontage;
    - provision of access by pedestrian, cycle and public transport including maintenance of pedestrian and cycle linkages through the site to provide access to the links and dunes and to retain linkage to National Cycle Route 1 and other core paths in and around the site;
    - a detailed strategy for the drainage of foul and surface water;
    - site layout and design to accommodate a range of business uses;
    - site access arrangements from the A92 Road including junction improvement details;
    - an odour mitigation strategy to take account of potential odour impacts from the WWTW to be informed by an odour impact assessment;
    - a development exclusion zone, which shall extend 400 metres from the current dune crest, within which no development other than open storage of materials and associated fencing/hard-standings shall take place unless it is demonstrated that such areas are not at risk from coastal erosion and/or environmentally acceptable measures are provided for the protection of that development from the effects of coastal erosion.

*Reason: To enable the planning authority to fully consider the matters detailed in condition 1, in the interests of visual amenity, road safety, drainage and coastal flood risk, safeguarding amenity of light sensitive properties and landscaping, and given the gateway location of the site.*

3. Vehicular and pedestrian access and public transport facilities relating to the development of the site shall be provided in accordance with the following requirements:-

Prior to the commencement of any other development:

- visibility splays shall be provided at the junction of the proposed main site access with A92 Chareilton Road, giving a minimum sight distance of 120 metres in each direction, at a point 2.4 metres from the nearside channel line of A92 Chareilton Road and within the visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.

- the works required to relocate the existing layby on the east side of A92 Charleton Road shall be completed.
- Geometric layout details for the main site access junction on A92 Charelton Road shall be based on a 'Layout 5 – Ghost Island Turning Lane' type of junction taken from TD 42/95 of the Design Manual for Roads and Bridges. Thereafter, the direct access junctions shall be formed in accordance with the approved details, prior to the opening of any part of the development for use.
- the existing speed limit on A92 Charleton Road shall be altered to a restricted limit as approved, in writing, by the planning authority.
- the unnamed waste water treatment plant service road shall be upgraded to adoptable standard between its junction with the A92 and the point where it enters the application site.

Prior to the occupation of any building or use of any site within the development:

- a footway shall be provided on the east side of A92 Charleton Road over the entire length of the site frontage and extending in a southerly direction to intersect with the nearest existing footway
- a 'toucan' pedestrian crossing facility shall be provided on A92 Charleton Road to the south of the main site access at a location to be approved by the planning authority.
- 'Sheffield' type cycle racks shall be provided within the site curtilage in accordance with Angus Council standards. The racks shall be installed at 1 metre centres, conveniently located for the main public entrance to the building and shall be covered, lit and adequately signed.
- a Travel Plan shall be submitted to and approved in writing by the planning authority. The plan shall have regard to the provision for walking, cycling and public transport access to and within the site and shall identify the measures to be provided for the management, monitoring, reviewing, reporting and duration of the plan.
- car parking spaces shall be provided within the respective plot curtilage in accordance with Angus Council standards.

*Reason: In the interests of traffic safety and free traffic flow and to ensure adequate provision for pedestrians and public transport.*

4. 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 (as amended) in relation to the development, unless agreement has been reached between the developer, the planning authority and the local roads authority on a scheme for the timing and provision of the following:
  - the signalisation of the A92 North Esk Road / Brechin Road / Broomfield Road junction.
  - a two lane approach southbound on the A92 at the A92 Charleton Road /A937 Coronation Avenue signalised junction.

The scheme shall make provision for the payment of an appropriate financial bond by the developer for the above works and the required junction improvements shall thereafter be carried out at the developer's expense within the timescales agreed.

*Reason: In the interests of road safety and free traffic flow and to ensure a satisfactory standard of road construction at appropriate points throughout the development in a manner to enable appropriate access and traffic flow around the site.*

5. Prior to the commencement of any development associated with the planning permission hereby approved, a background noise assessment shall be undertaken and submitted for the further written approval of the planning authority. Thereafter, any development proposals comprising a Class 5 or 6 Use as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any subsequent amendment, revision or re-enactment) shall be accompanied by a noise impact assessment that shall be submitted to and approved in writing by the planning authority prior to any development taking place on any plot. Prior to the submission of any background noise assessment or noise impact assessment as detailed

above, a method statement detailing how this will be carried out shall be submitted to and approved in writing by the Planning Authority. Thereafter the assessment shall be undertaken in accordance with the approved method statement.

*Reason: In order to ensure that noise from the development can be controlled to an acceptable level in the interests of the amenity of occupants of noise sensitive property located close to the development site.*

6. Prior to the commencement of any development comprising of any of the following activities, namely food manufacture, waste management, shot blasting or coating processes, an air quality impact assessment including odour assessment shall be submitted to and approved in writing by the planning authority. Prior to the submission of the aforementioned air quality impact assessment a method statement detailing how this will be carried out shall be submitted to and approved in writing by the planning authority. Thereafter the assessment shall be undertaken in accordance with the approved method statement.

*Reason: In order that any potential amenity impacts associated with food manufacture, waste management, shot blasting or coating processes can be considered and mitigated.*

7. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority in consultation with Aberdeenshire Council Archaeology Service or such other archaeological advisor as may be appointed by the planning authority. The archaeological programme of works will comprise a 7-10% Trial Trenching Evaluation of the proposed development area. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved programme of archaeological works.

*Reason: to safeguard and record the archaeological potential of the area*

8. That the development hereby approved shall be undertaken in accordance with the recommendations contained in Land Use Consultants (Protected Species) Reptile Report of August 2014 and the recommendations and conclusions of Land Use Consultants Initial Ecological Appraisal of April 2014. Should any maintenance work be undertaken on the existing disused railway bridge within the site, it shall be carried out in accordance with the recommendations contained within Land Use Consultants Bat Survey of August 2014 unless it has been demonstrated by a subsequent update report that such recommendations are no longer valid.

*Reason: In the interests of ensuring in as far as is possible that the ecological potential of the site is protected and enhanced by the development.*

9. That notwithstanding the details shown on the submitted drawings the permission hereby approved only provides for the in-principle development of 49.84 hectares of Class 4, 5 and 6 uses on the site indicated as Site M5 in the Proposed Angus Local Development Plan. This permission makes no provision for the use of any specific area of land for any specific use and none of the submitted layouts or other illustrative supporting information is therefore approved as part of this permission.

*Reason: For clarification purposes and for the avoidance of any possible misunderstanding as the overall layout of the site and location of uses will be considered through the submission of a further application or applications for matters specified in conditions.*

10. That no development in connection with the planning permission hereby approved shall be commenced until such time as a scheme to upgrade the existing staggered T-junction of the A90 (T) / A937 Montrose Road (Laurencekirk South Interchange) to a grade separated junction has been completed and is operational.

*Reason: To ensure that the safety and efficiency of the trunk road network in the vicinity of the site is not adversely affected by the proposed development.*

11. That the development shall be undertaken in accordance with the Planning in Permission in Principle for a Business Park (Class 4, 5 & 6) including Office Accommodation, Facilities and Associated Works to Support Offshore Renewable Energy Developments on Land at the Former Montrose Airfield, adjacent to Broomfield Road Montrose Environmental Statement dated June 2014 and the mitigation measures identified therein unless otherwise modified by conditions of this permission.

*Reason: In order to ensure that the development is undertaken in a manner that mitigates adverse impact on the environment.*

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

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Date: 9 February 2016

**Appendix 1 – Location Plan**

**Appendix 2 – Environmental Statement Non-Technical Summary**

**Appendix 3 - Development Plan Policies**