

**ANGUS COUNCIL**

**24 MARCH 2022**

**SOUTH ANGUS HOUSING MARKET AREA PLANNING APPLICATIONS -  
CONTEXT**

**REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH**

**Abstract:** This report provides a context for the consideration of the planning applications for major housing development at Carnoustie and Monifieth. It identifies national and local policy in relation to housing that is relevant to the determination of the applications and provides information on housing issues in the South Angus Housing Market Area. It also provides the development plan policies that are relevant to the determination of the applications.

**1. RECOMMENDATION**

It is recommended that Council: -

- notes the information in this report and takes it into account in determination of the major planning applications for residential development at Carnoustie and Monifieth;
- refers to Appendix 3 which contains a list of planning policies of relevance in determining those planning applications.

**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 Two planning applications have been submitted that propose major residential development in the South Angus Housing Market Area (HMA). One application is located on greenfield land at Panbride Road, Carnoustie, while the other is located on greenfield land north of Victoria Street, Monifieth. A brief description of each application is provided below: -

[21/00523/FULM](#) - Land west of Janefield Cottage, Panbride Road, Carnoustie

This application seeks planning permission for a residential development comprising 60 dwellings with associated infrastructure, access, landscaping,

drainage, SUDS and open space for Kirkwood Homes and Angus Estates. The site amounts to approximately 3.67 hectares. A plan showing the location of the site is provided at Appendix 1.

[21/00781/PPPM](#) - Field 50m north of Victoria Street, Monifieth

This application seeks planning permission in principle for a residential development, including formation of vehicular access, access roads, open space, landscaping, SUDS and associated Infrastructure. The supporting information advises that the development would comprise approximately 50 dwellings. The final number of dwellings would be informed through further detailed design work and would require submission of an application for approval of specified matters. The site amounts to approximately 2.5 hectares and is largely comprised of agricultural land. A plan showing the location of the site is provided at Appendix 2.

- 3.2 This report sets out the legal framework for determination of planning applications.
- 3.3 The report draws attention to development plan policies that deal specifically with the principle of new residential development which are relevant to the determination of the planning applications. Other development plan policies that are of direct relevance to the determination of the applications are reproduced at Appendix 3 and should be referred to in conjunction with the reports on the specific proposals (reports 120/22 and 121/22 refer). The relevant policy matters will be addressed in the applications specific reports.
- 3.4 In addition it provides some general context for consideration of the planning applications and some specific context for consideration of the residential element of each proposal. The report: -
  - outlines the strategy, policies and proposals of the development plan framework so far as these relate to housing development in the South Angus area;
  - outlines relevant Scottish Planning Policy (SPP);
  - identifies recent case law that is relevant to interpretation of SPP;
  - outlines the findings of the Angus Housing Land Audit 2021 relevant to the South Angus (HMA);
  - provides updated information on housing land matters since publication of the Angus Housing Land Audit 2021;
  - outlines the position in relation to draft National Planning Framework 4; and,
  - provides initial outputs from the draft Tayside Housing Need & Demand Assessment (2021).

#### **4. PLANNING CONTEXT**

##### Determining Planning Applications

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 sets out the status of development plans and states that: -

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

4.2 In this case the development plan comprises: -

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

The relevant Development Plan policies are reproduced at Appendix 3.

4.3 Scottish Government Circulars provide statements of government policy and contain guidance on policy implementation. Circular 3/2013 deals with the Development Management Procedures. It refers to a House of Lord’s judgement which provided the following interpretation in relation to Section 25 of the Act: -

*If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.*

4.4 That judgement also set out the following approach to deciding an application: -

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as the detailed wording of the policies;
- consider whether or not the proposal accords with the development plan;
- identify relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.5 In relation to material considerations, the Circular indicates that there are two main tests in deciding whether a consideration is material and relevant: -

- it should serve or be related to the purpose of planning. It should therefore relate to the development and use of land; and,
- it should relate to the particular application.

4.6 The decision maker will have to decide what considerations are material to the determination of an application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

## The Development Plan

### TAYplan Strategic Development Plan (SDP)

4.7 The TAYplan SDP sets out land use planning policies for the 20-year period 2016 – 2036. It explains where development should go and how it will shape good quality places. It also considers the significant, long-term issues which affect the whole TAYplan city-region; including climate change, the scale of housing and population change, infrastructure planning, and sustainable economic growth. It was approved by Scottish Ministers in October 2017.

4.8 TAYplan indicates that most new development will be built in principal settlements. These are the TAYplan area's cities and towns where most people live and most jobs, services and facilities are already located. They can have significant land and infrastructure capacity to accommodate future development. The Plan advocates that developing land within principal settlements is preferable to developing land outside of them. TAYplan identifies the principal settlements in three tiers reflecting their present and future roles (Policy 1).

Tier 1 - settlements that have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

Tier 2 - settlements that have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development.

Tier 3 - settlements that have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the additional development.

The focus on principal settlements covers all types of development.

4.9 A sequential approach to the release of land is required by Policy 1 on the basis of: -

1. Land within principal settlements.
2. Land on the edge of principal settlements.
3. Where there is insufficient land or where the nature/scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements, and where it is consistent with Part A of this policy and with Policy 2, the expansion of other settlements should be considered.

The policy indicates that in all instances priority should be given to the reuse of previously developed land and buildings. It states that proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside.

4.10 TAYplan Policy 4 deals specifically with housing proposals. It indicates, amongst other things, that local development plans shall: -

- plan for the average housing land supply targets and housing land requirements to assist in the delivery of the 20-year housing supply target;

- identify sufficient land within each HMA to meet the housing land requirement;
- identify land which is effective or expected to become effective to meet the housing land requirement for each HMA up to year 10 from the predicted date of adoption;
- ensure a minimum of 5 years effective housing land supply at all times;
- ensure the mix of housing type, size and tenure should meet the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs;
- ensure there is a presumption against land release in areas surrounding the Dundee Core Area where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of the Plan.

4.11 In the Angus part of the Greater Dundee HMA it identifies that there is a housing land requirement for an average of 77 new dwellings per annum in the period 2016 – 2028. This is to allow an average annual building rate of 70 new dwellings. A footnote to the policy states *'Average build rates are illustrated annually to assist the understanding of what the scale of housing is for communities. These are only averages and the period in which these build rates should be achieved is over the first 12 years of the Plan, not annually. It is anticipated that within the first 12 year period build rates will be lower than the average in the early period and greater in the later period.'*

4.12 In this context it is relevant to note that: -

- Monifieth is within the Dundee Core Area. This is defined as a Tier 1 settlement.
- Carnoustie is a Tier 3 settlement.
- TAYplan indicates that development on land within principal settlements, particularly brownfield land, is preferable to development elsewhere.
- Monifieth and Carnoustie are within the South Angus HMA sub area of the Greater Dundee HMA.
- TAYplan establishes an average house completion target of 70 dwellings per annum and a housing land requirement equivalent to an annual average of 77 dwellings for the South Angus HMA in the period 2016 – 2028.
- TAYplan recognises that build rates may be lower than the average in the early period and greater in the later period.

4.13 Scottish Government has indicated that approved strategic development plans and any associated supplementary guidance will remain in force until the publication of NPF4.

4.14 An assessment of each proposal in relation to relevant policies of TAYplan is provided in the report that deals with the specific planning application.

#### Angus Local Development Plan (ALDP) 2016

4.15 The ALDP sets out the council's view on how the area should develop in the period 2016 – 2026. The plan sets out where land is being allocated to meet development needs and provides a policy framework to allow decisions to be made on where new development should and should not happen.

- 4.16 The Development Strategy for the plan seeks, amongst other things, to: -
- guide the majority of development, including housing, to locations within the towns that have capacity to accommodate new development well integrated with existing infrastructure, and which serve as locally accessible centres serving a diverse rural hinterland.
  - maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities;
  - provide opportunities for appropriate diversification of the rural economy; and
  - maintain the quality of valued landscapes, the natural, built and historic environment, and biodiversity.
- 4.17 In support of this general approach the ALDP provides development boundaries around settlements to differentiate between built-up areas and the countryside. They seek to protect the landscape setting of the towns and avoid the uncontrolled spread of development. It is indicated that wherever development is proposed, it is important to ensure that all opportunities are taken to re-use or re-develop brownfield land before development takes place on greenfield sites.
- 4.18 Land is allocated for development within the development boundaries. This includes land identified for residential development. Table 1 in ALDP shows the housing land supply for the period from 2016 to 2026. In the South Angus HMA, provision was made for 1,057 new dwellings to meet the requirements of the then operative TAYplan (TAYplan 2012 – 2022).
- 4.19 In addition, the ALDP allows unallocated sites to come forward for residential development where they comply with relevant policy provisions identified in the plan. This is to support delivery of a generous supply of effective housing sites.
- 4.20 The ALDP policy TC1: Housing Land Supply/ Release seeks to ensure a 7-year effective housing land supply is always maintained and indicates that the effectiveness of the supply will be monitored through annual housing land audits. Where a shortfall in the land supply is identified, it is indicated that the council will work to bring forward additional land with sites identified as constrained or non-effective considered first. *Scottish Government appeal reporters have confirmed that current SPP and TAYplan policy requires only a 5-year supply and have therefore attached little weight to the 7-year reference.*
- 4.21 The ALDP states 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.
- 4.22 Outwith development boundaries, the ALDP divides the Angus countryside into two categories. Category 1 covers areas which are not remote from towns. In the category 1 area the opportunity for new development outwith settlements is to be more restricted, as development should be directed

towards existing settlements; the council's policies allow for individual new houses only on greenfield sites in these areas. The South Angus HMA is wholly a Category 1 area.

4.23 Specific to Carnoustie, the strategy amongst other things seeks to: -

- support the redevelopment of vacant, underused and brownfield sites within the defined development boundary, including Woodside/Pitskelly, Barry Road, Greenlaw Hill, and the former Maltings;
- allow phased release of greenfield land at Pitskelly for residential development;
- support delivery of the planned upgrade of Carlogie Road; and
- encourage new development and investment where this will strengthen the role of the town centre and enhance its vibrancy, vitality and viability whilst improving the quality of the physical environment.

4.24 Specific to Monifieth, the strategy amongst other things seeks to: -

- support the redevelopment of vacant, underused and brownfield sites within the defined development boundary, including the former petrol filling station located on the High Street, and Ashludie Hospital;
- allow phased release of greenfield land west of Victoria Street [for residential development];
- encourage new development and investment where this will strengthen the role of the town centre and enhance its vibrancy, vitality and viability whilst improving the quality of the physical environment.

4.25 In this context it is relevant to note that: -

- The ALDP is now more than 5-years old.
- Development boundaries are identified for Carnoustie and Monifieth.
- The planning application sites at Carnoustie and Monifieth are outwith but contiguous with the respective development boundaries for those settlements.
- Neither of the sites is allocated for residential development or forms part of the established housing land supply.
- Neither of the sites is previously developed, brownfield land.
- The ALDP does not anticipate large-scale residential development at either location.
- Development plan policy allows development outwith but contiguous with a development boundary only 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

4.26 An assessment of each proposal in relation to relevant policies of the ALDP is provided in the report that deals with the specific planning application.

#### Scottish Planning Policy (SPP)

4.27 Scottish Planning Policy (SPP) is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. The content of the SPP is a material consideration in the determination of planning applications.

- 4.28 SPP contains a presumption in favour of development that contributes to sustainable development. It states that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.
- 4.29 Sustainability principles are identified and it is indicated these should be used to guide decisions: -
- giving due weight to net economic benefit;
  - responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
  - supporting good design and the six qualities of successful places;
  - making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
  - supporting delivery of accessible housing, business, retailing and leisure development;
  - supporting delivery of infrastructure, for example transport, education, energy, digital and water;
  - supporting climate change mitigation and adaptation including taking account of flood risk;
  - improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
  - having regard to the principles for sustainable land use set out in the Land Use Strategy;
  - protecting, enhancing and promoting access to cultural heritage, including the historic environment;
  - protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
  - reducing waste, facilitating its management and promoting resource recovery; and
  - avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- 4.30 It is stated that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.
- 4.31 SPP indicates that where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider



policies in the SPP. The same principle should be applied where a development plan is more than 5-years old.

- 4.32 Specifically in relation to housing, SPP states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times. It is indicated that a site is only considered effective where it can be demonstrated that within 5-years it will be free of constraints and can be developed for housing. It is further indicated that where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date.

#### SPP and court decisions

- 4.33 Recent court decisions have assisted with interpretation of SPP in relation to housing land supply matters. In summary terms, the courts have determined that: -

- The SDP establishes a housing supply target (HST) and a housing land requirement (HLR) for each local authority housing market area.
- Once an LDP is in place, there is a presumption that a planning decision will be determined in accordance with it, unless material considerations indicate otherwise. The decision-maker must have regard to the LDP.
- One of the functions of an LDP is to allocate sufficient sites for housing. It needs to demonstrate how the HLR is to be met. That involves having a 5-year supply of effective housing land.
- Unless such a supply exists, the presumption in favour of sustainable development becomes a significant material consideration in individual planning applications.
- An annual housing land audit should be conducted and will provide information showing what land is available to seek to satisfy the 5-year effective housing land requirement. A comparison will then show whether there is a shortfall or a surplus.
- There are two main methods for calculation of the number of houses needed to comply with the housing land requirement: -
  - the first is the residual approach. The formula which can be applied is to take, over the period of the development plan, the number of homes to be built, minus the completions to date, divide that figure by the number of years for the plan left to run and then multiply the resulting figure by 5. The courts consider use of the HLR appropriate in this exercise.
  - the second is the average method. This does not rely upon actual completions to date. The average method is normally to use the HST, divided by the plan period to give an annual figure and then multiply that by 5.
- The average method ignores past shortfalls of actual construction when measured against the intended annual amount of housing in the given year. The residual method does take account of the completions.
- The Inner House concluded that, on the face of it, the residual approach would seem to be the most sensible one.
- Where a shortfall is identified, a housing development which will to some extent remedy the shortage, is something which almost inevitably contributes to sustainable development;

- Whether a development is in overall terms, a sustainable development is another question. That is one for planning judgement, but it involves the use of the tilted balance.
- The correct approach, in practical terms, where there is a housing shortage, is to regard that shortage as 'a significant material consideration'. It is not determinative.
- Where the tilted balance is in play, the decision maker must take into account any adverse impacts.
- The question is whether the adverse impacts, notably the other policies in the development plan, 'significantly and demonstrably outweighed' the benefits of the development in terms of the housing shortage and the economic gain. These will include factors such as greenbelt, environmental and transport policies as set out in the otherwise 'out-of-date' SDP or LDP. Each factor will play a part in the determination of whether, overall, the development is to be regarded as sustainable.
- The existence of one or more adverse findings in relation to the thirteen guiding principles to sustainability in terms of SPP (para 29) does not prevent the operation of the tilted balance, but it may result in the balance tilting back to a refusal.

#### Effectiveness of Housing Sites

- 4.34 Both the development plan framework and SPP make reference to an 'effective' supply of housing land. Planning Advice Note (PAN) 2/2010 indicates that for a site to be considered as effective, it must be demonstrated that within the 5-year period beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints on the following basis:

**ownership:** the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal;

**physical:** the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply;

**contamination:** previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;

**deficit funding:** any public funding required to make residential development economically viable is committed by the public bodies concerned;

**marketability:** the site, or a relevant part of it, can be developed in the period under consideration;

**infrastructure:** the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development; and

**land use:** housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.

4.35 In addition to the criteria from the Scottish Government's PAN 2/2010, and in agreement with Homes for Scotland, sites in the Angus Housing Land Audit have been classed as constrained where they meet two or more of the following criteria:

1. there is no developer associated with a site;
2. planning permission is within one year of expiring and no renewal has been sought, or where planning permission was granted over two years ago and no effort has been made to obtain a building warrant;
3. high development costs, such as remediation, are likely to contribute to the delay in the delivery of housing units.

#### Housing Land Position in South Angus HMA

4.36 Angus Council undertakes an annual review of its housing land supply through the Angus Housing Land Audit. The Angus Housing Land Audit 2021 provides a factual statement of land supply within Angus and is a result of a survey undertaken in April 2021. The audit identifies housing sites, estimates potential future annual completions, monitors annual completions, and records the remaining capacity for each site. It identifies sites as either effective or constrained having regard to the definitions provided in PAN 2/2010 and the additional criteria set out above that have been agreed with Homes for Scotland. A draft of the housing land audit was subject to consultation with the Scottish Government, Scottish Water, Scottish Environment Protection Agency, Homes for Scotland, and developers/landowners/registered social landlords.

4.37 The 2021 Audit uses two methodologies to calculate the 5-year effective housing land supply. Each methodology has regard to the housing land requirements set out in TAYplan 2017.

4.38 The first methodology follows an approach set out in the government PAN 1/2020 (December 2020). That PAN has been withdrawn following legal challenge. Notwithstanding that, for the South Angus HMA, the PAN 1/2020 methodology identifies that the effective land supply exceeds the 5-year housing land requirement.

4.39 The second approach follows the residual methodology. The residual method involves subtracting previous years housing completions from the housing land requirement to identify the remaining requirement and comparing that with the programmed effective housing land supply. It allows for any under or over-supply of housing in previous years to be considered in identifying the remaining housing land requirement. It is considered to represent an appropriate methodology in circumstances where the TAYplan housing supply targets and associated housing land requirements are expressed as an annual average and where annual build rates are expected to vary over the plan period. This is the methodology used in previous versions of the housing land audit, and it is the methodology that has been accepted in the determination of planning decisions in Angus. For the South Angus HMA, it indicates that the effective land supply notional programming of 534 units considerably exceeds the remaining 5-year housing land requirement of 110 units as set out in table 1 below.

Table 1: 2021 Housing land audit summary for South Angus HMA

Housing Market Area	TAYplan Housing Land Requirement (2016-2026)	House completions 16/17, 17/18, 18/19, 19/20 & 20/21	Remaining Requirement	5-Year Effective Land Supply notional programming (2021-2026)	5-Year Supply Position
South Angus	773*	663	110	534	424 (surplus)

\* Figure based on 1-year HLR of 80 units, with remaining 9-years based on new HLR figure of 77 units per annum.

- 4.40 Council should note that the 2021 Audit is disputed by Homes for Scotland and others, specifically regarding the inclusion of Strathmartine Hospital in the effective land supply. Parties suggest that site should be regarded as constrained and therefore non-effective as they consider it unlikely to deliver completed dwellings in the next 5-year period.
- 4.41 Those with an interest in the Strathmartine site, including a housebuilder that is a member of Homes for Scotland and a registered social landlord, have indicated that they intend to progress development of the site following approval of detailed matters. An application for the detailed layout of the site has been submitted and is under consideration. While discussion regarding that application is ongoing, there do not appear to be any significant impediments to development. Homes for Scotland has indicated that based on its members involvement in the application, it would be unlikely to dispute the effectiveness of the site or the identified programming in the 2022 audit.
- 4.42 The 2021 Audit identifies notional site programming of house completions in the South Angus HMA and that is identified in table 2 below. The figures include the Strathmartine site for the landward area of the HMA. The notional programming identifies an average of 106 completions per annum over the next 5 years in the South Angus HMA.

Table 2: 2021 Housing land audit notional programmed completions in South Angus HMA

	Notional programmed completions (sites of 5 or more units)					
	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Carnoustie	0	75	49	45	45	214
Monifieth	75	15	7	0	0	97
Landward	11	50	70	46	46	223
South Angus HMA	86	140	126	91	91	534

- 4.43 A review of previous housing land audits indicates that 663 dwellings have been completed in the South Angus HMA in the period 2016 – 2021. The majority of those (485) have been in Monifieth, with lower levels in Carnoustie (164) and the landward area (14). This figure is augmented by a more limited

number of completions on sites of less than 5 units. The average completion rate on sites of 5 or more units in the South Angus HMA is 132 units per annum. Programmed completions for the next 5-year period are below that level (94 units) but remain higher than the TAYplan housing supply and housing land requirement annual targets (70 and 77 units respectively). The general distribution of house completions is represented in table 3.

Table 3: Actual house completions in South Angus HMA 2016 - 2021

	Actual house completions (2016 - 2021)		
	Large sites (5 or more units)	Small sites (less than 5 units)	All sites
Carnoustie	164	11	175
Monifieth	485	5	490
Landward	14	55	69
South Angus HMA	663	71	734

- 4.44 An initial update of the housing land audit has been prepared in advance of the 2022 Audit. Monitoring has identified that to date 94 units have been completed in the period 2021/22 within the South Angus HMA. It indicates that in the South Angus HMA the effective land supply notional programming of 474 units considerably exceeds the remaining 5-year housing land requirement of 93 units as set out in table 4 below.

Table 4: Interim housing land audit summary for South Angus HMA (11 March 2022)

Housing Market Area	TAYplan Housing Land Requirement (2016-2027)	House completions 16/17, 17/18, 18/19, 19/20, 20/21 & 21/22	Remaining Requirement	5-Year Effective Land Supply notional programming (2022-2027)	5-Year Supply Position
South Angus	850*	757	93	474	381 (surplus)

\* Figure based on 1-year HLR of 80 units, with remaining 10-years based on new HLR figure of 77 units per annum.

- 4.45 The residual method for calculation of the housing land requirement set out in the Angus Housing Land Audit differs slightly from that set out in decisions issued by the courts and summarised at paragraph 4.33 above. The method set out by the courts involves establishing the TAYplan housing land requirement over the plan period (77 units x 12 years (2016 – 2028)) and subtracting completions to date (757 units). That provides a remaining housing land requirement (167 units) which is then divided by the number of years remaining in the plan period (6-years (2022 – 2028)). That gives an annualised housing land requirement (28 units per annum) which when multiplied by 5 provides a 5-year housing land requirement (140 units). The notional programming identified in the interim housing land audit of 474 units

delivered at an average of 94 units per annum, considerably exceeds the 140-unit (or 28-units per annum) requirement. That requirement would be met even if there was slippage in delivery from the Strathmartine site. The interim update of the housing land audit confirms that the effective housing land supply has continued to deliver house completions in excess of TAYplan requirements over the plan period.

#### Draft National Planning Framework 4 (NPF4)

- 4.46 The draft National Planning Framework 4 (NPF4) was published on 26 November 2021. It is published for consultation purposes and the weight that should be afforded to it at this stage is limited.
- 4.47 Policy 9: Quality Homes sets out that a local development plan should identify a housing target for the area it covers, in the form of a housing land requirement (HLR). The HLR represents how much land is required, and it should at least meet the 10-year Minimum All-Tenure Housing Land Requirement (MATHLR).
- 4.48 The MATHLR for Angus is expressed as 2,550 houses over a 10-year period. The MATHLR, along with the outcome of the Tayside housing need and demand assessment will feed into the revision of the Angus Local Housing Strategy (2022-2027) and the next local development plan. Together these work streams, involving engagement with relevant parties, will determine the level and spatial distribution of future housing land allocations for Angus.
- 4.49 The MATHLR represents a minimum requirement for Angus of 255 houses per annum which is almost 100 houses below the current TAYplan requirement of 342 houses per annum. If that figure is retained in NPF4, it is anticipated that that the future housing land requirements for the next local development plan will be lower than at present.
- 4.50 The draft NPF4 indicates a shift in policy emphasis driven by the need to meet climate objectives and reduce impacts. This means greater focus on the redevelopment of brownfield sites and vacant and derelict land (in preference to development on greenfield land) to create quality places for people to live. The future approach to identifying sites for new housing is also required to be consistent with the principles of 20-minute neighbourhoods, local living, and taking an infrastructure-first approach.

#### Draft Tayside Housing Need & Demand Assessment (2021) – Initial Outputs

- 4.51 Constituent councils have commissioned consultants to prepare a revised Housing Need & Demand Assessment (HNDA). The purpose of the HNDA study is to provide a robust and credible assessment of the total requirements for all tenures of housing, by size and type, across the study area represented by four local authorities (Angus, Dundee, Fife and Perth). The study will assist to develop an appropriate housing investment programme and will inform the council's understanding of the scale and distribution of future housing requirements across Angus. Initial outputs from the HNDA are currently available in advance of it being submitted to the Scottish Government for assessment and sign off.
- 4.52 The principal projection covering a 20-year period (2021-2040) indicates a housing estimate across Angus of approximately 2,435 houses, including 587

units over the period in the South Angus HMA which represents around 29 houses per annum (63% of that estimate is for social rented housing). The 2021-2030 all tenure housing estimates for the South Angus HMA are calculated to be around 528 (with the remaining 59 in the period 2031 – 2040). Using a high migration scenario, the housing estimate for the South Angus HMA increases to 734 units.

- 4.53 The housing estimates from the HNDA are broadly consistent with the housing land requirement set out in the draft NPF4. The indication is that the scale of the overall housing land requirement across Angus and that for each HMA is likely to be lower than the TAYplan figures, and that a significant proportion of need in the next 10-year period relates to social housing.

#### Planning History

- 4.54 In February 2017 Scottish Ministers dismissed a planning appeal and refused permission for a development comprising 300 residential properties on land west of Carlogie Road, Carnoustie ([15/00922/PPPM](#)). At that time Scottish Ministers concluded that: -

- there is a range and choice of effective sites on offer throughout the South Angus HMA without the need to find additional land to supplement the housing land supply with additional unallocated sites. There is also a range and choice of sites within settlements, including Carnoustie.
- there is a more than adequate supply of effective housing land allocated in the South Angus HMA to meet the TAYplan SDP housing requirement of 800 homes for the period 2012 to 2022. In addition, there is sufficient housing land to ensure the maintenance of a 5-year and 7-year effective housing land supply in the South Angus HMA.
- there is no need to find additional housing land within or on the edge of any settlements.
- the loss of prime agricultural land is contrary to TAYplan SDP policy 3 and Angus LDP policy PV20.
- the appeal proposal would not make efficient use of existing capabilities of land (developing prime agricultural land).
- the proposed development does not accord overall with the relevant provisions of the development plan.

- 4.55 In May 2019 a planning appeal was dismissed for a large-scale residential on land at Pitskelly Road, Carnoustie ([18/00778/PPPM](#)). At that time the government reporter concluded that: -

- the housing land supply is more than adequate to meet the 5-year requirement and that, in terms of land supply, there is no need to permit housing development on the appeal site.
- the proposed development would not support delivery of the development strategy contained in the development plan. It would not be in the public interest. The proposed development would not meet a need that cannot be met within a development boundary.
- the proposed development does not gain any support from housing policies TC1 and TC2 of the ALDP.
- the loss of prime quality agricultural land does not accord with policy PV20 of the ALDP.
- the proposed development does not accord with the development plan.

- 4.56 Those appeal decisions date from 2017 and 2019 respectively and their relevance has reduced with the passage of time. However, the general issues identified remain relevant in the context of planning policy.

## **5. DISCUSSION**

- 5.1 The Scottish planning system is plan-led. There is a statutory requirement that decisions on planning applications be made in accordance with the plan unless material considerations indicate otherwise. There is a general expectation that decisions regarding the long-term scale and direction of future growth should be made through the development plan process.
- 5.2 New housing provides homes for our citizens and economic benefit for our communities. It provides opportunity to create new places that contribute to the quality of our environment, and it provides opportunities for redevelopment of our existing urban areas for the benefit of communities. Delivery of housing is a key objective of planning policy at all levels. The council is required to have a minimum 5-year supply of effective housing land available at all times.
- 5.3 The housing land requirements for the South Angus housing market area have been established by TAYplan in accordance with a housing need and demand assessment. In the period 2016 – 2028 TAYplan identifies a housing supply target for the area of 840 units, and a housing land requirement to deliver that equivalent to 924 units or an average of 77 units per annum. Information demonstrates that in the period 2016 – 2022 some 757 new dwellings have been constructed which represents an average of 126 units per annum. An interim review of the annual housing land audit position identifies the council has land that is anticipated to deliver a further 474 dwellings in the 5-year period to 2027. If new dwellings are delivered in accordance with the identified programming, over 1200 new homes would be provided in comparison to the TAYplan supply target of 840 units. It is relevant to note that these figures do not include sites that currently form part of the established housing land supply but are currently constrained such as the 160 dwellings that are approved at Shank of Omachie in association with delivery of the hotel and golf course development.
- 5.4 Through the 2021 housing land audit consultation, parties questioned the ability of some sites to come forward from the effective housing land supply to deliver new houses. In that respect it is fair to recognise that the two main sites that contribute to the effective supply going forward, namely Pitskelly at Carnoustie and the former Strathmartine Hospital, present different challenges to other sites. While Pitskelly is a greenfield site, its delivery is linked to provision of new employment land for Carnoustie. However, development of that site is underway, infrastructure has been installed in association with the employment land area, and the anticipated house construction programming has been accepted by Homes for Scotland through the housing land audit process. The Strathmartine site represents a brownfield development and includes redevelopment of listed buildings. The challenges associated with delivery of that development are not insignificant. However, there is active developer interest in that site by recognised housebuilders. An application for approval of detailed matters has been submitted, and Homes for Scotland has indicated that given the involvement of a member company, it is likely to accept the effectiveness of the site and associated programming through the 2022 housing land audit.



- 5.5 The Pitskelly site provides wider benefit in terms of assisting delivery of a new employment land area. The Strathmartine site provides wider benefit in terms of redeveloping a redundant brownfield site and facilitating the retention of listed buildings. In addition, the effective supply is augmented by several brownfield sites located within development boundaries. Those sites are currently identified as constrained and therefore not effective. However, there is active interest in a number of them by recognised housebuilders and redevelopment would assist regeneration within our existing urban areas.
- 5.6 The council's strategy is to support regeneration within our towns and identified development boundaries. Development on brownfield sites that provides regeneration, or on greenfield sites that provides wider benefits is likely to be more challenging to deliver than new development on other greenfield sites. However, available information indicates that Pitskelly and Strathmartine are effective housing sites and that they are likely to deliver completion of new homes within timescales that will ensure the TAYplan housing land requirements are more than met. The successful delivery of new homes to date, in excess of TAYplan targets, allows some flexibility in programming for those developments without compromising the ability to meet the housing needs for our communities as set out in TAYplan.
- 5.7 Future housing land requirements for the wider area will be established by NPF4 when it is published in final form. However, initial indications from the draft document, supported by preliminary information from the latest housing need and demand assessment suggest that the scale of the overall housing land requirement across Angus and for each housing market area is likely to be lower than the TAYplan figures.

## **6. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## **7. OTHER IMPLICATIONS**

Human rights issues associated with the determination of the planning applications are set out in the reports that deal with the individual development proposals.

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Tayside Housing Need and Demand Assessment Study - Final Report - 1 March 2022, Arneil Johnson Ltd.

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**APPENDIX 1 – LOCATION PLAN: CARNOUSTIE**  
**APPENDIX 2 – LOCATION PLAN: VICTORIA STREET, MONIFIETH**  
**APPENDIX 3 - DEVELOPMENT PLAN POLICIES**