

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 7 AUGUST 2018

**PLANNING APPLICATION – SITE OF FORMER PRINCESS ALEXANDRA HOUSE
DUNDEE ROAD FORFAR**

GRID REF: 345367 : 749578

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 17/01052/FULM for the erection of a residential development of 100 dwellinghouses and associated infrastructure for Scotia Homes Ltd at Site of Former Princess Alexandra House, Dundee Road, Forfar. 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 full planning permission for the erection of a residential development of 100 dwellinghouses and associated infrastructure on the site of the former Princess Alexandra House, Dundee Road, Forfar. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site which measures around 5.3 hectares is located to the east of Dundee Road some 1.2km south of Forfar town centre. The site comprises vacant land where the Guide Dogs for the Blind Association's former premises were previously located. The land slopes substantially, rising to the east as the site nears Balmashanner Hill. There are areas of mature landscaping located throughout the site, most notably belts of conifers along parts of the northern and southern boundaries of the site and a belt of native trees on the southeast boundary. The application site is bound to the north by dwellings forming part of Glenclova Terrace and Airlie Crescent, to the south by Northampton Road, to the west by Dundee Road and to the east by agricultural land.

3.3 The development is arranged predominantly around a central spine road which runs on an east-west axis and connects to the existing access serving the site from Dundee Road. One cul-de-sac would be located to the north of the spine road with three further cul-de-sacs located to the south of the spine road. The remainder of the proposed houses are arranged around the spine road. A further cul-de-sac consisting of 10 houses would be accessed from a new vehicular access from Northampton Road. The primary open space within the development would be located to the east of the site with a smaller area of open space provided in the central area of the site. The existing landscaping that forms the frontage of the site onto Dundee Road would be retained along with some areas of existing woodland within the site. Further landscape planting and greenspace is proposed throughout the site. Surface water drainage is proposed to be achieved through a Sustainable Urban Drainage System

(SUDS) and an attenuation basin would be located in the northwest corner of the application site. Pathways are shown throughout the site including indication of where these would connect to the existing path networks.

- 3.4 The dwellings consist of one, two, three and four bed properties within a combination of terrace, semi-detached and detached buildings that are a mixture of single and two storeys in height. The affordable housing provision would be located in the northeast of the site. The external materials consist of a dark grey roof tile; white render, dark grey brick base course and dark grey PVC clad walls; dark grey PVC windows and doors and grey PVC rainwater goods. A mixture of boundary enclosures are proposed depending on their location and function; with 1.8m high sections of wall proposed on prominent locations adjacent to the main road and 0.9m, 1.2m and 1.8m high timber fences delineating external property boundaries. Landscaping would also be provided to complement some of the prominent boundary enclosures. A range of car parking solutions are provided throughout the development with parking courts and in-curtilage parking with some dwellings containing integral or detached garages.
- 3.5 The application have been subject of variation to the layout and type of affordable housing units to be provided on site; the configuration of internal roadways in the site; the boundary enclosures associated with the dwellings; the landscaping throughout the site; and the type of open space within the site.
- 3.6 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Outline planning permission (Appn: 06/01149/OUT and Report 1467/06) and Matters Specified in Conditions (Appn: 10/01280/MSCM and Report 412/11) has been granted for a residential development of 120 dwellings on the site. Those permissions have subsequently expired without being implemented.
- 4.2 Planning permission (Appn: 10/00138/FULM and 13/00360/FULL and Reports 493/10 and 417/13) under Section 42 of the Act was granted for an extension to condition 2 of permission 06/01149/OUT to extend the timescale by which an application for matters specified could be submitted by three years. These permissions have since expired without being implemented.
- 4.3 A Proposal of Application Notice (ref: 17/00575/PAN) in respect of a residential development of approximately 120 dwellinghouses, related services and access at the site was considered by Committee at its meeting on 8 August 2017 (Report No. 252/17 refers). Committee noted the key issues identified in that report.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
- Design and Access Statement;
 - Pre-application Consultation Report;
 - Supporting Statement;
 - Transport Statement (Parts 1 and 2);
 - Development Viability Report including Supplementary Information;
 - Preliminary Ecological Report;
 - Phase 1 and 2 Geo-environmental Investigation;
 - Arboricultural Impact Assessment; and
 - Response to Consultations and Public Comments.
- 5.2 The supporting information is available to view on the Council's [Public Access](#) system and is summarised at Appendix 2 below.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has indicated no objection to the application subject to a number of conditions. There are no requirements for public transport services or infrastructure due to frequent bus service and infrastructure on Dundee Road. No objection is offered in relation to flooding and drainage.

- 6.2 **Angus Council – Environmental Health** – has not objected to the proposal in respect of amenity impacts but has recommended conditions in respect of construction noise and vibration. In respect of land contamination, the Service is satisfied that subject to conditions the site does not pose a significant risk of harm to the proposed use from land contamination.
- 6.3 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development. The applicant made an initial request to reduce the affordable contribution from the development to 15% but there was no justification to reduce the contribution. The applicant's scheme proposes the provision of 15 units on site which equates to 15% of the required contribution. The mix of units has been agreed through discussions with the applicant and comprises 4 x 1 bedroom flats; 4 x 2 bedroom flats; 3 x 2 bed houses; 2 x 3 bed houses and 2 x 3 bed bungalows. The remaining 10% is to be provided by commuted sum. The final arrangements for the affordable housing will be subject of further discussions with the applicant.
- 6.4 **Angus Council – Education Service** – has advised a financial contribution towards improvements to secondary school infrastructure in the area would be required in order to accommodate the anticipated number of children from this and other planned development in the area. On this basis the Education Service has indicated that a contribution of £5,253 per dwelling (excluding affordable units) is required to mitigate impacts.
- 6.5 **Angus Council – Parks & Burial Grounds** – has advised the development site is not covered by current public play provision but that a play area should be provided on site or a financial contribution should be provided towards improving provision at Steele Park Playpark. In relation to open space provision the areas provided exceed the minimum requirement for the development but given the sloping nature of the site there may be restrictions on the type of leisure activities that can take place in the spaces.
- 6.6 **Transport Scotland** – offers no objection to the application.
- 6.7 **SEPA** – has offered no objection to the application in respect of flood risk. In relation to surface water drainage, it has indicated the SUDS basin should be designed and constructed in accordance with the current CIRIA C753 manual.
- 6.8 **Scottish Water** – has not objected to the proposal and has advised that there is currently sufficient capacity at the water and waste water treatment works for the proposed development.
- 6.9 **Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

7.1 Twenty seven letters of objection have been received including a petition with 54 signatures. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised as objections and are discussed under Planning Considerations: -: -

- **The layout of the site is not fully integrated;**
- **Adverse amenity impacts on existing residential properties;**
- **Road traffic safety impacts on Northampton Road, Balmashanner Place and Balmashanner Rise;**
- **Road traffic safety impacts on Glenclova Terrace;**
- **Lack of parking provision within the site;**
- **Lack of open space provision within the development;**
- **Adverse impact on habitats and species;**
- **Low water pressure in the area.**

In addition the following matters have been raised: -

- **The approval of this application will result in the possibility of further housing to the south of Balmashanner Rise with an access also via Northampton Rise.**

This site is identified for housing development in the Angus Local Development Plan and must be considered on its own merits having regard to relevant policy and material considerations. Proposals for development on other sites would similarly require to be considered on their own merits having regard to relevant policy and material considerations. There are currently no other planning applications for development in this area.

- **Retention of the existing access road to the rear of 109 Dundee Road and 1 – 11 Northampton Place.**

The submitted drawings indicate that the existing access road associated with 109 Dundee Road and 1 – 11 Northampton Place would be retained and is unaffected by the development proposal.

- **Ownership of the boundary wall that demarks the application site from the properties at Northampton Road.**

This matter is not material to the determination of this planning application as it is a civil matter.

8. PLANNING CONSIDERATIONS

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

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2017)
- Angus Local Development Plan (ALDP) (Adopted 2016)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 3 and have been taken into account in preparing this report.

8.4 In terms of the ALDP, Policy DS1 states amongst other things that the focus of development will be sites allocated or otherwise identified for development within the ALDP, which will be safeguarded for the use set out.

8.5 The site is identified in the ALDP as an existing housing site with a capacity of 120 units. It is safeguarded for housing development under Policies DS1 and TC1. The site has been vacant for a number of years and its redevelopment would make a significant contribution to regeneration and renewal. The use of the site for housing is compatible with the predominantly residential land uses in the area. The number of dwellings proposed does not exceed the site capacity identified in the ALDP. On this basis the principle of a residential development on the site is compatible with development plan policy. Issues regarding the acceptability of the proposed layout are discussed below.

Layout, Design and Amenity

8.6 The site is identified in the ALDP as having capacity for 120 units but it slopes steeply upwards to the east and the landform constrains the pattern of development. The development provides a total of 100 residential units with 90 accessed via a central spine road which connects to Dundee Road. The remaining 10 units would be contained within a cul-de-sac that would be accessed via Northampton Road. Existing hedging that fronts Dundee Road would be retained and existing landscaping on the southern and eastern boundaries of the site would be retained and augmented to provide open space and a landscape framework. A SUDS basin would be formed adjacent to Dundee Road but that would be screened by the hedging. An area of open space would be provided towards the centre of the site. Landscaping and open space matters are discussed in more detail below. The layout provides a hierarchy of streets with the main spine road forming a principal route that would serve a number of short shared surface streets. A new connection would be formed from Northampton Road and that assists in integrating the development with the surrounding area. Pedestrian routes are incorporated and would generally provide for good connectivity throughout the site and linking to existing connections outwith the site. A condition is attached that requires reinstatement of a pedestrian link to the south of Plot 33 that was shown on an earlier iteration of the plans but that has subsequently been deleted

from the current layout. The development would provide for a reasonable mix of house types including 1 bedroom flats, terraced and semi-detached properties and a range of detached houses. The proposed house types have traditional pitched roofs, gable ends and simple rectilinear openings. The main elevations are generally given added interest with projecting gable features. The proposed palette of external materials are fairly typical of modern housing developments and are broadly acceptable. Although grey facing brick course is not a traditional feature of the area it is considered acceptable on this reasonably discrete site where there is a reasonable mix of modern materials in the surrounding area. It will give the development a sense of identity and the important element in the wider townscape is the use of grey roofing material throughout. The proposed development is considered to provide a reasonably distinctive layout and design having regard to the site constraints.

- 8.7 In terms of the residential amenity to be created, the proposed plot sizes and associated private garden areas are broadly typical of those found in modern residential developments. Larger properties tend to have larger plots and larger garden areas. The single bedroom flatted dwellings would have access to at least 50sqm of private garden ground with larger 4-bedroom houses having private garden areas in excess of 100sqm. Overall the private garden area provision is considered appropriate having regard to the proposed open space within the site. The houses are well spaced throughout the development and do not give rise to significant issues in terms of the amenity that would be provided for prospective residents. Car parking is provided in accordance with Council standards and comprises a mixture of in-curtilage and off-street parking bays and courts. The use of fencing to the rear of houses is acceptable in terms of providing privacy in areas that are not readily visible to the public. Where private garden areas abut roadways or footpaths they are generally screened by 1.8m high enclosures however the submitted information proposes fencing on some of the visually prominent boundaries which is not considered to be appropriate. A planning condition is proposed requiring precise details of all boundary enclosures throughout the site in order to ensure that they are appropriate for their function and prominence. The Environmental Health Service has reviewed available information in relation to ground contamination, including historic mapping and aerial photography and is satisfied that the site can be remediated to an acceptable standard, but has advised further intrusive site investigations will be required. In accordance with the consultation response from the Environmental Health Service, conditions are proposed to deal with the remediation of the site. Overall the proposed development is considered to provide a reasonable living environment.
- 8.8 The erection of houses on the site has potential to impact directly on occupants of existing houses at Airlie Crescent and Glenclova Terrace to the north of the site and on residents at Northampton Road to the south. Properties on Dundee Road would be separated by that road carriageway and would be partially screened from the development through the retention of the hedge on the site frontage. The Airlie Crescent properties would sit adjacent to the SUDS basin and a single gable end of a terraced house would face those properties. Direct impacts would be minimal. The existing dwellings at Glenclova Terrace are 2-storey in height and as such upper floor windows provide views over neighbouring private garden areas. Those private garden areas are reasonably extensive. The proposed layout provides for the rear gardens of the new houses to back onto the rear gardens of the existing houses. The separation distances between existing and proposed houses would be in excess of 25m with a mixture of single and 2 storey properties proposed along the boundary. The proposed dwellings would be set at a higher elevation than the houses at Glenclova Terrace but given the separation distances involved any direct impact on the amenity of occupants of existing houses would be minimal. Some garden areas would experience a degree of overshadowing but given the size of the existing garden areas such impact would not be considered unacceptable and would not be untypical within the wider area. The proposed dwellings to the south of the site would be located at least 11m from the rear gardens of the existing dwellings at Northampton Road and would be separated from these properties by a pedestrian footpath and associated landscaping. The proposed dwellings have been orientated so that it is a side elevation that faces the existing properties and there would be a separation distance of around 18m between existing and proposed properties. The proposed layout does not give rise to any unacceptable impacts on the amenity of those that currently live in the vicinity of the site although impacts associated with vehicle movement are discussed below.
- 8.9 The number of units proposed is considered acceptable and is below the site capacity identified in the ALDP. The street pattern responds to the constraints of the site and allows for a development that accommodates a range of house types and sizes capable of serving different housing needs. Given the constraints of the site and the desirability of redeveloping a redundant brownfield site, the overall layout is considered to be acceptable.

Access and Transport

- 8.10 In relation to access and accessibility the applicant has submitted a Transport Statement in support of the planning application. This considers the accessibility of the site for modes of traffic other than the private car and the capacity of the road network to accommodate traffic associated with the development. This document suggests that the site is well located in relation to public transport, with bus services and stops running adjacent to the west boundary of the site. The development proposal incorporates new footpath provision from the site to Dundee Road; Airlie Crescent/Glenclova Terrace (this would also act as an emergency access with de-mountable bollards); Northampton Road and the core path that provides linkages to Balmashanner Hill, Steele Park and Reid Park. The site has reasonable accessibility to local shops and services and the new footpaths would enhance existing provision whilst aiding accessibility for new and existing residents in the area.
- 8.11 In terms of impacts on the nearby road network, the Transport Statement assesses impacts from the development on key junctions and sections of the local road network. The applicant's statement indicates that vehicular traffic from the proposed development can be accommodated without any unacceptable impacts on the local road network. The main vehicular access to the site would be via the existing site access from Dundee Road which would serve 90 of the proposed dwellings. The Roads Service is satisfied that the proposed Dundee Road junction is acceptable and that it can safely accommodate the development traffic. A new junction would be formed on Northampton Road and that would serve 10 dwellings. Northampton Road is an adopted public road that is constructed to the appropriate standard. It is not untypical of other residential streets in urban areas that serve similar or greater numbers of houses. It has a carriageway width of 5.5m which is typical of urban roads; it is reasonably lightly trafficked and there is no record of accidents associated with use of its junction with Dundee Road. The Roads Service has reviewed the submitted information, including the relevant third party objections, and accepts that there is capacity to accommodate this proposed access. The Roads Service has advised that use of Northampton Road by the traffic associated with an additional 10 houses does not give rise to any unacceptable impacts in terms of road traffic or pedestrian safety and is acceptable. Similarly the use of a residential street, in a residential area by traffic associated with 10 new residential properties does not give rise to any significant amenity issues. That level of traffic increase is commonly experienced and accommodated throughout Angus towns. The Roads Service offers no objection to the application subject to a number of planning conditions. These planning conditions will ensure that the scheme will comply with relevant requirements for on-site provision of roads, parking and access. The application has also been subject of consultation with Transport Scotland in relation to potential impacts on the A90(T) and it has raised no objection to the application. The Transport Statement advocates a 'Travel Plan' in order to influence travel behaviour and increase use of sustainable transport and this can be secured by planning condition. The applicant has indicated that construction traffic would access the site directly from Dundee Road.

Natural Heritage, Open Space and Landscaping

- 8.12 The applicant has submitted a Preliminary Ecological Appraisal and an Arboricultural Impact Assessment to assess these impacts. The application site is not subject of any natural heritage designation and no significant impact on biodiversity is anticipated. Whilst the development proposal requires the removal of existing trees within the site it incorporates replacement and additional landscaping. The provision of a SUDS basin also has the potential to enhance biodiversity. Specific details of the proposed landscaping have not been provided in respect of all areas and a condition is proposed that requires provision and approval of that detail. A condition is also proposed for the protection of trees to be retained and for implementation of identified measures to mitigate potential impacts on natural heritage interests.
- 8.13 The proposed landscape design incorporated into the development results in the provision of a number of open and green spaces. Specific areas of open space would be provided at the eastern periphery of the site with a smaller area located at the centre of the site. Existing landscaping along the west boundary of the site onto Dundee Road would be retained along with the area of existing woodland at the south east boundary of the site. Additional landscaping would be undertaken in association with the SUDS basin. Other areas of landscaping and open space would be provided within the overall layout and the proposed level of open space provision is compatible with relevant Council policy requirements. The

open space areas within the site are generally overlooked by neighbouring houses and help contribute to the quality of the environment that would be created. Specific details of the proposed landscaping have not been provided in respect of all areas and a condition is proposed that requires provision and approval of that detail. Following discussions with the Parks Service, the applicant has agreed to make a financial contribution towards the enhancement of Steele Park Playpark to a Burgh play area instead of providing any specific play provision on-site. The level of contribution being sought from the applicant is £28,900 which is commensurate with the level of funding required to secure the enhancement of the Steele Park Playpark. A planning condition is proposed that would require a Section 75 Planning Obligation to secure the contribution.

Flood Risk and Drainage

- 8.14 The applicant advises in the supporting information that it is proposed to connect the houses to public sewerage for foul drainage and to connect to the public water supply. This is appropriate within the development boundary. Scottish Water has not offered any objection to this arrangement. Both SEPA and the Council's Roads Service have indicated that they are satisfied that the site is not at unacceptable flood risk. Surface water drainage is to be dealt with by a Sustainable Urban Drainage System. This system would connect to an attenuation basin that is located in the northwest corner of the site which would then discharge to existing sewers on Dundee Road. The Roads Service has advised that the surface water drainage proposals to serve the housing development are generally acceptable but has indicated that additional information regarding the final design of the drainage arrangements are required before development commences. This matter is addressed by a proposed condition and that condition also seeks to promote opportunity for biodiversity enhancement of the proposed SUDS basin. Overall the proposed drainage arrangements are compatible with relevant policy requirements.

Affordable Housing and Developer Contributions

- 8.15 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 applicant has indicated within the proposed layout plan that a total of 15 houses at the eastern end of the site are indicated as being proposed as on-site affordable housing contribution which equates to 15% of the total number of units. The remaining 10% of the contribution is to be provided by a commuted payment. The Housing Service is content with the affordable housing contribution and has engaged with the applicant to ensure the mix of houses incorporated into the layout meets with the needs of the Housing Market Area. A planning condition is proposed that would require a Section 75 Planning Obligation to secure the provision of the affordable housing and contribution.
- 8.16 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. The application site is located within the catchment area of Strathmore Primary School and Forfar Academy. The Education Service has indicated that there is sufficient capacity at Strathmore Primary School to accommodate children from the development. However, capacity at the secondary school is more limited with the school operating above 80%. Having regard to the potential number of secondary school pupils that would be generated by this and other potential development within the town, it is considered that the existing school will require to be extended in order to accommodate those children. A contribution of £5,253 per dwelling (excluding affordable units) would be required in order to mitigate the impact of the development on education infrastructure. Such contribution would be used to increase school capacity in order to accommodate children that can reasonably be expected from the development. On this basis it is considered that impacts on education infrastructure could be mitigated. This financial contribution would also be secured by a planning condition and subsequent planning obligation. The proposal does not give rise to any unacceptable impacts on infrastructure.

Other Matters

- 8.17 It is also relevant to have regard to the material planning matters that are raised in the letters of objection. Concern has been raised regarding the impact on amenity and road safety associated with the use of Northampton Road as an access point for 10 houses. Northampton

Road is a public road that is constructed to adoptable standard. It currently provides access to a relatively limited number of houses and the Roads Service is satisfied that its use by traffic associated with an additional 10 houses would not have an adverse impact on road safety. Similarly the use of a residential street by a limited volume of additional traffic associated with 10 houses would not give rise to any unacceptable amenity impacts. The proposed layout provides for reasonably good pedestrian connectivity throughout the site and linking to surrounding areas. That part of the footway that has been constructed on the north side of Northampton Road immediately adjacent to the site has been formed without the consent of the Roads Authority. Consent to cross that road verge is a matter for the Roads Authority. The applicant has indicated that construction traffic would access the site by Dundee Road and planning conditions require provision of information to identify construction access and egress routes for relevant phases of the development. Concerns have also been raised regarding a lack of appropriate parking within the development which could lead to additional pressure on Glenclova Terrace but the Roads Service has confirmed that the car parking proposed is in accordance with the required standards.

- 8.18 Third parties have raised concern regarding the impact of the development on the amenity of occupants of existing housing in the area and that matter is discussed above. At the separation distances that would be provided between existing and proposed dwellings any impact on amenity of existing residents would not be untypical of those found in the surrounding area and would not be unacceptable.
- 8.19 The open space provision within the site would meet the Council's requirements and a contribution would be provided towards improvement of play equipment at Steele Park. There is no evidence to suggest that the development would have an unacceptable impact on protected species or their habitats subject to the proposed planning conditions. Scottish Water has offered no objection to the application in terms of its impact on water supply. The remaining matters have been discussed above. There are no issues that give rise to significant conflict with policy or that give rise to unacceptable amenity, environmental or road safety impacts.

Conclusion

- 8.20 This is a brownfield site located within the Forfar development boundary. The site is safeguarded for a housing development of 120 units by the ALDP. The layout and design of the proposed development responds to the constraints of the site and provides a reasonable level of amenity for the new residents with no unacceptable impact on the amenity of occupants of existing nearby residential property. The proposal would increase the number of vehicles on the local road network but the Roads Service is satisfied that the levels indicated can be safely accommodated without adverse impact. Education impacts and other impacts on infrastructure associated with the proposal can be mitigated and no objections have been received from consultees.
- 8.21 The development of the site in the manner proposed is consistent with relevant development plan policy subject to the proposed conditions. Account has been given to the matters raised by third parties and these have been dealt with in the discussion above. However, there are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The 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:

The proposed development will provide new dwellinghouses on a brownfield site within a development boundary in a manner that complies with relevant policies of the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

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) The provision of 25% affordable housing or suitable alternative provision in accordance with Angus Council's Affordable Housing Implementation Guide or any subsequent policy or guidance that replaces it.
- (b) That a financial contribution of £5,253 (index linked) per dwellinghouse (excluding affordable housing and one bedroom units) be provided towards the necessary cost of improving secondary school infrastructure in Forfar.
- (c) That a financial contribution of £28,900 (index linked) be provided towards the necessary cost of enhancing the playpark at Steele Park.

Reason: To ensure the provision of an appropriate contribution towards affordable housing; to ensure that the proposed development does not put undue pressure on existing education and to ensure improvement of open space facilities.

2. That, no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:

- (a) A scheme for the phasing of the development which shall include details of the timing and delivery of housing, provision of drainage infrastructure, road construction, open space, landscaping and the formation of new pedestrian connections. It shall also demonstrate that construction traffic will only enter and leave the site direct from Dundee Road. Thereafter the development shall be carried out in accordance with the approved phasing plan.
- (b) A comprehensive contaminated land investigation report. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. Where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the Planning Authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the Planning Authority. Prior to the occupation of any dwelling within the development the remediation strategy shall be fully implemented and a

validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by Planning Authority.

- (c) Details of surface water disposal arrangements. The submitted information shall include details of appropriate levels of treatment, run-off rates and maintenance arrangements in perpetuity. It shall include measures to improve the biodiversity value of the SUDS basin. Thereafter the approved surface water disposal arrangements shall be implemented in accordance with the approved phasing plan.
- (d) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be carried out in accordance with the approved details.
- (e) A scheme for the management and maintenance of all proposed open space or amenity areas, roads or paths, and infrastructure within the site which is not within the curtilage of a dwelling or adopted by a public authority. Thereafter the open spaces, outdoor communal areas and unadopted infrastructure shall be managed and maintained in accordance with the approved details in perpetuity.
- (f) Details of the location of the construction compounds associated with each phase of the development and the means of construction traffic access and egress from the site. Thereafter the construction compounds shall be formed in accordance with the approved details and access and egress by construction traffic shall be taken in accordance with the approved details.
- (g) Details of the hard surface materials (including roads surfaces, parking areas, driveways, pathways and existing pathways to be upgraded). Thereafter the development will be undertaken in accordance with the approved details.
- (h) Revised boundary enclosure specifications. The submitted information shall make provision for the erection of boundary walling on public interfacing boundaries. Thereafter the approved boundary treatments shall be provided in each plot prior to the occupation of the respective dwellinghouse.
- (i) A landscaping plan for the site. The approved planting shall be provided within each respective phase of the development in accordance with the requirements of the approved phasing plan. Any plants or trees that within a period of 5 years from the completion of development die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species.
- (j) Details of the layout and specification of the open space areas within the development. This shall include precise details of surface materials, existing and proposed landscaping, boundary treatments and ancillary infrastructure (seating, litter bins etc.). Thereafter the open spaces shall be provided in accordance with the approved details and approved phasing plan.
- (k) Plans and particulars of all details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage. This shall include provision of a footpath between the turning-head to the south of Plot 33 and the roadway that takes access from Northampton Road (linking roads 10 and 20). Thereafter the infrastructure shall be formed and constructed in accordance with the approved details and to the standards of Angus Council in accordance with the approved phasing plan.

Reason: In order that the planning authority may control the specified details in the interests of the amenity, environmental quality and road safety of the area, and to ensure the development is undertaken and maintained in accordance with the approved details.

3. That, prior to the occupation or use of the development, 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. A copy of the approved Travel Plan shall be provided to each household on first occupation.

Reason: To encourage multi-modal means of travel.

4. That, the existing hedge fronting Dundee Road shall be retained at a minimum height of 2-metres and no trees shall be felled, topped, lopped or otherwise interfered with other than those detailed in the Arboricultural Impact Assessment, Dundee Road, Forfar for Scotia Homes Ltd, by Enviro Centre dated 18 October 2017 and outlined on Drawing No. 368744-003 Tree Protection Plan by Enviro Centre dated 15 August 2017. That, before development commences protective fencing in accordance with BS 5837: 2012, shall be erected around all trees and hedging to be retained. The protective fencing shall enclose the protected rooting zones as detailed in the Arboricultural Impact Assessment, Dundee Road, Forfar for Scotia Homes Ltd, by Enviro Centre dated 18 October 2017. This fencing should remain in situ until development is completed and there shall be no passage of vehicles; excavations; storage of soil, plant, vehicles or other materials within the protective fencing.

Reason: In order to prevent unnecessary loss of trees on site and in order that the visual amenity and biodiversity of the area is not adversely affected.

5. That, the recommendations proposed at Section 5 of the Preliminary Ecological Appraisal at Dundee Road, Forfar for Scotia Homes Ltd by Enviro Centre dated 6 March 2018 shall be implemented upon commencement of the development hereby approved and shall be adhered to at all times during the development.

Reason: In the interests of protecting nesting birds using the site.

6. Noise associated with the construction of the development including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Table A: Construction Noise Limits Day Time Average Period Noise Limit

Day	Time	Noise Limit
Monday – Friday	0700 – 0800	60 dBA Leq (1hr)
Monday – Friday	0800 – 1800	70 dBA Leq (10hrs)
Monday – Friday	1800 – 1900	60 dBA Leq (1hr)
Saturday	0700 – 0800	60 dBA Leq (1hr)
Saturday	0800 – 1300	70 dBA Leq (5hrs)

Reason: In the interest of the residential amenity of nearby noise sensitive properties.

7. Vibration levels associated with the construction of the development shall not exceed the following limits: -
- (a) 1mms-1 PPV at existing residential or educational properties.
 - (b) 3mms-1 PPV at existing commercial or industrial properties.

The above vibration limits relate to maximum PPV ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

Reason: In the interest of the residential amenity of nearby sensitive properties.

KATE COWEY
SERVICE LEADER - PLANNING & COMMUNITIES

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.

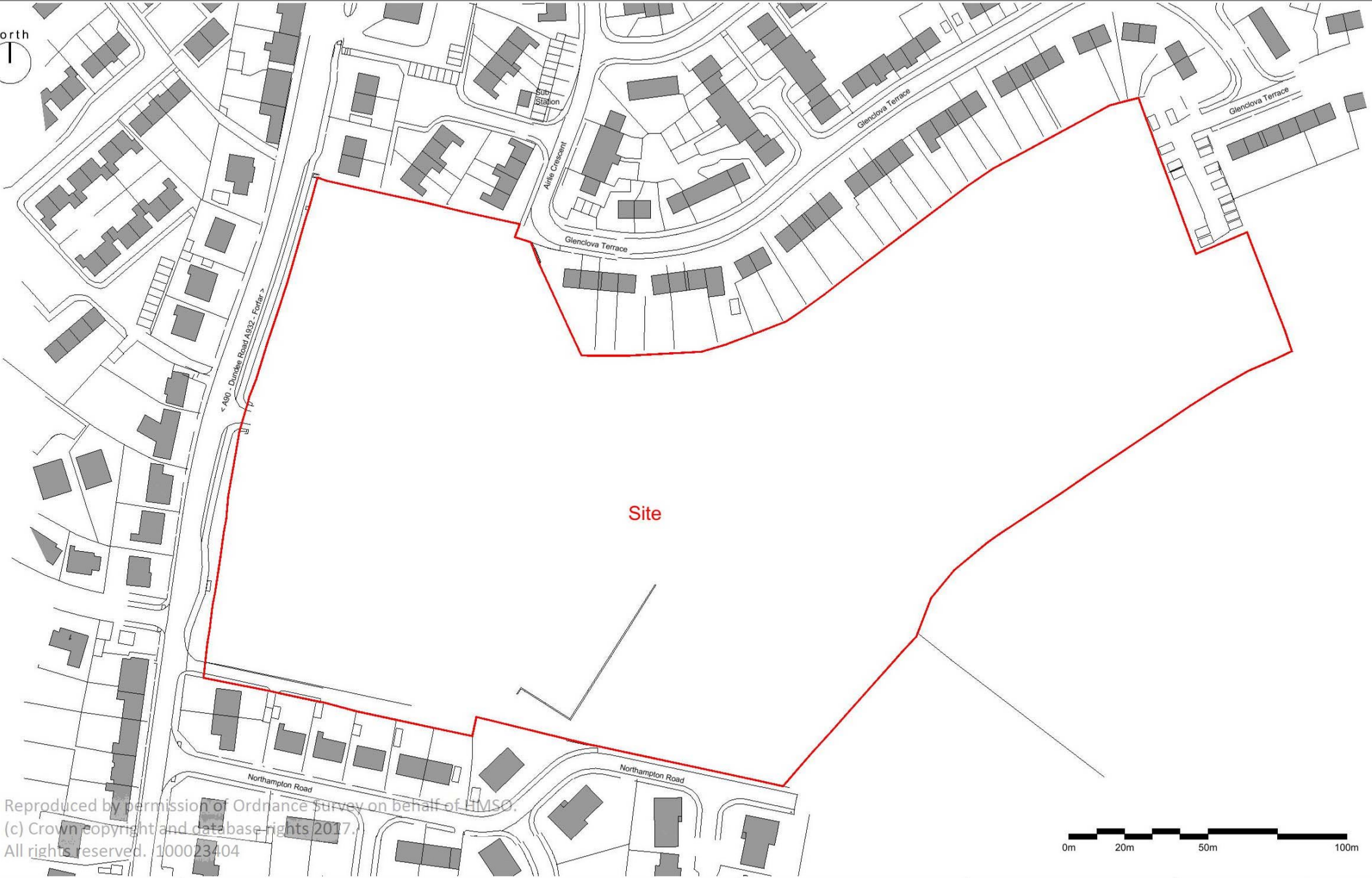
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DATE: 30 July 2018

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES



Site

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Revision	Date	Revision	Date

Project
Residential Development
Dundee Road, Forfar, Angus
for Scotia Homes Ltd.

Drawing Site Location Plan		
Drawn	Checked	Approved

Date	June 2017	Scale	1:1250@A3
Project Nr.	1302	Drawing Nr.	SLP
Revision			

Appendix 2 – Summary of Applicant Supporting Information

Design and Access Statement – this document provides an assessment of the site's context and characteristics that informed the identification of design principles that informed the basis of the design solution. The proposals aim to tie into the existing and adjacent access routes from Dundee Road, Northampton Road and Glenclova Terrace, integrating the development into the existing urban fabric. The proposed development is for 96 houses and 4 flats. The houses are predominantly single storey detached properties, with some 2 storey detached, semi-detached and terraced. The development has various areas which include streets, shared surface areas and closes. Each of these areas will generally have their own identity, but will be tied together by the consistent use of materials, house types and details. The tying together of the different spaces is intended to provide a sense of place to the occupants and visitors to the development. The style of the houses being proposed is an interpretation of a modern Scottish vernacular, with rendered walls and pitched roofs finished in a dark tile or slate. The open space has been designed to recognise the importance of the tree boundary as seen from a distance. The existing tree boundary is proposed to be emphasised and enhanced with additional planting of native woodland tree species. The site access strategy includes separate routes for vehicles and pedestrians / cyclists, offering connections to the existing infrastructure of Forfar. The design of the streets is place-led in accordance with Designing Streets policy and recently published National Roads Development Guide. In specific areas across the development the streets are designed as shared spaces, prioritising pedestrian movement before cars. Parking is provided discreetly off-street to lessen the visual impact. Streets are designed for a range of users including level or shallow graded access between parking and all house entrances. A new footway / cycleway link is proposed to be formed through the site, linking Dundee Road with the walking established walking routes and the Angus Core Path network around Balmashanner Hill.

Pre-application Consultation Report – describes the consultation process undertaken by the applicant prior to submitting the application. This report explains that engagement with potential interested parties which included advertisement of the public events in the press. A public event was held at the Reid Hall on 24 August 2017 which was attended by 48 members of the public. The comments made indicated the proposed access from Northampton Road should be reviewed and assessed for safety; trees along the boundaries should be reduced or removed to benefit the neighbouring properties; the existing access road on the southern boundary, to the rear of properties on Northampton Road has not been included in the proposals; concern over any noise and mess during construction; the construction of the affordable housing in the north-east corner of the site will lead to parking congestion on Glenclova Terrace.

Supporting Statement – this provides the applicant's assessment of the proposal against the provision of the Development Plan and other material considerations. This indicates the redevelopment of the site accords with the Development Plan strategy, which seeks to direct proposals to brownfield sites within the key settlements in Angus. The site has had the benefit of planning permission in principle since 2007, with approval of an application matters specified in conditions being granted in 2011. These applications permitted the erection of 120 units, which is 20 units in excess of the number which is currently being applied for. The scale of the proposed housing carefully respects the characteristics of the surrounding area, with single storey units located on the western portion, adjacent to the bungalows on Dundee Road. Generous public open space and amenity areas are proposed, which are more than double the size stipulated by the Local Development Plan. These green zones are located next to important protected areas to the south east towards Balmashanner Hill. Examination of the planning and marketing history of the site shows that there have been numerous false dawns in its potential redevelopment.

Transport Statement – this document assesses the expected transport impacts of the proposals, along with any mitigation measures that may be required. This statement concludes traffic impact on the surrounding road network is considered negligible due to the low level of expected traffic generation from the proposed development. The PICADY assessment undertaken on the proposed site access T-junction showed this was well within capacity when considering a larger 120-unit housing development. There are regular bus services available within easy walking distance of the site and good pedestrian links are proposed as part of the development site layout to provide a link to these.

Development Viability Report including Supplementary Information – this information was submitted to outline the impact that the delivery of a 25% affordable housing contribution would have on the viability of the development, particularly when taking into account other developer contributions associated with the development.

Preliminary Ecological Report – this document provides an assessment of the ecological features present or potentially present within the site and environs in relation to the proposed housing development. The report concludes no invasive non-native species, or ground water dependant ecosystems, were identified within the site. One tree with a potential bat roost feature was identified on the eastern site boundary however this will be unaffected by the development proposal. There is moderately suitable habitat present within the site and the wider landscape for commuting and foraging bats. Some of this habitat will be lost due to the development but due to the small size of the habitat lost and the compensatory planting which has been incorporated into the design, this suggests continued function of this habitat and as such bat activity surveys are not considered necessary. Bird nesting material was identified in a number of trees around the site. Mitigation is recommended to reduce impacts to biodiversity within the site which includes tree and vegetation removal undertaken outside of the bird breeding season; any new excavations such as trial pits created during the works should not be left open for animals to fall into; temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area; permanent lighting for the development should be designed so that it doesn't illuminate woodland and adjacent habitat and all contractors should be made aware of the potential presence of protected species and if any other evidence of bat, red squirrel or badger is uncovered during development activities, these works must cease immediately and a suitably qualified ecologist must be contacted.

Phase 1 and 2 Geo-environmental Investigation – this report provides factual and interpretive geotechnical and environmental information, together with associated construction proposals and recommendations, in relation to the proposed redevelopment of the site for residential end-use. The recommendations within this report indicates traditional strip or trench fill foundations are likely to provide the most cost effective foundation solution at the site; the site may be suitable for the use of soakaways subject to in-situ testing in accordance with BRE 365 'Soakaway Design'; the soil within the site can be classified as uncontaminated in the context of the proposed development; based on the locally steep topography at the site there may be a requirement locally for retaining walls within the proposed development. Any retaining walls should be designed by a suitably qualified engineer.

Arboricultural Impact Assessment – this report details the assessment of arboricultural features found on site; outlines the impacts to be expected from development of the site; and provides general mitigation, including tree protection, and enhancement measures to be included or considered at the design stage. The assessment indicates three groups of trees would have to be removed to facilitate the development proposal; two groups of trees can be retained as arboricultural features of the site; street trees situated off site but adjacent to the site boundary at Dundee Road should be retained and protected; additional trees and woodland can be introduced as part of a landscape scheme for the development.

Response to Consultations and Public Comments – this reviews the responses from consultees and representations from third parties. Where required further information has been provided to satisfy consultees or the proposal has been amended to address matters that consultees have raised. The vast majority of these objections relate to the vehicular access proposed from Northampton Road, which would serve 10 of the proposed houses. The Roads Service has provided a consultation response which is generally supportive of the proposals and states that the 17.5% increase in related traffic movements at Northampton Road would not give rise to any road capacity issues, and that there have been no reported accidents on Northampton Road within the last 5 years. We therefore consider that this technical response from the Roads department addresses the comments raised and we will not be providing any further response to those specific public comments.

Appendix 3 – Development Plan Policies

TAYplan Strategic Development Plan

Policy 2: Shaping better quality places

To deliver better quality development and places which respond to climate change, Local Development Plans, design frameworks masterplans/briefs and development proposals should be:

A. Place-led to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets*, natural processes, the multiple roles of infrastructure and networks, and local design context.

B. Active and healthy by design by ensuring that:

- i. the principles of lifetime communities (p. 17) are designed-in;
- ii. new development is integrated with existing community infrastructure and provides new community infrastructure/facilities where appropriate;
- iii. collaborative working with other delivery bodies concentrates and co-locates new buildings, facilities and infrastructure; and,
- iv. transport and land use are integrated to:
 - a. reduce the need to travel and improve accessibility by foot, cycle and public transport and related facilities;
 - b. make the best use of existing infrastructure to achieve an active travel environment combining different land uses with green space; and,
 - c. support land use and transport integration by transport assessments/ appraisals and travel plans where appropriate, including necessary on and off-site infrastructure.

C. Resilient and future-ready by ensuring that adaptability and resilience to a changing climate are built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels;
- ii. assessing the probability of risk from all sources of flooding;
- iii. the implementation of mitigation and management measures, where appropriate, to reduce flood risk; such as those envisaged by Scottish Planning Policy, Flood Risk Management Strategies and Local Flood Risk Management Plans when published;
- iv. managing and enhancing the water systems within a development site to reduce surface water runoff including through use of sustainable drainage systems and storage;
- v. protecting and utilising the natural water and carbon storage capacity of soils, such as peat lands, and woodland/other vegetation;
- vi. Identifying, retaining and enhancing existing green networks and providing additional networks of green infrastructure (including planting in advance of development), whilst making the best use of their multiple roles; and,
- vii. design-in and utilise natural and manmade ventilation and shading, green spaces/networks, and green roofs and walls.

D. Efficient resource consumption by ensuring that:

- i. waste management solutions are incorporated into development;
- ii. high resource efficiency is incorporated within development through:
 - a. the orientation and design of buildings and the choice of materials to support passive standards; and,
 - b. the use of or designing in the capability for low/zero carbon heat and power generating technologies and storage to reduce carbon emissions and energy consumption; and,
 - c. the connection to heat networks or designing-in of heat network capability.

**Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic battlefields, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).*

Policy 4: Homes

Local Development Plans shall:

A. plan for the average annual housing supply targets* and housing land requirements illustrated in Map 4 to assist in the delivery of the 20 year housing supply target of 38,620 homes between 2016 and 2036. For the first 12 years up to year 2028 the total housing supply target is of 23,172 homes across TAYplan. In the period 2028 to 2036 a housing supply target in the order of 15,448 homes may be required, subject to future plan reviews. To achieve this Local Development Plans will identify sufficient land within each Housing Market Area to meet the housing land requirement.

B. identify land which is effective or expected to become effective to meet the housing land requirement in Map 4 for each housing market area up to year 10 from the predicted date of adoption. In so doing they will ensure a minimum of 5 years effective land supply at all times.

C. ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. For the whole of the TAYplan area this will be an approximate ratio of 25% affordable to 75% market homes but may vary between housing market areas and Local Authorities.

D. have the flexibility, in serious cases of appropriately evidenced environmental or infrastructure capacity constraints that cannot be practically and cost-effectively overcome, and where no suitable alternative sites exist that are compliant with the spatial strategy of this plan, to provide for up to 10% (15% for Highland Perthshire) of the housing land requirement for one market area to be shared between one or more neighbouring housing market areas within the same authority, whilst taking account of meeting needs in that housing market area.

E. for Dundee City only, have the flexibility to plan for housing numbers in excess of the housing land requirement set out in Map 4.

F. ensure there is a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this Plan.

Footnote

**Average build rates are illustrated annually to assist the understanding of what the scale of housing is for communities. These are only averages and the period in which these build rates should be achieved is over the first 12 years of the Plan, not annually. It is anticipated that within the first 12 year period build rates will be lower than the average in the early period and greater in the later period. These figures include Strategic Development Areas and affordable housing. They have been informed by the TAYplan-wide Joint Housing Need and Demand Assessment (2013) and work set out in Topic Paper 2: Growth (2015).*

Policy 6: Developer Contributions

To ensure suitable infrastructure is in place to facilitate new development, local development plans should set out a policy framework for seeking developer contributions to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This framework should specify the items for which, and the circumstances where, contributions will be sought. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), green infrastructure, mitigating flood risk, surface water drainage and other community facilities. Timeously produced supplementary guidance should set out detailed matters such as the level of contributions and methodologies for their calculation. All policies should be in accordance with the Scottish Government *Circular 3/2012: Planning Obligations and Good Neighbour Agreements*.

Policy 8: Green Networks

A. Strategies, Policies, Plans and Programmes shall protect and enhance green and blue networks by ensuring that:

- i.** development does not lead to the fragmentation of existing green networks;
- ii.** development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,

iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan.

B. Local Development Plans should identify existing key networks of green infrastructure and opportunities to enhance them to maximise the benefits they provide. Improvements should include:

- i. better recreational access opportunities and active travel routes;
- ii. improvements to habitat networks and green spaces;
- iii. more widespread use of green infrastructure for water management; and,
- iv. an overall enhancement to quality of the place.

C. In identifying opportunities to enhance green networks, Local Development Plans should focus on the following key elements of the TAYplan Green Network:

i. Strategic Development Area Green Networks

Strategic Development Areas (Policy 3) shall provide new, networked green spaces. These should be integrated with green networks in adjacent urban areas and the countryside*.

ii. Dundee and Perth Core Areas

Opportunities to use green infrastructure enhancements to improve health and access should be identified in the Core Areas including opportunities shown on Map 8.

iii. Strategic Active Travel Links

Local Development Plans and other plans and programmes should identify opportunities to improve active travel links in line with priorities identified on Map 8, and connecting with existing routes including the National Cycle Network.

*Forfar Agricultural Service Centre is not a site specific strategic development area and so has been excluded. For other Strategic Development Areas e.g. Montrose Port and Orchardbank networks have been implemented.

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.

Policy TC3: Affordable Housing

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

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

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

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

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

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

Policy PV1: Green Networks and Green Infrastructure

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

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

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

Policy PV2: Open Space Protection and Provision within Settlements

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

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

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

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

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

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

Policy PV3: Access and Informal Recreation

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

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

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

Policy PV5: Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV7: Woodland, Trees and Hedges

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

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

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

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

Policy 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.

Policy PV18: Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.