

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 9 FEBRUARY 2021

PLANNING APPLICATION – FIELD 250M SOUTH OF PITSKELLY FARM
PITSKELLY CARNOUSTIE

GRID REF: 354205 : 735327

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with application No [19/00927/MSC](#) which seeks approval of matters specified in conditions 1 (a), 1(b), 1(c)(in part) and 2 of planning permission in principle 14/00573/PPPM. The application provides for a residential development of 249 units, roadways, landscaping, drainage and open space and an industrial estate comprising Class 4 (business), Class 5 (general industry) and Class 6 (storage or distribution) uses for D J Laing Homes Ltd and Persimmon Homes on land at Pitskelly Farm, Pitskelly, Carnoustie. 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 Planning permission in principle (Application Ref: [14/00573/PPPM](#) and Report Nos. [507/14](#), [511/14](#) and [434/16](#) refer) was granted on 19 December 2016 for a housing development including landscaping and associated works and an industrial estate comprising uses within Use Class 4 (business), Use Class 5 (general industry) and Use Class 6 (storage or distribution) including landscaping and associated works on land at Pitskelly Farm, Pitskelly, Carnoustie. A copy of the conditions attached to the permission is provided at Appendix 1.

3.2 The planning permission in principle requires the submission of further applications for the approval of specified matters in condition 1 along with information to assist in the determination of those matters as detailed in condition 2. This application seeks approval of the matters detailed in condition 1(a), 1(b) and 1(c)(in part) and the supporting information required by condition 2. It provides for a residential development comprising 249 units, roadways, landscaping, drainage and open space. It also provides for an employment development, including the erection of two terraces of buildings, roadways, and associated landscaping and drainage. A plan showing the location of the site and the proposed layout is provided at Appendix 2.

- 3.3 The development provides for an employment zone in the northern part of the site and a housing zone located in the southern area of the site. An existing farm track that serves Pitskelly Farm separates the two zones. Four new junctions would be formed on the Upper Victoria Link Road with two serving the housing zone and two serving the employment zone. Landscaping is proposed adjacent to the boundaries of the site with significant landscaping proposed adjacent to the west boundary. Further landscaping is also incorporated throughout the development. Foul drainage would connect to the public sewer. Surface water drainage is proposed to be achieved through sustainable urban drainage systems (SUDS) with detention basins located at the southwest corners of the housing and employment zones. Public transport infrastructure including bus shelters and bus stop poles are provided in the housing zone with a bus turning head is incorporated into the road layout.
- 3.4 The general layout of the residential zone is shown in Appendix 2. Buildings within the housing zone are typically designed to front the public roads and public spaces within the development. The proposal includes single and 2-storey terraced, semi-detached and detached buildings providing one, two, three, and four-bedroom properties. Affordable housing would be provided within the site. Several open spaces and landscaped areas are provided within the layout and those would be connected to existing landscape features in the wider area. The development would provide linkages to the existing path networks in the area. A range of parking solutions are proposed including parking courts and in-curtilage parking with some dwellings containing integral or detached garages.
- 3.5 The general layout of the employment zone is also shown in Appendix 2. It provides for an area of employment land with perimeter planting on all boundaries. It identifies access arrangements and provides for a range of plot sizes capable of accommodating uses within classes 4, 5 and 6 of the Use Classes Order. Planting and a standoff area would be provided between this zone and the Pitskelly Farm track to the south. The application provides details of two single storey terraced buildings each containing eight units. These would be 6.4m in height and located within a central area of the site. Other buildings and detailed site layout matters would be subject of future applications.
- 3.6 The application has been subject of variation to the layout and external appearance of housing to be provided on site; the layout of the parking associated within the housing zone; the configuration of internal roadways in the housing zone; the design of the boundary enclosures at visually prominent locations within the housing zone; the inclusion of front boundary enclosures; the landscaping throughout the whole site; offsite landscaping; the surface water drainage arrangements within the housing zone; the pedestrian connections through the housing zone; public transport infrastructure and the phasing of the development.
- 3.7 The application has been subject of neighbour notification and was advertised in the local press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission in principle was granted on 19 December 2016 for a housing development and an industrial estate with associated works (Appn: [14/00573/PPPM](#) and Report Nos. [507/14](#), [511/14](#) and [434/16](#) refer). That permission remains extant and this application seeks approval of the relevant matters specified in conditions.
- 4.2 Planning application [20/00357/FULL](#) which provides for the installation of drainage infrastructure and associated engineering works to assist with the provision of the housing and employment developments was approved in August 2020.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted the following documents in relation to matters specified

in condition 1 of the planning permission in principle: -

- Public Transport Legal Agreement (condition 1(a)(iii));
- Housing Zone Landscape Management and Maintenance Schedule (condition 1(b)(vii));
- Employment Zone Landscape Management and Maintenance Schedule (condition 1(c)(iii));
- Landscape Factor Letter of Agreement (conditions 1(b)(vii) and 1(c)(iii)); and
- Section 75 Planning Obligation (condition 1(b)(viii)).

5.2 The applicant has submitted the following documents as required by condition 2 of the planning permission in principle: -

- A Design Statement incorporating a Masterplan and Design and Access Statement (condition 2(a));
- Transport Assessment (condition 2(b));
- Travel Plan (condition 2(c)).
- Drainage Impact Assessment (condition 2(d)); and
- Flood Risk Assessment (condition 2(e)).

5.3 The following documents have also been submitted in support of the application: -

- Residential Economic Supporting Statement;
- Landscape Design Statement;
- Noise Impact Assessment;
- Phase 1 Habitat Survey;
- Bat Survey and Bat Protection Plan;
- Phase II Tree Survey including Ground Level Tree Survey/Visual Assessment;
- Archaeological Written Scheme of Investigation Addendum;
- Archaeological Works: Data Structure Report;
- Transport Diagram;
- Pedestrian and Cycle Route Diagram;
- External Materials and Hard Surface Finishes Schedule;
- Housing Finished Floor Levels Schedule; and
- Housing Garden and Car Parking Schedule.

5.4 The documents submitted in support of the application are available to view on the [Public Access](#) system and are summarised at Appendix 3.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – has reviewed the submitted information and offered no objection to the application. No objection is offered in relation to flooding, drainage or public transport matters.

6.2 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development which equates to 62.5 units. The applicant's scheme proposes the provision of 63 units on site with the mix of affordable units agreed to comprise 24 x 1-bedroom flats; 19 x 2 bed houses; 12 x 3 bed houses and 8 x 2 bed wheelchair accessible bungalows.

6.3 **Angus Council – Environmental Health Service** – has reviewed the submitted noise impact assessment and is satisfied that satisfactory levels of amenity would be afforded to all of the proposed houses within the development subject to a planning condition regarding the specification of glazing. In relation to potential impacts arising from the industrial zone on the housing zone a condition is recommended requiring a noise impact assessment be undertaken prior to the development of those plots closest to the residential zone to ensure compliance with condition 5 of the planning permission in principle. [*The development of further plots within the employment zone*

will require the submission of further applications and the information required in association with such applications can be determined at that stage. The proposed condition is not necessary.]

- 6.4 **Angus Council – Landscape Services** – has reviewed the submitted information and has advised that the open space provided exceeds the minimum requirement for the development and that a variety of useable and connected open spaces have been provided. The proposed planting incorporates a range of species that are appropriate to the development and the open space maintenance arrangements are also satisfactory.
- 6.5 **Angus Council – Economic Development** – has advised that the proposed development has the potential to attract investment into the south of Angus and to be of benefit to the Angus economy. There is a particular demand for small to medium sized industrial units and the proposal can contribute to meeting this demand.
- 6.6 **Aberdeenshire Council Archaeological Service** – has offered no comments on the proposal. The historic environment mitigation requirements are subject of a standalone condition on application 14/00573/PPPM which the applicant is in the process of discharging.
- 6.7 **Scottish Environment Protection Agency (SEPA)** – has offered no objection.
- 6.8 **Historic Environment Scotland (HES)** – has offered no comments on the proposal.
- 6.9 **Scottish Water** – has offered no objection to the proposal and has advised that there is currently sufficient capacity within the water and wastewater treatment works to supply the proposed development. There is also sufficient capacity within the local water network.
- 6.10 **Dundee City Council** – has offered no comments on the proposal.
- 6.11 **Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

- 7.1 Five letters of objection have been received. The letters of representation are provided at Appendix 4 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections to the application: -
- **The scale of the development is too large for the area and will change the nature of Barry village;**
 - **Loss of prime quality agricultural land; and**
 - **Adverse impacts on existing infrastructure;**

The site is allocated for a residential and employment development in the Angus Local Development Plan and has planning permission in principle for such uses. The principle of this development at this location has been established and this application relates solely to approval of the matters specified in conditions attached to the planning permission in principle. It is not an opportunity to reconsider the acceptability of the principle of the development.

- 7.3 The following matters have been raised and are discussed under the Planning Considerations section of this report: -
- **Road traffic safety issues;**
 - **Lack of parking provision within the site; and**
 - **Adverse impact on habitats and species.**

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 5 and have been considered in preparing this report.
- 8.4 As indicated above planning permission in principle has been granted for this development (Appn: [14/00573/PPPM](#) refers). The principle of the development has therefore been established and cannot be revisited through the determination of this application. Those conditions attached to the planning permission in principle that seek to regulate the development remain in full force and effect.
- 8.5 This application seeks approval of all matters specified in conditions 1(a) (whole site matters), 1(b) (residential zone), and 1(c) (employment zone – in part) of permission 14/00573/PPPM. It also provides and seeks approval for the information required by condition 2. In relation to the employment zone detailed information is provided in relation to 16 units comprised within two terraced buildings. Further applications would be required for other buildings and uses within the site.

1(a) Whole Site Layout

- 8.6 This condition deals with the overall layout of the development including the distribution of uses, the provision of strategic landscaping, public transport provision and infrastructure, drainage, and phasing.
- 8.7 A masterplan and overall site layout drawing has been submitted. It is informed by information required by condition 2 of the permission in principle. Consultation bodies have indicated that the supporting information is appropriate. The masterplan provides for employment related land uses on the land that is allocated in the ALDP for employment use. It provides a site layout including details of access, road layout, possible plot subdivision, a SUDS pond, and landscaping on all boundaries. It identifies that the site could accommodate the full range of uses allocated in the ALDP. The masterplan also provides for a residential development on the land allocated in the ALDP for a residential development of around 250 dwellings. The employment area and the residential area would be separated by the track serving Pitskelly Farm and by areas of landscaping within each zone. Strategic landscaping is proposed around the perimeter of the employment zone as well as the north and west perimeter of the housing zone. Provision is also made for additional off-site woodland planting in the field to the south of the housing zone adjacent to Upper Victoria. The proposed planting to the south would reinforce the green corridor to the east of the Upper Victoria road between the site and the existing urban edge of the town.
- 8.8 The layout provides for a principal road within the housing zone that would be designed to accommodate buses. It includes provision for a bus turning area, bus stops and associated infrastructure. This infrastructure would serve both the housing zone and the employment zone with ready pedestrian linkages between the two. A legally binding scheme for the provision of a local bus service to serve the development for a period of 3 years has been provided. This confirms agreement between the developer and a bus operating company for an existing bus service to divert from its usual route into the housing development. The agreement also

identifies the funding provisions for providing the bus service. The council's transport team has confirmed that the proposed public transport arrangements are acceptable. A further condition is proposed that requires precise details of the bus service and evidence that the proposed bond is in place at the time it is required.

- 8.9 It is indicated that foul drainage from the development is to be directed to the public drainage system. A separate planning permission has been granted that provides underground pipework between the site and the Scottish Water foul sewer in McBride Drive. Scottish Water has confirmed that it has no objection to the application and that there is currently capacity in the public system to accommodate the development.
- 8.10 Surface water drainage is to be dealt with by SUDS. A drainage assessment has been submitted which details the surface water disposal system for the entire development. The proposed SUDS includes a range of features including above ground swales, detention/ infiltration basins, and cellular infiltration crates located in the open space areas.
- 8.11 Relevant consultation bodies have reviewed the drainage information submitted in support of the proposal and have indicated no objection to foul or surface water drainage arrangements. The Roads Service has advised that the proposed operation and maintenance schedule is also appropriate and has raised no objection regarding potential flood risk.
- 8.12 The applicants have provided information that indicates the development would be delivered in five phases. This suggests that the employment zone would be delivered in three phases while the residential zone would be delivered in two. The initial residential and employment development would happen within year 1 of the development and this would ensure that the initial infrastructure and strategic landscaping for the employment zone would be delivered at an early stage. The phasing plan provides for the delivery of small starter units on the employment zone within year 2, while development on individual plots would be determined by market demand. It is suggested that the residential development would occur over a period of around five years. The initial residential phase would provide 25 private dwellings and 39 affordable housing units. The proposed phasing is consistent with and does not give rise to any significant issues in terms of development plan policy. Conditions are proposed that deal with specific phasing matters.
- 8.13 The general information provided in relation to condition 1(a) is informed by supporting information required by condition 2 of the planning permission in principle. Relevant consultation bodies have not raised any concern regarding the adequacy of the supporting information, and it provides a reasonable basis for determination of this application. Similarly, consultation bodies have not raised issue regarding the detail provided to satisfy the condition 1(a) requirements. The detail provided in relation to condition 1(a) is considered acceptable in terms of relevant development plan policy requirements.

Condition 1(b) Residential Zone

- 8.14 This condition relates to the residential zone and deals with all matters regarding its layout, including the number of units; design; access, road layout and parking; open space provision and maintenance; affordable housing; and public access.
- 8.15 The proposal provides for a total of 249 dwellings; the planning permission in principle allows for up to 250 dwellings. The layout provides a principal route within the development that provides a loop road connecting two new junctions on Upper Victoria road. That route would have footways on either side of the carriageway and garden areas would be separated from the footways by boundary enclosures including fences, hedges and walls. Secondary routes within the development would typically be shared surface with open plan front gardens. The layout generally allows

for houses to front public roads and spaces and for private garden areas to back on to other private garden areas. The principal route incorporates parking courts and house types that locate parking to the side of the dwelling which reduces the dominance of front curtilage parking. Integrated into the layout are areas of open space and landscaping, including a linear parkland between the housing zone and the Upper Victoria road, a play area in the central area, and a large flat open space to the southeast which would provide an informal kick-about area.

- 8.16 A range of house types and sizes are proposed, comprising single and 2-storey buildings and providing between one- and four-bedroom accommodation. Plot sizes and private amenity space varies according to dwelling size and are in accordance with relevant council policy requirements. The building types are fairly standard for a volume builder, but the recessive tones of proposed external materials and the provision of extensive landscaping, particularly to the site frontage would help integrate the development in the landscape. The general distribution and spacing of buildings is also appropriate having regard to council design guidance and should ensure that prospective residents have acceptable amenity standards. The houses in the northern section of the site would be separated from the employment zone by landscaping and the existing farm track. A noise impact assessment has been submitted and the environmental health service has confirmed that the predicated noise levels from road traffic and farm operations would not significantly impact on the residential amenity for any properties within the layout. It is suggested that any subsequent application for use or development of land within the employment zone closest to the housing zone could be accompanied by a noise impact assessment where necessary to ensure that development is capable of complying with the noise limit conditions attached to the planning permission in principle. The proposed layout would not give rise to any unacceptable impacts on the amenity of those that currently live in the vicinity of the site considering the separation distances to existing properties. Overall, the proposed layout would provide a good standard of amenity for future occupants.
- 8.17 The roads service has confirmed that the proposed access arrangements, road layout and parking provision is acceptable and complies with relevant council standards. The applicants have made positive amendments to the proposed parking arrangements on the principal route within the development to reduce the apparent prominence and dominance of parked cars. The provision of parking courts and the introduction of front garden boundary enclosures will assist in this respect. The front garden enclosures should also improve the general appearance of the development.
- 8.18 The proposed landscaped frontage to the Upper Victoria road would incorporate large parkland type trees, hedges, footpath links and a SUDS basin. This landscaped area would assist in providing a transition between the surrounding countryside and this urban expansion. Readily accessible areas of open space are provided within the development including a central area with play facilities, a small landscaped seating area, and a larger area that could be used for informal sports activities that links well to the existing Shanwell footpaths. The layout also makes provision for landscaping within the development and on its boundaries with the surrounding countryside. Open space areas are generally overlooked by nearby houses and the layout makes provision for connections to existing path networks in the area, including the footpath that provides connection to Carnoustie High School. The parks and burial grounds service has confirmed that the overall layout and quantity of open space provision is compatible with relevant council policy requirements. It has also confirmed that the nature of landscaping/planting proposed and the arrangements for future maintenance of open spaces and landscaping would be acceptable.
- 8.19 The proposed layout makes provision for 63 affordable units which meets the 25% provision required by the planning permission in principle. The affordable housing units would consist of 1-bed and 2-bed flatted dwellings in 2 storey semi-detached or terraced buildings, 2-bed and 3-bed, 2 storey semi-detached and terraced dwellings, and 2-bed semi-detached, wheelchair accessible bungalows. The general form and

location of the affordable housing has been agreed with the housing service and is secured through a Section 75 planning obligation. That obligation deals with the specific delivery of the units and it has been formally registered.

- 8.20 The housing zone would provide linkages to existing paths in the area, including the core path that runs between Pitskelly Farm and Shanwell Cemetery. The primary route within the housing zone would cross that core path and a raised pedestrian crossing feature with associated bollards would be provided at that crossing. This would prevent agricultural vehicles from utilising that route in the future. The public access arrangements are compatible with relevant policy requirements.
- 8.21 The proposal does not involve significant change in ground levels. Waste recycling and collection would be accommodated readily within individual curtilages. A range of boundary enclosures typical of a suburban housing development are proposed. This includes metal fencing, hedging and boundary walls on the primary route.
- 8.22 Overall, the detail submitted in relation to the residential zone is informed by information provided in association with condition 2. Relevant consultees have raised no significant concern regarding the submitted detail. The proposal would provide a residential development with a range of house types and sizes that would create a mixed community within a pleasant living environment. It is compatible with the terms of the planning permission in principle, the land allocation, and relevant policies of the ALDP and supporting supplementary guidance.

Condition 1(c) Employment Zone

- 8.23 This condition deals with the detail of the employment zone including overall layout, access, plot subdivision, landscaping. It also deals with the matters related to the specific layout, design and use of development on individual plots.
- 8.24 The overall site layout for the employment zone indicates plots of varying size located within an area defined by landscaping on all boundaries. The proposed plots would be capable of accommodating a range of building types to meet different business need and could provide parking in accordance with required standards along with necessary landscaping.
- 8.25 The roads service has confirmed that the proposed access arrangements and road layout are acceptable and complies with relevant council standards. The southernmost access would be provided in the first year of development along with the SUDS basin adjacent to the southern boundary and all the perimeter landscaping.
- 8.26 The provision of the proposed perimeter planting in the first phase of the development would ensure that a landscape framework is in place and has opportunity to establish. The layout includes provision of a landscaped area and a standoff zone adjacent to the Pitskelly Farm track which provides separation between the housing and employment zones. Further landscaping is incorporated around the SUDS detention pond and at the northern boundary of the Phase 1A area. The submitted information provides specific detail of the proposed landscaping specification and details for future management and maintenance. Consultation responses have confirmed that these arrangements are acceptable. The proposed alterations to the ground levels are considered acceptable in the context of the land use change and having regard to the identified perimeter landscaping.
- 8.27 The layout makes provision for landscaping and physical separation between the residential and employment zones. The resultant separation distances would not be untypical of those that commonly exist between houses and employment areas without significant or unacceptable impact. A condition attached to the planning permission in principle provides maximum noise limits for any uses within classes 5 and 6 of the Use Classes Order that are constructed on the employment zone. Any

further application for use or development on those areas of the employment zone closest to the residential zone will be required to demonstrate that compliance with the noise limit conditions can be achieved.

- 8.28 The proposal includes details of two buildings that would each accommodate eight small starter units. Those buildings are of fairly utilitarian design but would be appropriate on a well landscaped employment land development. Parking provision in accordance with council standards would be provided to serve the proposed units. It is indicated that the starter units would be provided within year 2 of the development. They would be capable of accommodating uses within classes 4, 5 and 6 of the Use Classes Order without significant impact on the amenity of the area. Use of land or built development on other plots within the employment zone would require submission of further applications where relevant matters could be properly considered.
- 8.29 The proposed detail of the employment zone is informed by the supporting information provided in association with condition 2. Relevant consultees have raised no significant concern regarding the submitted detail. The development would provide a range of plot sizes capable of meeting the needs of different employment uses. The proposed landscaping would help integrate the development into its environs. It is compatible with the terms of the planning permission in principle, the land allocation, and relevant policies of the ALDP including its associated supplementary guidance.

Other Matters

- 8.30 There is an existing woodland shelter belt in the proximity of Pitskelly Farm and the submitted information indicates that trees in that area would be felled. A number are identified as dead or dying and some require to be felled to accommodate the proposed development. Those trees are reasonably significant in the landscape but other trees in the immediate vicinity of Pitskelly Farmhouse and Shanwell Cemetery would remain and would provide a landscape backdrop to the development. Compensatory planting is proposed, and the nature of that planting would provide improved habitat and biodiversity and it would provide a long-term landscape framework for the development. The provision of compensatory planting to the east of the Upper Victoria road that would link with existing planting on the urban edge of the town, along with the proposed perimeter planting would, in time, help integrate the development in the landscape.
- 8.31 Information provided in relation to natural heritage interests suggest that the site has limited biodiversity value. It is not designated for any natural heritage reason and it has most recently been used as arable farmland. The residential zone has been stripped of topsoil to allow for necessary archaeological investigation. It is identified that one of the trees to be felled has been used as a bat roost and that a license would be required for its removal. In this case the overall development is allocated in the ALDP and it is in the public interest. The tree is dead and compensatory provision of bat boxes can be secured by planning condition. The loss of a single roost to facilitate the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.
- 8.32 The site is allocated for employment and residential development in the ALDP. It has planning permission in principle for those uses and this application seeks approval for detailed matters regarding the development that is to take place on the site. The information submitted with this application is consistent with the land allocation, relevant policies of the development plan, council design guidance, and the terms of the planning permission in principle. The proposal is in accordance with development plan policy.
- 8.33 In relation to other considerations it is relevant to have regard to the letters of objection in so far as they relate to planning matters. Third party representations

have raised concern regarding the principle of the development, its overall scale and impact on the town, and the loss of prime quality agricultural land. However, as indicated above this site is specifically allocated for the development proposed in the ALDP and planning permission in principle has been granted for development of the site. The principle of development of the site has been established and cannot be reconsidered through determination of this application which seeks approval of matters of detail. Notwithstanding that, the terms of the planning permission in principle require the developer to make financial contribution towards education provision in the area, and the developers have planning permission for works to upgrade public sewers in the area.

- 8.34 Detailed information regarding access arrangements for the site have been submitted and those have been reviewed by the roads service. Roads colleagues are satisfied that the proposed development, and the detailed arrangements proposed by this application, would not give rise to any significant or unacceptable road safety issues. Parking arrangements within the site have been reviewed and amended with the introduction of a number of parking courts and provision for on-street visitor parking bays. The parking provision meets the council's standards.
- 8.35 The application site is not subject of any natural heritage designation and available information does not identify any unacceptable impact on wildlife or habitats. As indicated above a solitary bat roost would be lost through the felling of a tree but conditions are proposed that require appropriate mitigation through the provision of bat boxes.
- 8.36 In summary, the principle of residential and employment development on this site is established and this application is for the approval of matters specified in conditions attached to the planning permission in principle. Conditions that are attached to the planning permission in principle that seek to regulate the development remain relevant and enforceable. The residential development would provide a good living environment with the employment development providing opportunity for a range of employment uses to locate in the area. The detailed information provided in support of the layout and design of the development suggests that the proposal would provide a good living and working environment without significantly affecting the amenity of those that currently live and work in the wider area. The proposal provides for substantial planting that would, in time, allow the development to integrate with its wider landscape setting, and it would not give rise to unacceptable impacts on built and natural heritage interests. Access and drainage arrangements for the overall development are acceptable and it would not give rise to any unacceptable impacts on infrastructure.
- 8.37 The details submitted with the application provide for a residential and employment development in a manner that is consistent with the planning permission in principle, and that is compatible with relevant development plan policy and supplementary guidance. The matters raised in objection to the application have been considered but they do not identify material planning considerations that justify refusal of the details submitted to satisfy conditions attached to the planning permission in principle. Further conditions are proposed that seek to ensure that the development is provided in an appropriate manner that minimises impacts on the amenity and environment of the area.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this 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.

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 design and general layout of the proposal would provide a residential development with a good living environment and an employment development providing opportunity for a range of employment uses to locate in the area. The detailed matters would provide a good living and working environment without significantly affecting the amenity of those that currently live and work in the wider area, and without giving rise to unacceptable impacts on built and natural heritage interests. Detailed arrangements for access and drainage for the overall development are acceptable and would not give rise to any unacceptable impacts on infrastructure. The detail provided in relation to the conditions is sufficient to meet the requirements of the planning permission in principle and is compatible with relevant development plan policy and supplementary guidance subject to the stated conditions. There are no material considerations that justify refusal.

Conditions:

1. No development shall take place until the following has been submitted to and approved in writing by the planning authority: -
 - (a) A scheme for the provision of bat boxes within the development, including details of the timescale for their provision. Thereafter the approved scheme shall be implemented and the bat boxes provided in accordance with the approved timescales;
 - (b) Evidence of agreement with the relevant landowner/s for the provision of the off-site compensatory tree planting in accordance with the phasing requirements of this permission;
 - (c) A scheme to ensure retention and future maintenance of the hedgerows that are to be provided as front garden boundary enclosures on the primary route within the housing zone. That scheme shall make provision for the hedges to be maintained as part of the landscape maintenance scheme for the overall development or such other provision that secures their long-term maintenance. Thereafter the approved scheme shall be implemented and enforced for the duration of the development.

Reason: In order to ensure appropriate measures to mitigate impact on a protected species; to ensure that the developer has sufficient control to deliver necessary mitigation; and to ensure retention and maintenance of boundary enclosures that add to the character of the development.

2. That the development shall be undertaken in full accordance with the detail and supporting information approved under the terms of this permission unless as expressly modified by conditions. All mitigation measures identified in supporting information shall be implemented at the appropriate and necessary stage of the development. The landscape management and maintenance scheme shall be implemented upon commencement of planting and landscape work and shall endure for the duration of the development.

Reason: To ensure that the development is undertaken in accordance with the approved details and identified mitigation measures, and to ensure long-term maintenance of the landscaping and open space.

3. That before development commences protective fencing in accordance with BS5837: 2012, shall be erected around all trees to be retained. The protective fencing shall enclose the protected root zones as detailed in the Phase II Tree Report: Trees in Relation to Development on Land at Pitskelly Farm, Upper Victoria, Carnoustie, Angus by Acorna Ecology Ltd; March 2020. The fencing shall remain in situ until development is completed and there shall be no passage of vehicles; excavations; storage of soil, plant, vehicles or other materials or changes in ground levels or construction activity within the protective fencing. Furthermore, no fires shall be lit in any position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: In order to ensure adequate protection for trees within and adjacent to the site during the construction of the development in the interests of the visual amenity of the area.

4. That other than as stated below, the phasing of the development shall be undertaken in accordance with the delivery schedule drawings 3789-PD-120 VER_4 to 3789-PD-124 VER_4: -
 - (a) Within the first planting season following initiation of development the following shall be completed: -
 - (i) all planting and landscaping around the perimeter of the employment zone as shown on Drawing Nos. 467.17.12 Rev. e and 467.17.13 Rev. e Landscape Proposal Sheets 2 and 3 by DWA Landscape Architects Ltd dated November 2020;
 - (ii) all off-site compensatory planting and landscaping as shown on Drawing No. 467.17.23 Landscape Proposal Sheet 13 by DWA Landscape Architects Ltd dated October 2019.
 - (b) Before occupation of any dwelling the following shall be completed: -
 - (i) all planting and landscaping along the north and west perimeter of the housing zone as shown on Drawing Nos. 467.17.14 Rev. e, 467.17.15 Rev. e and 467.17.16 Rev. e Landscape Proposal Sheets 4 – 6 by DWA Landscape Architects Ltd dated November 2020;
 - (ii) the alterations to the public road and provision of the new vehicular junctions and roadways to the housing zone and southernmost junction and roadway to the employment zone;
 - (iii) completion of the linear parkland area along the frontage of the housing zone with Upper Victoria road including all planting and landscaping, footpath links, SUDS and associated drainage infrastructure.
 - (c) Within 1-year of initiation of development the roadways and SUDS infrastructure within phase 1a of the employment zone shall be completed. For the avoidance of doubt there shall be no commencement of construction of dwellings beyond the year-1 delivery schedule shown on drawing 3789-PD-120 VER_4 until that infrastructure is completed.
 - (d) Before occupation of the 122nd dwelling: -
 - (i) precise details of the frequency of the bus service, and evidence that the bond required to subsidise that service shall be submitted to and approved in writing by the planning authority;
 - (ii) the bus shelter and associated public transport infrastructure adjacent

to plot 75 shall be completed.

- (e) Completion of the central area of open space; provision of play equipment; footpath link to Core Path 174 and landscaping outwith house plots by occupation of the 168th dwelling.
- (f) Completion of the bus turning head, provision of associated public transport infrastructure, landscaping outwith house plots and raised pedestrian crossing feature at Core Path 174 (Phase 1, 2A Housing) by occupation of the 194th dwelling.
- (g) Completion of the sports area of open space, landscaping outwith house plots and footpath links to Core Paths 174 and 176 (Phase 2B Housing) by occupation of the 235th dwelling.

Reason: In order to ensure that the development is undertaken in a phased manner that ensures early delivery of serviced employment land, and to ensure timely provision of necessary landscaping, safe access and egress, drainage infrastructure, public transport infrastructure, and open space and play equipment.

- 5. All windows of dwellings within the housing zone shall accord with or be of greater specification than that detailed in Section 6.5 of the Noise Assessment for Consented Mixed Use Development – Upper Victoria (Ref: 405.09119.00002) by SLR Consulting dated June 2019.

Reason: In the interest of the residential amenity of the occupiers of the proposed dwellinghouses.

- 6. That all landscaping and boundary enclosures, including hedge planting shall be provided in each plot prior to the occupation of the respective dwellinghouse.

Reason: In the interest of the residential amenity and the visual amenity of the area.

- 7. That notwithstanding the provisions of any development order, no vehicular access, hard surface, decking, parking area or boundary enclosure shall be formed between the front elevation of the dwelling and the public road on plots 2 - 11, 25 - 29, 35 - 74, 135 – 171, 176 – 186, 195 – 197, 234 and 235 where this would necessitate removal of the boundary enclosures and hedging approved by this permission.

Reason: In order to avoid development that would adversely affect the boundary enclosures that are approved as part of the development and that add to its character and sense of place.

- 8. That, in the event that the proposed SUDS detention basin, infiltration pond or any associated drainage infrastructure is not to be formally adopted, the basin, pond and any other associated unadopted infrastructure shall be managed and maintained for as long as it remains in use in accordance with the Surface Water Drainage and Sustainable Urban Drainage Systems at Proposed Housing Development, Pitskelly, Carnoustie Maintenance Manual & Risk Assessments (Ref: 15497) by Millard Consulting dated 26.06.2020.

Reason: In order to ensure the surface water drainage system is appropriately managed and maintained in the interests of safety and the amenity of the area.

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: 2 FEBRUARY 2021

APPENDIX 1: PLANNING PERMISSION IN PRINCIPLE CONDITIONS

APPENDIX 2: LOCATION PLAN AND SITE LAYOUT

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: LETTERS OF REPRESENTATION

APPENDIX 5: DEVELOPMENT PLAN POLICIES

APPENDIX 6: PLANNING SERVICE PRESENTATION