

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 9 MARCH 2021

PLANNING APPLICATION
FIELD NORTH OF DURIEHILL FARM COTTAGE EDZELL

GRID REF: 360539 : 768837

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract: This report deals with planning application No. [20/00422/FULM](#) for a residential development of 57 dwellinghouses including formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure for Guild Homes (Tayside) Ltd at Field North of Duriehill Farm Cottage, Edzell. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the direction and 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 a residential development of 57 dwellinghouses including formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure at Field North of Duriehill Farm Cottage, Edzell. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to some 6.73ha and is located to the east of Inveriscandye Road. It predominantly comprises relatively flat agricultural land with areas of landscape planting and field margins. The site is bound to the north by an access road to a wastewater treatment works. That treatment works is located to the east of the site and forms part of the eastern boundary. Residential properties and associated open space areas bound the site to the west. The site is otherwise bound by agricultural land.

3.3 The development provides for the erection of 57 dwellings including affordable housing with vehicular access for 53 of those taken from a new roadway that would connect with Inveriscandye Road. A terrace of four houses is proposed at the eastern end of Durie Place and vehicular access to those properties would be taken directly from that roadway. The dwellings would consist of one, two, three and four bed properties within a combination of terraced, semi-detached, and detached buildings provided over single and two storeys. In curtilage car parking is proposed with most plots containing detached garages. A large area of open space would be located

within the eastern part of the site with a smaller area of open space provided in the the western area adjacent to an existing play park. Surface water drainage is proposed to be achieved through Sustainable Urban Drainage Systems (SUDS) with a SUDS basin located within the primary open space area. Landscape planting including woodland structure planting is proposed around the perimeter of the site. Further landscaping is also incorporated throughout the development. The development would provide linkages to the existing path networks in the area.

- 3.4 The application has been varied to amend the location of houses within some of the plots and incorporate pedestrian harbourage areas in place of continuous footways along the eastern side of the carriageway within the open space and along the western side of the west most carriageway.
- 3.5 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 The site is allocated for housing development in the Angus Local Development Plan. That land allocation was confirmed following consideration of objections to the allocation by Scottish Government appointed Reporters in 2016. At that time the Reporters considered objections to the allocation of the site, including concerns regarding access, but determined that ‘the principle of the allocation is appropriate’ subject to the requirement for any subsequent development to be accompanied by a transport assessment to confirm ‘*how access is best to be achieved and any associated mitigation*’.
- 4.2 A Proposal of Application Notice (Application Ref: [20/00096/PAN](#)) in respect of a residential development incorporating formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure at the site was considered by Committee at its meeting on 3 March 2020 (Report No. [97/20](#) refers). Committee noted the key issues identified in that report and identified the following matters regarding the proposed development – *proximity of site to waste water treatment plant and potential impacts on amenity of occupants of proposed houses; suitability of local road network to accommodate additional vehicular traffic associated with development and potential need for road widening; consideration of phasing to ensure that new development is not undertaken in a manner that adversely impacts on social well-being of Edzell and future management and maintenance of buffer zone between the site and the waste water treatment plant.*

5. APPLICANT’S CASE

- 5.1 The following documents have been submitted in support of the application: -
- Pre-application Consultation Report;
 - Planning Design and Access Statement;
 - Odour Impact Assessment;
 - Transport Assessment;
 - Drainage Assessment;
 - Landscape Management Plan;
 - Walkover and Protected Species Survey; and
 - Landscape architect reply to consultation response.
- 5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 2.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has offered no objection.

- 6.2 **Angus Council – Environmental Health** – has offered no objection.
- 6.3 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development which equates to 14.25 units. The final arrangements for the affordable housing will be subject of further discussions with the applicant.
- 6.4 **Angus Council – Education Service** – has advised that there is sufficient capacity at Edzell Primary School and Brechin High School and no developer contribution is required from the proposed development.
- 6.5 **Angus Council – Landscape Services** – has advised that the open space provided exceeds the minimum requirement for the development. The proposed perimeter landscaping would assist in integrating the development into the wider landscape and extend the local green network provision. It has also been highlighted that some of the proposed landscaping is located on council land and this is not acceptable.
- 6.6 **Scottish Environmental Protection Agency (SEPA)** – has offered no objection.
- 6.7 **Scottish Water** – has offered no objection.
- 6.8 **Aberdeenshire Council Archaeological Service** – has offered no objection.
- 6.9 **Community Council** – has objected to the application. Specific concerns include the development being contrary to the land allocation for the site; development outwith and adjacent to the development boundary; unacceptable impacts on residential amenity; unacceptable access arrangements; unacceptable impacts on the natural and built environment; and unacceptable impacts on existing infrastructure and services. *The full representation from the community council is provided at Appendix 3 and is available to view on the council's [Public Access](#) system.*

7. REPRESENTATIONS

- 7.1 19 letters of representation have been received with 17 raising objection and 2 offering general comment. The letters of representation are provided at Appendix 3 and are 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 application is contrary to the Local Development Plan,**
 - **Need for the proposed development;**
 - **Re-development of brownfield, vacant and derelict sites should be prioritised before developing greenfield land;**
 - **Loss of agricultural land;**
 - **Over development of the site;**
 - **Phasing of the development;**
 - **Acceptability of the type of housing proposed;**
 - **Unacceptable impacts on residential amenity, including during construction and from light pollution associated with new street lighting;**
 - **Road traffic safety and amenity impacts on the High Street, Ramsay Street and Inveriscandye Road;**
 - **Access to the site should be provided through Edzell Wood;**
 - **Unacceptable impacts on the Dalhousie Arch from construction traffic;**
 - **Loss of parking at Durie Place;**
 - **Unacceptable impacts on wildlife and habitat;**
 - **Unacceptable impacts on existing infrastructure; and,**

- **The approval of this application will result in the possibility of further housing to the south of the proposed access road.**

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 4 and have been considered in preparing this report.
- 8.4 The application site comprises land that lies within the development boundary of Edzell as defined by the ALDP, and an area of land that lies outwith but adjacent to that boundary.
- 8.5 That part of the site located within the development boundary is allocated for residential development by Policy E1 of the ALDP. The small part of the proposed site (to the south of existing houses at Durie Place) is located outwith and adjacent to the development boundary as defined by the ALDP. Policy DS1 of the ALDP states, amongst other things, that 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.
- 8.6 The broad principle of residential development on the allocated E1 site is established by the ALDP. The relevant issues in relation to this application are, whether the use of land outwith the development boundary is acceptable to provide access to the development, and if so, whether the detailed matters regarding the layout and design of the development are acceptable having regard to development plan policy, design guidance, and other material considerations.
- 8.7 The E1 land allocation identifies that access to the site should be taken from Duriehill Road and Lindsay Place. It includes a requirement for the upgrading of Lindsay Place to an adoptable standard. However, it also includes a requirement that any application for development of the site is accompanied by a transport assessment '*which confirms how access is best to be achieved*'. That requirement for submission of a transport assessment was included by the Scottish Government Reporter who considered objections relating to the allocation of the site through the ALDP. At that time there were objections to the allocation of the site for residential development from local residents, principally citing concern regarding restricted access due to existing on-street parking. While the Reporter did not consider it appropriate to delete reference to access from Duriehill Road and Lindsay Place, he did suggest that there was scope to consider impacts on the local road network, and to consider in detail the direction of vehicle movements to and from the site, all informed by a transport assessment.
- 8.8 The submitted transport assessment indicates consideration was given to utilising Duriehill Road (leading to Lindsay Place) or Durie Place to access the site. However, it indicates that these roads experience high levels of on-street parking which effectively reduces them to single lanes during periods of the day. It suggests that intensification of use of these routes by introducing through development traffic would not be appropriate as it would impact unnecessarily on the amenity of existing residents. Conversely, it suggests that Inveriscandye Road does not experience the

same level of on-street parking as many houses on it have off-street parking available. On that basis, the Inveriscandye Road is promoted as the main vehicular access to the development, necessitating the use of land outwith the development boundary.

- 8.9 It is apparent that Duriehill Road and Durie Place experience reasonably high levels of on-street parking. While both possibly have capacity to accommodate additional vehicular traffic, there can be little doubt that this would have some impact on the amenity of those that reside in the area. The use of Duriehill Road would also see increased vehicle movements in the vicinity of the existing children's play park at the eastern end of that roadway. Those impacts would not be as significant if access was taken from Inveriscandye Road where on-street parking is less prevalent, and it would avoid additional vehicular movement in the vicinity of the playpark. The transport assessment indicates that a suitable and safe vehicular access can be taken to the site from Inveriscandye Road, and the roads service has confirmed it finds such an arrangement suitable subject to appropriate planning conditions, including improvement of Inveriscandye Road. The intention of the development boundary is to protect the landscape setting of the village and to prevent uncontrolled spread of development. The provision of a roadway with appropriate landscaping to serve an allocated housing site does not conflict with the intent of that policy. There is a public interest in delivering an allocated housing site, and there are sound reasons to allow provision of an access to the site in a manner that seeks to minimise impact on existing residents in the area, accepting that a development of this nature and scale will give rise to some impact. In these circumstances, the principle of using land outwith the development boundary to provide a roadway to serve a site allocated for development in the ALDP is compatible with policy DS1.
- 8.10 Development plan policy requires that new residential development is compatible with current and proposed land uses in the surrounding area, and that it provides a satisfactory residential environment for residents. The broad principle of the acceptability of residential development at this site has been established by the ALDP land allocation. However, the land allocation indicates that a minimum 100m buffer zone is required between the wastewater treatment plant and any new development, and further requires provision of an odour assessment to determine any further mitigation required. The proposed layout ensures provision of the 100m between proposed houses and the treatment plant, with an area of open space augmented by woodland planting providing separation. An odour impact assessment has been submitted and relevant consultees, including Scottish Water and the council's environmental health service have confirmed that they have no objection to the proposal in relation to its proximity to the treatment plant. A condition is proposed that requires planting of the woodland between the treatment plant and the houses before any house is occupied. The proposed use of the site for residential development does not give rise to any significant conflict with other existing or proposed land uses in the area.
- 8.11 The development provides for a total of 57 dwellings with 53 accessed from the new access from Inveriscandye Road. The remaining 4 units would be accessed via Durie Place. The proposal provides a road and housing layout that broadly reflects the regular grid pattern otherwise found in the village. The layout generally allows for houses to front public roads and open spaces and for private garden areas to back on to other private garden areas. Where that is not possible it generally makes provision for high quality boundary enclosures or provision of landscaping to screen private areas. This includes provision for landscaping on the northern boundary providing a landscaped buffer to the adjacent wastewater treatment plant access road and the River North Esk. Spatial standards regarding plot size, private garden area, distance between buildings, and open space provision are generally compatible with relevant council design guidance. Footways are incorporated throughout the layout with garden areas defined by hedging and walls. A condition is proposed to require further detail on front garden enclosures to ensure provision and subsequent

maintenance of the proposed hedging. Car parking is generally located to the side of dwellings, and properties have reasonably wide frontages which reduces the dominance of front curtilage parking. A large open space in the east of the site would accommodate woodland planting, a SUDS basin, and would provide opportunity for use as an informal kick-about area. A smaller area of open space would be provided in the west of the site adjacent to existing open space/play facilities.

- 8.12 A range of house types and sizes are proposed that would help provide a mixed community. Buildings would provide between one and four-bedroom accommodation over one or two levels. Plot sizes and private amenity space vary according to dwelling size and are in accordance with relevant council policy requirements. The building types proposed are fairly traditional in appearance with pitched roofs, gable ends and simple rectilinear openings. The proposed palette of external materials is complementary to those in the general area and is acceptable. The general distribution and spacing of buildings are also appropriate having regard to council design guidance and should ensure that prospective residents have acceptable amenity standards. Overall, the proposed layout would provide a good standard of amenity for future occupants and the general design is compatible with the council's supplementary guidance.
- 8.13 The development of the site for housing will give rise to impacts on the amenity of those that live in the area. However, the separation distances between existing and proposed dwellings exceed those required by the council's design guidance. The development will generate more traffic movement in the area but that was recognised and accepted when council allocated the site for residential development in the ALDP. That matter was also considered by a Scottish Government Reporter in relation to objections to the ALDP land allocation. The Reporter did not find the likely traffic increase unacceptable subject to the provision of a transport assessment to determine the best means to access the site. As indicated above that transport assessment recommends formation of access direct from Inveriscandye Road and that general arrangement is acceptable. The proposed roadway would be located to the rear of existing dwellings at Durie Place but a landscaped area containing hedge and tree planting would be provided between the new carriageway and the boundary of those houses. The resultant relationship between the proposed roadway and those houses would not give rise to any unacceptable amenity impacts, and a condition is proposed that requires the identified planting to be provided prior to occupation of any dwelling. In addition, conditions are proposed that seek to regulate the construction phase of the development to minimise impact on existing residents. It is not unusual for existing villages to expand, or for new development to take place in the vicinity of existing property. In this case the proposal is not considered to give rise to any unacceptable impacts on the amenity of those that currently live in the area.
- 8.14 The application site is not subject of any built heritage designation. There are known archaeological interests in the general area. The Archaeology Service has requested an archaeological written scheme of investigation due to the potential of the site to contain features of archaeological significance. This matter is addressed by condition. The general layout and design of the site is acceptable as discussed above and the proposal does not give rise to any unacceptable impacts in terms of built environment considerations.
- 8.15 Information provided in relation to natural heritage interests suggests that the site has limited biodiversity value. It is not designated for any natural heritage reasons and there are no sites designated for natural heritage value directly affected by the development proposal. The submitted information concludes that the development would not have significant impacts on any species or habitat.
- 8.16 The layout makes provision for substantial open space, structural landscaping and 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 path that leads to the River North Esk. The council's parks and burial grounds service has confirmed that the overall layout and quantity of open space provision is compatible with relevant council policy requirements. Specific details of the proposed landscaping along with the management and maintenance of open space areas have not been provided and conditions are proposed that requires provision and approval of those details. A number of existing trees are felled to accommodate the proposed access, but substantial planting is incorporated within the development that provides reasonable compensation and that should improve habitat and biodiversity value while also providing a long-term landscape framework. The proposal does not give rise to any unacceptable impacts on the natural environment of the area.

- 8.17 The transport assessment considers 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 roads service is satisfied that Durie Place can safely accommodate the traffic associated with four new one-bedroom properties. The new junction on Inveriscandye Road would be designed to meet required standards and the roads service has advised that use of Inveriscandye Road by vehicles associated with the development does not give rise to any unacceptable impacts in terms of road traffic or pedestrian safety, subject to several planning conditions. While Duriehill Road, Lindsay Place and Durie Place would not be used to provide vehicular access to the main development area, the proposal makes provision for cycle path and pedestrian linkages between the site and those routes to ensure good connectivity. The roads service has recommended the development be supported by a 'Travel Plan Framework' to influence travel behaviour and increase use of sustainable transport and this can be secured by planning condition. The ALDP indicates that the development of the site should make provision for the upgrade of Lindsay Place to adoptable standard. However, as this proposal does not utilise Lindsay Place for vehicular access that specific requirement is not appropriate in this case.
- 8.18 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 SUDS. The proposed system incorporates an infiltration basin located within the open space to the east of the site. The roads service has advised that the surface water drainage proposals are generally acceptable but additional information regarding the final design is 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. Overall, the proposed drainage arrangements are compatible with relevant policy requirements.
- 8.19 The application site is located within the catchment area of Edzell Primary School and Brechin High School. The council's education service has indicated that there is sufficient capacity at the primary and secondary schools to accommodate children from the development. The site is allocated for residential development and the council's Developer Contributions and Affordable Housing Supplementary Guidance does not identify any specific infrastructure constraint or contribution requirement in this area. The proposal is not considered to give rise to any significant issues in terms of available infrastructure.
- 8.20 Policy TC3 and the Developer Contributions and Affordable Housing Supplementary Guidance indicates that 25% of the total number of residential units should be

affordable. The proposal makes provision for 14 affordable housing units on site, with the balance (0.25 units) likely to be provided by a commuted payment. The council's housing service has engaged with the applicant to ensure the mix of houses incorporated into the layout meets with the needs of the Housing Market Area and is content with the affordable housing contribution. A planning condition is proposed that would require a Section 75 Planning Obligation to secure the provision of the affordable housing and contribution.

- 8.21 The proposal does not give rise to significant issues in terms of other development plan considerations. It would involve loss of agricultural land, but that land is not prime quality and its loss has been accepted through the allocation of the site for development in the ALDP.
- 8.22 The ALDP indicates that the site has capacity for around 50 units. The 57 units proposed is compatible with the land allocation. The site is capable of accommodating the number of units proposed considering that the development proposed would not give rise to any unacceptable amenity impacts; it would provide a good standard of amenity for future occupants; the layout and general design is appropriate for the village setting; and it provide a range of house types and sizes that would create a mixed community within a pleasant living environment. The residential development is generally consistent with the land allocation, relevant policies of the development and council design guidance. The proposal is in accordance with development plan policy.
- 8.23 In relation to other considerations it is appropriate to have regard to the material planning matters raised in letters of objection.
- 8.24 This site is allocated for residential development in the ALDP and therefore the general principle of development on the site is established. There is no additional policy requirement to demonstrate need for the development, or to consider the availability of other sites in the village or wider housing market area. For the reasons discussed above the proposal is considered compatible with relevant policy in terms of both the principle of development and its detailed layout and design.
- 8.25 Concerns regarding the impact of the development on the amenity of existing residents are understandable. A development of this nature and scale will result in change for existing residents and it will give rise to impacts on amenity. However, the relevant consideration is whether resultant impacts are unacceptable having regard to the nature of those impacts and relevant policy and design guidance. Again, for the reasons set out above the proposal is not considered to give rise to unacceptable amenity impacts. The separation distances between existing and proposed houses all comply with relevant design guidance. Conditions are proposed to minimise the impact of construction activities. The provision of street lighting within the development would be to the standards of the roads service and would not give rise to unacceptable amenity impacts.
- 8.26 The development would increase vehicle movements on surrounding streets but that was accepted at the time of allocation of the site in the ALDP, and all available information indicates that the road network has adequate capacity. Different parties suggest different solutions regarding access and those would reduce impacts at specific locations but would increase impacts at others. However the site is developed there will be additional vehicle movement and that will have some impact on existing residents. The current proposals are considered safe and appropriate having regard to the content of the transport assessment, the advice of the roads service, and the detailed design of the access arrangements. There is no reasonable basis to require access to the site to be provided through Edzell Woods; it is not a proposal that is before committee; and the environmental and safety impacts associated with such a proposal have not been assessed. There is no reasonable basis to consider that Dalhousie Arch would be at any significant risk from

construction traffic. The roadway under the Arch has been used for many years by a wide variety of vehicles, including construction vehicles associated with other developments in the village. The proposal will result in the loss of some existing on-street parking but all houses within the development would have dedicated parking provision that complies with relevant council parking standards.

- 8.27 Available information does not identify any unacceptable impact on wildlife and habitats. The development makes substantial provision for replacement planting and that will provide biodiversity and habitat improvement. The council's Developer Contributions and Affordable Housing Supplementary Guidance does not identify any specific infrastructure constraint or contribution requirement in this area and there is no evidence to suggest that the development would give rise to unacceptable impacts on infrastructure.
- 8.28 Concerns regarding precedent are noted, but approval of this application would not establish a binding or irresistible precedent for further development in the area. Notwithstanding that, the E1 land allocation indicates that proposals should not prejudice future expansion and connection to adjacent areas of land. The proposal is compatible with that requirement.
- 8.29 In conclusion, the proposal provides for the erection of houses on land that is allocated in the ALDP for housing development. The general layout and design of the proposed development is compatible with relevant policy and design guidance. The proposal does not result in any unacceptable impact on amenity, built or natural environment interest, or infrastructure. The proposed access to the site is located outwith but adjacent to the development boundary of the village but it would not result in any significant landscape impact, and its location has been informed by a transport assessment. The proposed access would minimise impact of additional traffic at locations where there is greatest prevalence of on-street parking and it would minimise additional vehicle movement in the proximity of an existing children's play area. Provision of the access at the proposed location does not give rise to any significant conflict with the aims and objectives of the development plan and would help delivery of an allocated housing site. The representations submitted by third parties have been considered in the assessment of the application and preparation of this report. Where appropriate matters are addressed by proposed planning conditions. This proposal is compatible with development plan policy and there are no material planning 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.

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 housing on land that is allocated in for housing development in the Angus Local Development Plan. The proposed layout and design of the development is compatible with relevant design guidance and the development will create a good living environment in a manner that does not give rise to unacceptable impacts on amenity, natural and built environment, access or infrastructure. The location of the proposed access will assist in delivering the allocated site in a manner that minimises impact on existing residents, and that does not give rise to unacceptable impacts on road safety, or raise any significant conflict with the aims and objectives of the development plan. There are no material considerations that justify refusal.

Conditions:

1. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 27(4)(a)-(f) of the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to the development, until a planning obligation pursuant to s.75 of the said Act relating to the land has been made and lodged with the planning authority and the planning authority has notified the persons submitting the same that it is to the planning authority's approval. The said planning obligation will provide that: -
 - (a) 25% of the total housing units within the development shall be provided and retained as affordable housing in accordance with the council's Developer Contributions and Affordable Housing Supplementary Guidance or any subsequent policy or guidance that replaces it.

Reason: To ensure the provision and retention of affordable housing in accordance with development plan policy.

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. Thereafter the development shall be carried out in accordance with the approved phasing plan.
 - (b) 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.
 - (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 and measures to demonstrate that it has been designed to minimise risk to those using the adjacent open space area. 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 revised boundary enclosure and front garden landscaping plan. The plan shall make provision for the incorporation of post and wire fencing along with the hedgerows that are to be provided as front garden boundary enclosures. It shall provide a full specification for the front garden hedging including the plant type, method and density of planting, along with measures to protect plants from grazing mammals. Thereafter the approved boundary treatments, including hedges, shall be provided in each plot prior to the occupation of the respective dwellinghouse.
- (f) A scheme to ensure retention and future maintenance of the hedgerows that are to be provided as front garden boundary enclosures. 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.
- (g) A scheme for the management and maintenance of all proposed open space or amenity areas, landscaping, 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 space or amenity areas, landscaping, roads or paths, and unadopted infrastructure shall be managed and maintained in accordance with the approved details in perpetuity. 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.
- (h) 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, play equipment etc.). Thereafter the open spaces shall be provided in accordance with the approved details and approved phasing plan.
- (i) A dust management plan. The submitted plan shall include detailed mitigation measures for dust and machinery emissions arising from the construction phase; and a dust monitoring scheme and complaint investigation procedure. Thereafter, the approved dust management plan shall be fully implemented upon commencement of the development and remain in place for the duration of the construction of the development hereby approved and the dust monitoring results shall be made available to the Planning Authority upon request.
- (j) An archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete

accordance with the approved details.

- (k) A scheme of improvements to Inveriscandye Road in accordance with a roads construction consent. That scheme shall make provision for the widening of the carriageway and provision of a footway on the south-west side of Inveriscandye Road between Ramsay Street and the south-east end of Inveriscandye Road. Thereafter the scheme of improvements shall be completed prior to the commencement of any works on site.
- (l) 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. 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 verify the acceptability of the specified details in the interests of amenity; ensure retention and maintenance of boundary enclosures that add to the character of the development; impacts on archaeological interests; road safety and to ensure the development is undertaken and maintained in accordance with the approved details

- 3. That notwithstanding the terms of any other phasing plan approved by this permission, the development shall be undertaken in accordance with the following requirements: -
 - (a) prior to the commencement of any other development on site visibility splays shall be provided at the junction of the proposed access with Inveriscandye Road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of Inveriscandye Road. Once formed nothing shall be erected, or planting permitted to grow within the visibility splays
 - (b) prior to the occupation of the first dwellinghouse within the development: -
 - (i) all woodland planting identified on John Richards Landscape Architect drawing EDZ-002A dated May 2020 shall be planted in accordance with the approved specification and retained and maintained thereafter;
 - (ii) all planting between the southern boundary of existing properties on Durie Place and the new roadway serving the site, identified on John Richards Landscape Architect drawing EDZ-002A dated May 2020 shall be planted in accordance with the approved specification and retained and maintained thereafter;
 - (iii) a 3.0-metre-wide segregated cycle track, formed and constructed to the standards of Angus Council, shall be provided between Durie Place and the site periphery road;
 - (iv) a 3.0-metre-wide segregated cycle track, formed and constructed to the standards of Angus Council, shall be provided between Duriehill Road and the site periphery road;
 - (v) 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.
 - (c) prior to the occupation of the first dwellinghouse at Durie Place, a footway shall be provided on the south-east side of Durie Place ex-adverso the site

boundary fronting the four proposed terraced properties on Durie Place. The footway shall be extended to form a continuous link with the existing footway on the south-east side of Durie Place and the cycle track required between Durie Place and the site periphery road

- (d) prior to the occupation of each dwellinghouse, all landscaping and boundary enclosures, including hedge planting shall be provided within the respective plot in accordance with the details approved by this permission and retained and maintained thereafter.

Reason: In order to ensure a safe and suitable access and to provide and maintain adequate sightlines in the interests of road safety; provision of woodland planting at an appropriate stage in the development; to provide sustainable transport links to and from the site; to encourage multi-modal means of travel; and to ensure provision of appropriate boundary enclosures and planting in the interests of amenity.

4. That, visibility splays shall be provided at all internal road junctions within the proposed development, giving a minimum sight distance of 2.4 metres by 43 metres in each direction. All visibility splays shall be provided within the adjacent road boundary. Once formed nothing shall be erected, or planting permitted to grow within the visibility splays.

Reason: To ensure a safe and suitable access and to provide and maintain adequate sightlines in the interests of road safety.

5. No construction work that causes noise audible at any neighbouring noise sensitive receptor shall take place out with the following times: 0700 hours to 1900 hours on Mondays to Fridays and 0800 hours to 1300 hours on Saturdays. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Reason: In the interests of safeguarding the amenities of occupants of residential property during the construction of the development.

6. 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 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.

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 MARCH 2021

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION
APPENDIX 4: DEVELOPMENT PLAN POLICIES
APPENDIX 5: PLANNING SERVICE PRESENTATION