

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 31 OCTOBER 2017**

**PLANNING APPLICATION – LAND AT BALMACHIE ROAD, CARNOUSTIE**

**GRID REF: 355669 : 735192**

**REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

**Abstract:**

This report deals with planning application No 17/00450/FULL for the Erection of 10 Dwellinghouses at Land at Balmachie Road, Carnoustie by Gardyne Homes Stewart Burness. This 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 LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

- 3.1 The applicant seeks planning permission for the erection of 10 dwellinghouses and associated works.
- 3.2 The application site measures approximately 5272sqm in area and is located to the west of Balmachie Road and is bound to the south by Shanwell Road and to the west by David Moyes Road. The application site is located primarily within a residential area with housing to the south and east of the site, sports pitches to the north/west and Carnoustie High School located to the south west. There is a footpath along the west of the site on David Moyes Road. The site slopes from north to south. A location plan is provided at Appendix 1 below.
- 3.3 The proposal involves the erection of 10 dwellinghouses on a triangular site. The plot sizes for the proposed houses vary from between 300sqm to 585sqm. Landscaped areas are proposed in the three corners of the site. Four different house types are proposed which are all two storey properties and consist of a mix of materials including off white render, Denfind stone and cedar cladding on the walls. The roof materials would be slate grey roof tiles. A mix of 1.8metre high walls and timber fencing is proposed within the plots. Foul water would be connected to the public sewer with surface water proposed to be managed via an underground cellular storage system designed to restrict discharge into the existing surface water sewer at Esk Gardens.
- 3.4 The design and layout of the proposal has been revised during the application and neighbours renotified of the proposed amendments.
- 3.5 The application has been subject to neighbour notification and was advertised in the press as required by legislation.

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

- 4.1 Planning application 09/00006/FUL for the 'Erection of Five Dwellinghouses (Re-Application)' was approved by the Development Standards Committee of 10 March 2009 subject to conditions and a planning obligation. The decision was issued on 28 February 2011 following conclusion of the planning obligation.
- 4.2 Planning application 15/01163/FULL 'Application Under Section 42 of the Town and Country Planning (Scotland) Act 1997 (As amended) to Develop Land Without Complying with Condition 1 of Planning Permission Ref: 09/00006/FUL for a Further Three Years' was approved subject to conditions. This allowed a further time period for the implementation of the earlier planning permission.

#### **5. APPLICANT'S CASE**

- 5.1 A Design and Access Statement, a letter from Scottish Water, a Drainage Layout and Drainage Strategy; and Two Archaeological Reports (Scheme of Investigation and Mitigation Proposals) have been submitted in support of the application and these can be summarised as follows:

##### **Design and Access Statement:**

- Highlights the site and the planning history and states that the current proposal will complete the development in the area;
- Believe that there is a demand for 10 modest family homes;
- Following discussion with the Roads department it was agreed that vehicular access to the properties can be taken directly from the perimeter road;
- Each house would have a minimum private garden ground exceeding 100 sq. m;
- Principal elevations form a street frontage;
- Acknowledges slope of the site and that windows have been designed in plots to avoid overlooking;
- Indicates that the site is within close walking distance to the centre of Carnoustie;
- Each site has a minimum of two parking spaces;
- Drainage / SUDS - Surface water from roofs to be conveyed to an underground cellular storage system with trickle outfall to surface water sewer at Esk Gardens. Driveways and paving to be free draining material;
- Scottish water has confirmed capacity for connection of foul and surface water to existing separate systems at Esk Gardens.

##### **Scottish Water Letter:**

Confirmed that there is capacity at the Clatto Water Treatment works and that all surface water is to be managed onsite. If a SUDS outlet is necessary, then connection to the surface water sewer in Esk Gardens could be permitted if attenuated discharge could be limited to 1 l/s. The exact point of connection is to be agreed.

##### **Drainage Plan / Strategy:**

Confirms existing drainage arrangements and confirmed a preliminary site investigation to determine if the site was suitable for soakaways was undertaken. Percolation tests were attempted but were abandoned as water did not drain away. The site is therefore not considered suitable for roof water soakaways;

Describes how proposal is to discharge surface water off site to a Scottish Water surface water sewer located in Esk Gardens;

Foul drainage will be collected and conveyed by drains to individual plot disconnection chambers prior to being conveyed off site by a drain to the existing Scottish Water foul sewer located in Esk Gardens.

##### **Archaeology:**

##### **Written Scheme of Investigation:**

- Confirmed works are designed to determine the nature, form and extent of any archaeological remains within the proposed development area so as to inform the mitigation of any adverse impact. The archaeological works have been structured to meet the requirements of Aberdeenshire Council Archaeological Service;
- Aberdeenshire Council Archaeology Service has proposed an evaluation requirement at a 10% sample level with the potential for further stages of archaeological work.

- The archaeological evaluation aims to provide sufficient information to either evidence an absence of significant archaeology or to define more closely the archaeological response necessary to deal with significant archaeology within the area.

#### **Data Structure Report:**

- This report covered works which have been undertaken (in keeping with the issued brief as modified by the agreed programme of works). These archaeological works are designed to mitigate any adverse impact on the archaeological remains within the development area;
- Confirmed that although there is a lack of any significant activity within the proposed development area compared to that recorded to the west, that there is the potential for archaeological features associated with prehistoric activity;
- The archaeological investigative works consisted of an intrusive evaluation which was designed to assess a 10% sample of the proposed development area;
- Recommends that a Watching Brief be carried out on any future ground breaking within the proposed development area.

5.2 The submitted information can be viewed on the Council's [Public Access](#) website.

## **6. CONSULTATIONS**

- 6.1 **Angus Council Roads (traffic)** – has offered no objections subject to conditions. Highlighted that the roads authority has a soakaway within the site which drains surface water from David Moyes Road and the integrity of the soakaway should be protected. Indicates that nothing other than what is shown on the proposed plans should be planted or constructed for a distance of 3 metres from the footway to maintain road drainage.
- 6.2 **Scottish Water** – there was no response from this consultee at the time of report preparation.
- 6.3 **Community Council** – there was no response from this consultee at the time of report preparation.
- 6.4 **Aberdeenshire Council Archaeology Service** – Has considered the supporting information submitted and has requested a watching brief condition is attached to any planning permission.
- 6.5 **Angus Council Housing** – No objection but requested affordable housing provision be provided in terms of policy TC3 which equates to 25%.
- 6.6 **Angus Council Education** – No objections but highlighted a financial contribution of £4,442 per qualifying unit (excluding affordable housing) would be required as Woodlands Primary School is close to capacity.
- 6.7 **Angus Council Parks and Burial Grounds** – Indicated that a contribution towards open space in Carnoustie could be permissible due to the closeness of Carnoustie House Grounds (Woodlands Park). The landscaped areas at the north, southwest and southeastern corners of the site provide a green environment with important specimen trees and shrub planting. As no usable open space is provided on site a financial contribution over £450 per unit for public park and amenity open space is required.
- 6.8 **Roads (Drainage / Flooding)** – has reviewed the proposed surface water arrangements and notes that the provision of sustainable drainage with the site may not be possible. No objection is offered subject to a condition requiring agreement over the precise works involved in delivering the surface water system.

## **7. REPRESENTATIONS**

- 7.1 Five letters of representation have been submitted objecting to the proposal. 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.
- 7.2 The main points of objection are as follows:
- **Impact on road traffic and pedestrian safety and ability of emergency services to access the site;**

- **Number of dwellings on the site is excessive;**
- **That double yellow lines are required.**

The main points of objection are discussed below in section 8.

## **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 (2) (Approved 2017)
  - Angus Local Development Plan (ALDP) (Adopted 2016)
- 8.3 The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 Policy DS1 in the Angus Local Development Plan (ALDP) states that the focus of development will be on sites allocated or otherwise identified for development within the Angus Local Development Plan. The site is safeguarded for housing in the local development plan under Policy TC1 in order to maintain a 7 year effective land supply. The site benefits from an extant planning permission for 5 dwellings. The principle of housing on the site is acceptable and the key issues are whether the revised layout, design and number of houses on the site would provide an acceptable residential environment without unacceptably impacting on amenity and road safety of existing housing and Carnoustie High School.
- 8.5 Policy TC2 requires all proposals for new residential development to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing. The above policy also notes proposals for new residential development in Development Boundaries will be supported where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area.
- 8.6 In terms of the residential environment to be provided, 10 dwellings are proposed on the site. Plots measure between approximately 300sqm and 585sqm. The proposed plots are comparable with the plot sizes in the surrounding area and each allows for at least 100sqm of private garden ground. The relationship between the proposed dwellings and existing dwellings does not give rise to any significant amenity issues and the distances between the proposed houses and existing residential property are compatible with council guidance. The garden areas to the south are around 18 metres from the first floor windows of property facing south onto Shanwell Road which exceeds the minimum guideline distances from first floor overlooking. Impacts on the built and natural environment would be insignificant. Archaeological information has been submitted in support of the proposal and has been reviewed by the archaeology service who has offered no objection provided a condition requiring a watching brief is attached to any planning permission. The site has no designation for built or natural heritage and I have no reason to consider the proposed development would adversely impact on these matters.
- 8.7 The letters of objection have raised concerns regarding traffic congestion, parking / road safety and pedestrian / cyclist safety taking account of the close proximity of the site to Carnoustie High School. Concern is also raised regarding the ability of emergency services to access the school and it has been suggested that double yellow lines should be provided. The layout would allow for two houses to be accessed from Shanwell Road, four accessed from Balmachie Road and four accessed from David Moyes Road. The plans indicate that a footway would be provided along Balmachie Road and Shanwell Road to improve pedestrian linkages. Each house would have sufficient space for the parking of at least three cars and the Roads Service has offered no objection to the proposal subject to conditions requiring appropriately constructed footway crossings and the protection of existing road drainage infrastructure within the site. The request for the provision of double yellow lines has been shared with the Roads Service but is governed by other legislation. The applicant has indicated that construction traffic would be managed so that vehicles are parked on the site and not on the public road during the construction process. While Shanwell Road is narrow and is a one way street, David Moyes Road is of relatively modern construction and allows

traffic in both directions. The proposed housing would provide parking and access in accordance with the Road Standards and I have no reason to consider that the proposal would adversely impact on road safety or the ability of emergency service vehicles to access the school. The site is also located within walking distance of bus and trains services (Policy DS2).

- 8.8 Turning to impacts on infrastructure, Policy PV15 relates to drainage and states that development proposals within development boundaries will be required to connect to the public drainage network where available and provide sustainable drainage systems for surface water. Foul drainage from the development would connect to the public sewer. Sustainable drainage may not be achievable on site due to ground conditions. Instead, surface water from roofs is proposed to be managed via an underground cellular storage system designed to restrict discharge into the existing surface water sewer at Esk Gardens. The Roads Service has considered the proposal and considers this an acceptable approach in principle subject to the resolution of some technical matters. The proposed surface water solution may require works on land outside of the control of the applicant and on that basis these works should be completed prior to other development taking place. A planning condition is proposed to deal with this matter.
- 8.9 Policy DS5 indicates that developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure. The Developer Contributions and Affordable Housing Supplementary Guidance indicates where such contributions will be sought. Policy PV2 indicates that proposals for 10 or more units or where a site exceeds 0.5HA will be required to provide and / or enhance open space. The site is located within the catchment area of Woodlands Primary School. The Education Service has no objections but confirmed that a financial contribution of £4,442 per qualifying unit (excluding affordable housing) would be required as Woodlands Primary School is close to capacity. Carnoustie High School has capacity to accommodate children from the development. No useable open space is proposed within the development and a financial contribution of £450 per unit for public park and amenity open space has been requested by Parks and Burial Grounds. These financial contributions can be secured through planning condition and subsequent planning obligation (Section 75 Agreement).
- 8.10 The final aspect of TC2 relates to the provision of affordable housing. Policy TC3 and the Developer Contributions and Affordable Housing Supplementary Guidance indicates that 25% of the total number of residential units proposed should be affordable. The Housing Service has indicated that this could be delivered in various forms including a commuted payment. A planning condition and subsequent planning obligation (Section 75 Agreement) is proposed to regulate this matter.
- 8.11 Policy DS3 deals with design quality and place-making. The proposed dwellings each address the public road and provide natural surveillance of the adjacent footway. The housing within the site offers a mix of three to five bedroom detached properties, all providing accommodation on two levels. The two houses on Shanwell Road would be linked by a new stone wall which reflects development on the south side of Shanwell Road. The landscaping area proposed in the north east corner will soften the development on approach from the north and the houses on Balmachie Road would be set back to maintain a wide green verge which reflects what is on the east side of Balmachie Road and reinforces Balmachie Road as a principal route into Carnoustie. The dwellings within the development would have similar design characteristics to many of the house types to the east and those seen elsewhere in Carnoustie. The proposed materials include an off white render and stone / cladding on the walls, with the roof material a slate grey coloured roof tile. The mass, scale and form of the proposed houses would be appropriate for the site and the design solution responds well to the character and pattern of development in the surrounding area. There would be space within each plot to accommodate provision for refuse collection, storage and recycling, there would be sufficient areas within each plot for bin storage.
- 8.12 The principle of housing development on the site has been established through the site allocation in the Angus Local Development Plan and through the earlier grant of planning permission for 5 dwellings. The overall layout and detail of the application is considered to be compatible with the local development plan and there are no issues in increasing the number of houses from 5 to 10. The proposal provides for a distinctive development that would provide a good residential environment whilst maintaining the amenity of occupants of neighbouring property. Developer contributions are necessary to offset the impact of the

development on local infrastructure. The concerns identified in the objections relating to road safety impacts have been considered but there is no reason to consider that the development would result in unacceptable road safety impacts either during construction or following completion of the development. The proposal complies with the relevant provisions of the development plan, subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission.

## **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 conditions:

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

The proposal is for housing on an identified housing site and is compatible with the relevant provisions of the development plan subject to the stated conditions. The proposal would not have an adverse impact on amenity, environment or road safety and would provide an acceptable housing development that is capable of providing a good residential environment. There are no material considerations that justify refusal of planning permission.

### **Conditions:**

1. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will provide that:
  - a. A sum of £4,442 per dwelling unit (subject to review and excluding affordable housing) will be paid to the planning authority for the purpose of the provision of primary school educational facilities;
  - b. A sum of £450 per dwelling unit (subject to review) will be paid to the planning authority as a contribution for the purpose of the provision of off-site open space provision.

*Reason: To ensure that the proposed development does not put undue pressure on the existing education facilities and to ensure provision of a contribution towards open space which is not being provided on site in accordance with council policy.*

2. Prior to the commencement of the development hereby approved, a legally binding scheme for the delivery of affordable housing in accordance with Policy TC3 of the Angus Local Development Plan or any subsequent policy or guidance that replaces it shall be provided. Thereafter the development shall be carried out in accordance with the scheme.

*Reason: To ensure affordable housing is provided in accordance with council policy.*

3. That 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 scheme for the treatment of surface water from the development including evidence of Scottish Water approval to discharge surface water to the public drainage system (if required). Any works required to provide the approved surface water drainage system outwith the site shall be completed prior to the commencement of any other development and all other works shall be completed prior to the occupation of the respective dwellinghouse.
  - b. a hard and soft landscaping scheme for each plot and for any communal areas within the development, including boundary treatments for each plot. The submitted scheme shall include detailed proposals for the future management and maintenance of the communal landscaped areas within the development hereby approved. Thereafter the landscaped areas shall be managed and maintained in accordance with the approved details;
  - c. precise details of existing and proposed ground levels and finished floor levels relative to existing dwellings and a fixed ordnance datum.

*Reason: To ensure adequate drainage provision and in the interests of the amenity of the area.*

4. That, prior to the occupation or use of any dwelling house on David Moyes Road, the footway crossing at its proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

*Reason: To provide a safe and satisfactory access in a timely manner.*

5. That, prior to the occupation or use of any dwelling house, a footway at least 2.0 metres wide shall be provided around the entire perimeter of the site. The footway shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

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

6. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service. The name of the archaeological organization retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

*Reason: To record items of archaeological interest.*

7. Unless otherwise shown on the approved plans, nothing shall be planted or any walls, fences or other boundary treatments erected or hardstanding formed within (i) 3 metres of the rear of the adjacent footway on David Moyes Road and (ii) 6 metres of the rear of the adjacent footway on Balmachie Road unless otherwise approved in writing by the planning authority.

*Reason: To protect the integrity of road surface water drainage infrastructure on David Moyes Road and in order to maintain a green edge along Balmachie Road for plots 1, 8, 9 and 10.*

**STEWART BALL**  
**HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

**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 a material extent in preparing the above report.

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**DATE:**

**Appendix 1 : Location Plan**

**Appendix 2 : Relevant Development Plan Policies**





## **Appendix 2 : Relevant Development Plan Policies**

### **Angus Local Development Plan**

#### **Policy DS1 : Development Boundaries and Priorities**

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

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

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

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

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

#### **Policy DS2: Accessible Development**

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

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

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

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

#### **Policy DS3 : Design Quality and Placemaking**

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

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new

areas of landscaping and open space are incorporated and linked to existing green space wherever possible.

- Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

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

#### **Policy DS4 : Amenity**

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

Angus Council will consider the impacts of development on:

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

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

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

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

#### **Policy DS5: Developer Contributions**

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

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

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

Contributions may be sought for the following:

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

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

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

### **Policy TC1: Housing Land Supply / Release**

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

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

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

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

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

### **Policy TC2 : Residential Development**

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

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

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

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

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or

- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

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

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

### **Policy TC3 : Affordable Housing**

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

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

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

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

- local housing needs (set out in the current Housing Needs and Demand Assessment);
- physical characteristics of the site;
- development viability; and
- availability of public sector funding.

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

### **Policy PV2: Open Space Protection and Provision within Settlements**

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

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

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance.

Other types of development may also need to contribute towards open space provision.

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

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

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

### **Policy PV15 : Drainage Infrastructure**

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

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

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

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

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

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