

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 27 OCTOBER 2020

PLANNING APPLICATION – LAND SOUTH OF ROSEHILL RESOURCE CENTRE
FORTIES ROAD, FORTIES INDUSTRIAL ESTATE, MONTROSE

GRID REF: 371697:759831

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No [19/00943/FULL](#) for the erection of 10 affordable housing units including landscaping, drainage, roads and parking at land adjacent to Land South of Rosehill Resource Centre Forties Road Forties Industrial Estate Montrose. 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 Full planning permission is sought for the erection of 10 affordable housing units including landscaping, drainage, roads and parking on land to the south of Rosehill Resource Centre, Coronation Avenue, Montrose. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to approximately 4787sqm and comprises part of the Rosehill Resource Centre grounds and an area of road verge. The site consists of a triangular shaped area of land to the south of the Centre that is currently set out with grass and an area of trees. An existing pathway forms the eastern boundary of the site (with housing beyond) while the southern and western boundaries are formed by Coronation Avenue.
- 3.3 The application seeks planning permission for the for the erection of 10 affordable housing units including landscaping, drainage, roads and parking. The proposed houses would be arranged in three, two-storey blocks. One block would comprise a terrace of six, one-bedroom, flatted dwellings each served by its own entrance door. The second block would comprise a pair of semi-detached, two-bedroom houses, while the final block would comprise a pair of semi-detached, three-bedroom houses. Each property would have access to an area of amenity space and parking of 16 cars

is identified within the site. Areas of amenity open space would be provided within the site, including a landscaped area between the proposed houses and the western site boundary. Seating areas are proposed adjacent to the existing footpath/cycleway on the eastern boundary. The proposed buildings would be finished with cement tile roofs and rendered walls with feature clad sections.

- 3.4 The development would be served by a new access road created from Coronation Avenue located to the west of the site. The proposed dwellings would require new connections to the public water supply and foul drainage network. It is indicated that the proposal would make provision for sustainable drainage systems (SUDS) for the disposal of surface water.
- 3.5 The application has been varied to amend the layout of the access road serving the residential units, their finished floor levels and boundary treatments. The landscaping proposed was amended to accommodate the proposed layout changes and to respond to concerns raised by a third party.
- 3.6 This application requires to be determined by the Development Standards Committee because it has been submitted by Angus Council and is recommended for approval where it has attracted objection.

4. RELEVANT PLANNING HISTORY

There is no planning history relevant to determination of this application. However, committee should note that the land associated with Rosehill Resource Centre subject of this application was declared surplus to Angus Council's requirements by the Corporate Services Committee on 28 November 2013 ([Report No. 659/13](#)). It was subsequently agreed at a meeting of the Communities Committee on 3 March 2015 that the land would be appropriated to the Housing Revenue account for the provision of affordable housing ([Report 98/15](#)).

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
 - Noise Impact Assessment (NIA);
 - Ground Investigation Report;
 - Scope of Works – Civil & Structural Engineering design.
- 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 not objected to the proposal subject to a condition relating to the timing of the provision of the access and road layout design.
- 6.2 **Scottish Water** – has offered no objection to the proposal.
- 6.3 **Community Council** - There was no response from this consultee.
- 6.4 **Angus Council – Environmental Health** - No objection subject to a condition mitigating noise from plant and equipment at the Rosehill Resource Centre.
- 6.5 **Angus Council – Parks and Burial Grounds** - No comment.

7. REPRESENTATIONS

- 7.1 One letter of representation has been received in objection to the proposal. The letter

is provided at Appendix 3 and a copy is available to view on the council's [Public Access](#) website.

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

- Overlooking and loss of privacy;
- Location of seating areas and potential for anti-social behaviour.

These matters are discussed in the Planning Considerations section of this report.

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 As the application is not of strategic significance the policies of TAYplan are not referred to in this report and the policies of the ALDP form the main basis for the consideration of the proposal. The relevant policies of the ALDP are reproduced at Appendix 4.

8.4 The application site relates to an area of ground located within the Montrose Development Boundary as defined by the ALDP. Policy DS1 in the ALDP states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

8.5 Policy TC2 deals with residential development and supports proposals within development boundaries where the site is not protected for another use and it is consistent with the character and pattern of development in the surrounding area. Policy TC2 also requires new residential development to be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

8.6 The application site is not allocated for development in the ALDP, but the Resource Centre is an important community facility and Policy TC8 seeks to safeguard existing community facilities. In this case the proposal would not result in the loss of the Resource Centre. An area of grassland associated with the Centre would be developed but it has been declared surplus to requirements and is not required for the operation of the facility. There is therefore no conflict with the policy.

8.7 There are a mix of uses in the wider area, but the proposed residential use is broadly compatible with existing uses in the area. There is plant and machinery associated with the Resource Centre that gives rise to noise and information submitted with the application indicates that mitigation would be required to ensure that noise levels within the proposed dwellings would meet acceptable levels. The Environmental Health Service has reviewed the submitted Noise Impact Assessment and is satisfied that appropriate noise mitigation could be provided to ensure suitable protection for future occupants of the dwellings. This matter can be addressed by a planning condition.

- 8.8 The proposed layout would provide garden areas, bin storage and parking provision for each of the residential units in accordance with council standards. The layout would ensure that occupants of the proposed houses would enjoy reasonable privacy and an acceptable living environment would be created. The development of the site would have some impact on occupants of neighbouring property and development plan policy seeks to ensure that such impacts are within acceptable tolerances. Guidance on matters such as window to window distances and overlooking from upper floor windows is provided in the council's Advice Note 14. The proposal complies with relevant separation distances between existing and proposed buildings and with guidance on separation distances between upper floor windows and boundaries of neighbouring property. The relationship between existing and proposed properties would not be untypical of those commonly found in urban areas. The development would provide an acceptable residential environment for residents and would not result in unacceptable impacts on the amenity of occupants of existing property.
- 8.9 The built environment in the vicinity of the site is of mixed quality with a wide range of building types. However, two-storey, detached, semi-detached and terraced buildings are common, and a significant feature is a wide verge between Coronation Avenue and built development. The proposal would reflect the general character and pattern of development in the area surrounding the site and does not give rise to significant issues in terms of the council's Design & Placemaking Supplementary Guidance. Importantly the proposal would retain a significant area of open space between the development and Coronation Avenue and that would be landscaped to improve the amenity of the wider area. That open space provision is compatible with relevant policy requirements. The external materials proposed are generally appropriate, but a planning condition is proposed requiring further approval of the precise details. Boundary treatments would be a mix of feature walls, timber fencing and a combination of hedging and fencing. The proposal does not affect any built heritage interests and it is acceptable in the context of the character and pattern of development in the surrounding area.
- 8.10 The site is not subject of any natural heritage designation. The land is currently laid out in grass and accommodates several trees. Those trees are not of significant nature conservation, heritage, amenity, townscape or landscape value and are to be removed to allow for site works and provision of more appropriate replacement planting. While significant replacement planting is proposed, limited detail has been provided and a condition is proposed requiring that information. The open space areas within the site would be fairly generous in size for a development of this scale and would be landscaped to improve biodiversity and amenity. A number of seating areas are proposed within the open space areas and adjacent to the existing footpath/cycleway. The proposal would not result in any unacceptable impacts on the natural environment subject to the proposed conditions, including a condition that requires appropriate management and maintenance of communal areas and landscaping.
- 8.11 The Roads Service has confirmed that the access and parking arrangements are acceptable subject to condition. The proposed dwellings would connect to the public water supply and foul drainage system and Scottish Water has offered no objection. Surface water would be directed to a sustainable urban drainage system. The general drainage arrangements are acceptable within an urban area and the detail would be regulated through the Scottish Water and building warrant approval processes. The proposal is for affordable housing and does not give rise to any requirement for developer contributions in terms of the council's Supplementary Guidance on Developer Contributions and Affordable Housing. A planning condition is proposed to ensure that the properties are provided and maintained as affordable housing.
- 8.12 The proposal does not give rise to any other significant issues in terms of

development plan policy and it is of a scale and nature appropriate for the location. The application complies with the development plan.

- 8.13 In terms of material considerations one letter of representation has been received. The concerns raised by the third party have been considered in assessing the application. The separation distances between windows and boundaries complies with the recommended guidance and the impacts on the amenity of existing residential property are not considered to be unacceptable or untypical of those found in the area. The proposed seating areas adjacent to the existing footpath have been amended and the proposal would provide some natural surveillance of that route. The matters raised do not render the proposal unacceptable.
- 8.14 The proposal provides for the erection of 10 affordable housing units on an area of land within a defined development boundary in a manner that complies with relevant policies of the development plan. The matters raised in objection have been considered in the preparation of this report and, where appropriate, are addressed by amendments to the proposal. The proposal is compatible with the relevant provisions of the development plan and 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:

Reason(s) for Approval:

The application complies with the relevant policies of the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Prior to the commencement of development the following shall be submitted to and approved in writing by the Planning Authority:-
 - (a) Precise details of the acoustic barrier detailed at section 7.13 of the CSP

Acoustic Noise Impact Assessment, Coronation Avenue, Montrose (Ref: 1559 001 MR V2) dated 29 September 2020. Thereafter no residential unit hereby approved shall be occupied until evidence is submitted to and approved by the Planning Authority that demonstrates the barrier has been constructed in accordance with the approved detail, and that compliance testing has been undertaken to confirm that measured noise levels comply with the noise limits identified at section 3.12 and the resultant noise levels identified in section 7.10 of the Noise Impact Assessment;

- (b) Precise details of all external materials proposed. Thereafter, only the approved external finishes shall be applied to the residential units hereby approved.
- (c) Precise details of the proposed hard and soft landscaping. The details shall include a hard and soft landscaping scheme for all communal areas within the development, including boundary treatments for each unit. The soft landscaping scheme shall include written specifications (including cultivation and other operations associated with plant establishment); schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. Thereafter the landscaping of any communal areas shall be implemented prior to the occupation of the first residential unit. Any plants or trees which within a period of five years from the end of the planting season in which they are planted die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;
- (d) A scheme for the management and maintenance of all open spaces, outdoor communal areas and landscaping, and unadopted infrastructure. That scheme shall provide for the maintenance of those areas in perpetuity and the approved scheme shall be implemented upon occupation of the first residential unit within the development.

Reason: In order to ensure provision of appropriate noise mitigation the interests of the residential amenities of the occupiers of the proposed development; to ensure that the appearance of the residential units is compatible with the wider area; to ensure provision of appropriate landscaping; and to secure future maintenance of unadopted areas and infrastructure.

2. No more than nine of the residential units hereby approved shall be occupied until all details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage have been completed in accordance with Angus Council roads standards.

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

3. The development of residential units hereby approved is to comprise solely of affordable housing, that is to say housing of a reasonable quality that will be affordable to people on modest incomes. The residential units shall be owned, managed, leased or otherwise provided in perpetuity as such by Angus Council or by a registered social landlord or other body having similar objectives, as approved of in writing by the Planning Authority.

Reason: In order to ensure that the development is built and occupied as affordable housing as that is the basis upon which the application has been assessed.

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: 09 OCTOBER 2020

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTER OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

APPENDIX 5: COMMITTEE PRESENTATION