

ANGUS COUNCIL

24 MARCH 2022

PLANNING APPLICATION – LAND WEST OF JANEFIELD COTTAGE
PANBRIDE ROAD CARNOUSTIE

GRID REF: 356413 : 735569

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [21/00523/FULM](#) for a residential development with associated infrastructure, access, landscaping, drainage, SUDS and open space for Kirkwood Homes And Angus Estates on land west of Janefield Cottage, Panbride Road, Carnoustie. This application is recommended for refusal.

1. RECOMMENDATION

It is recommended that the application be refused for the reasons 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 with associated infrastructure, access, landscaping, drainage, SUDS and open space at land west of Janefield Cottage, Panbride Road, Carnoustie. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to some 3.67ha and is located to the north of Panbride Road at its junction with A930 Carlogie Road. It includes a small section that extends westwards to the Lochty Burn over a distance of around 360m with a width of around 11m. Most of the land comprising the site is in agricultural use, but it includes areas of public road and established landscaping. Land to the north of the site is subject of an application for the formation of cut-off drain to assist in the delivery of this proposal ([21/00583/FULL](#) refers). The application site includes land that is safeguarded to facilitate realignment of the A930 public road.
- 3.3 The development provides for the erection of 60 dwellings including affordable housing. A plan showing the proposed site layout is provided at Appendix 2. Vehicular access is proposed from Panbride Road and a footway/ cycle path would be provided behind an existing hedge that forms the northern boundary to Panbride Road. The dwellings would consist of two, three and four bed properties within a combination of terraced, semi-detached, and detached buildings provided over one and two storeys. In curtilage car parking is proposed with some dwellings containing integral garages. Surface water drainage is proposed to be achieved through

Sustainable Urban Drainage Systems (SUDS) with a SUDS basin located in the southwest corner of the site. The outfall from the basin would discharge to the Lochty Burn located to the west. Landscape planting is proposed around the perimeter of the site and further landscaping is also incorporated throughout the development. The layout makes provision for land to allow realignment of the A930.

- 3.4 The application has been varied to reduce the number of residential units; to amend the mix of housing units, the layout of the parking, the design of the boundary enclosures at visually prominent locations, and to include useable open space.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.
- 3.6 This application requires to be determined by Angus Council because it is a major development which is significantly contrary to the development plan.
- 3.7 The council has an interest in the application as it owns that part of the site safeguarded for realignment of the A930.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted under the former Notification of Intention to Develop procedure on 20 July 1999 for the upgrade of the existing A92 Dundee/Arbroath Road to dual 2-lane road, the construction of the A930 Barry Bypass & Upper Victoria Link Road, and the realignment of the A930 Carlogie Road.
- 4.2 The Angus Local Development Plan safeguards land at this location to enable the implementation of an upgraded A930 Carlogie Road (Policy C8). In addition, it allocates land to the north of the current application site (separated by agricultural land) for the development of an employment area (Policy C6).
- 4.3 Planning permissions have been granted that allow for the formation of the allocated employment area and for works associated with its delivery, including realignment of the A930 Carlogie Road and provision of drainage infrastructure. The current position is set out in Report [230/21](#).
- 4.4 Part of the current application site has planning permission for realignment of a section of the A930 Carlogie Road and the formation of an associated SUDS basin. Permission [20/00826/FULL](#) and Report [231/21](#) refer. It is relevant to note that the SUDS basin approved by that permission would occupy an area of 0.12 hectares, measuring 51m long x 26m wide, with a depth of 3.7m. *That is larger and deeper than the SUDS basin proposed in association with the residential development.*
- 4.5 A Proposal of Application Notice ([21/00068/PAN](#)) in respect of a proposed residential development with associated infrastructure, access, landscaping, drainage, SUDS and open space at the site was considered by the Development Standards Committee at its meeting on 9 March 2021 (Report No. [85/11](#) refers). Committee noted the key issues identified in that report.
- 4.6 An application ([21/00583/FULL](#)) for planning permission has been submitted to form a cut-off drain on land to the north of the current application site. That development is proposed to assist delivery of the proposed residential development. The application is being progressed to determination.
- 4.7 Recent planning appeal decisions relative to proposals for large-scale housing development in the South Angus Housing Market Area, which includes Carnoustie and Monifieth are set out in report 119/22 which is on this agenda.

5. APPLICANTS CASE

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

- Pre-application Consultation Report
- Planning and Delivery Statement
- Design and Access Statement
- Transport Statement
- Stage 1 and 2 Road Safety Audit
- Design Access Audit
- Cycle Audit Report
- Drainage Assessment
- Ground Condition Appraisal Report
- Archaeological WSI
- Preliminary Ecological Appraisal
- Tree Survey Report
- Energy Statement
- Context Plan with Future Road Re-alignment
- Post Application Consultation Response Report
- Housing Land Requirement/ Supply

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

6. CONSULTATIONS

6.1 **Angus Council – Roads** – has no objection in relation to transport matters subject to proposed conditions. It is indicated that traffic generated by the development could be accommodated on the public road network. In relation to drainage, there is concern regarding any increased discharge or rate of discharge of surface water to the Lochty Burn. Consultants have been commissioned and have undertaken assessment of impact associated with discharge from Carlogie Business Park, the realigned A930 road, and the Kirkwood Homes development. That assessment identifies that additional property would be at risk of flooding from combined discharge to the Lochty Burn. However, it also suggests that mitigation of that impact would be possible.

6.2 **Angus Council – Environmental Health** – no objection subject to a condition regarding construction noise.

6.3 **Angus Council – Landscape Services** – has advised that while the open space provision exceeds the minimum requirement for the development, it includes significant areas of planting, and the actual useable open space provided on site does not meet the requirements of policy PV2. The eastern open space requires to be redesigned to provide a more useable area. The SUDS basin should be redesigned to enhance and create biodiversity opportunities. Additional landscaping is required to be incorporated into the open spaces to provide biodiversity opportunities and increase aesthetic value.

6.4 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development which equates to 15 units. The final arrangements for the affordable housing would be subject of further discussions with the applicant.

6.5 **Angus Council – Children and Lifelong Learning** – has advised that there is sufficient capacity at Carlogie Primary School and Carnoustie High School and no developer contribution is required from the proposed development.

- 6.6 **SEPA** – no objection.
- 6.7 **Scottish Water** – has no objection but has advised that further investigations are required to determine whether there is capacity at the water and wastewater treatment works to service the proposed development.
- 6.8 **Aberdeenshire Archaeological Service** – no objection subject to a condition requiring a programme of archaeological works to be carried out across the site should permission be granted.
- 6.9 **Carnoustie Medical Group** – has expressed concern about the impact of further development on health care provision in Carnoustie. The patient list is approximately 13,200 with a high demand for access to existing services. It is suggested that to continue delivering high-quality care, the existing practice would be unable cope with a significant increase in patient numbers from further residential developments in the town. The existing accommodation is at capacity and as the building is leased to the practice and NHS Tayside, the practice does not have scope to expand or make major structural change.
- 6.10 **Community Council** – has objected to the application. Specific concerns include the development being contrary to the land allocation for the site; development being outwith and adjacent to the development boundary; unacceptable impacts on existing infrastructure and services; the placement of affordable housing within the development; the energy efficiency of the proposed housing; unacceptable impacts on the water environment; acceptability of the type of housing proposed; impacts on the natural environment; and the setting of a precedent for further housing on the neighbouring land should this application be approved. *The full representation from the community council is provided at Appendix 4 and is available to view on the council's [Public Access](#) system.*

7. REPRESENTATIONS

- 7.1 115 letters of representation have been received with 2 offering general comment, 46 raising objection, and 67 offering support. The letters of representation are provided at Appendix 4 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections and are discussed under Planning Considerations: -
- Application is contrary to the development plan
 - Need for the proposed development
 - Loss of prime quality agricultural land
 - Unacceptable layout and design, including concern regarding adequacy of open space provision and concern that houses would not meet zero carbon requirements
 - Unacceptable impacts on wildlife and habitat
 - Unacceptable environmental impacts
 - Road traffic safety issues and lack of parking provision within the site
 - Unacceptable impacts on existing infrastructure and services
 - Unacceptable drainage and flood risk impacts
 - Planning history of speculative housing applications in Carnoustie
 - Approval of this application would result in the possibility of further housing to the north of the site.
- 7.3 The following matters have been raised in support of the application and are discussed under Planning Considerations: -
- Provision of new houses meets a housing demand in Carnoustie

- Site represents a natural extension of the town
- Provision of affordable housing is beneficial
- Development would attract people to the town
- Development would provide jobs and boost the local economy
- Proposal is sensitive to the area and the layout is appropriate for the site
- Development incorporates renewable energy infrastructure which can reduce its carbon footprint
- Site is well located in proximity to existing services and recreational facilities

7.4 Material planning issues are addressed below but the following matters are addressed at this stage: -

- **Proximity of the housing to a telephone mast** – all phone masts are required to provide certification of compliance with International Commission on Non-Ionizing Radiation Protection guidelines. Scottish Planning Policy advises that emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.
- **Applicant has a good reputation** – the applicant's reputation is not a material planning consideration.

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 following development plan policies are relevant to the determination of the application and are reproduced at Appendix 3 of report 119/22.

TAYplan Policies 1, 2, 4, 6, 8 and 9

ALDP: DS1, DS2, DS3, DS4, DS5, TC1, TC2, TC3, PV1, PV2, PV3, PV5, PV6, PV7, PV8, PV10, PV11, PV12, PV13, PV14, PV15, PV18, PV20 and C8

Principle of development

8.4 TAYplan Policy 1 indicates that tier 3 principal settlements (including Carnoustie) will accommodate a small share of the additional development over the plan period. The policy requires land within settlements to be given priority ahead of sites on the settlement edge, and also gives priority to reuse of previously developed land and buildings. It indicates that outside principal settlements in countryside areas, new development should be assessed against the need to avoid suburbanisation of the countryside.

8.5 The application site is not allocated in the development plan for residential development. Instead, the adopted ALDP shows the site located outwith but adjacent to the development boundary of Carnoustie in open countryside. The ALDP strategy seeks to avoid development outwith development boundaries in order to protect the landscape setting of settlements and avoid the uncontrolled spread of development. The development plan policies for housing development in this area generally only allow for individual new houses on previously undeveloped land.

8.6 Development of the application site for residential development would result in the loss of approximately 3.67 hectares of prime quality agricultural land. Policy 9 in

TAYplan seeks to protect prime agricultural land where the advantages of development do not outweigh the loss of this land. Policy PV20 of the ALDP states that development proposals on prime agricultural land will only be supported where they support delivery of the development strategy and policies of that plan.

- 8.7 In these circumstances, a site on the edge of a settlement, outwith a development boundary, would only be suitable for residential development if there was an effective housing land supply shortfall, where sites from the established supply could not be advanced; where the loss of prime agricultural land was justified; or where it would be in the public interest and social, economic, environmental or operational considerations confirmed a need that could not be accommodated within a development boundary or on previously developed land.
- 8.8 TAYplan Policy 4 requires local development plans to identify sufficient land to meet the housing land requirement (set at 77 homes per year for the South Angus Housing Market Area (HMA)) and ensure the maintenance of a minimum 5-year effective housing land supply. It states that local development plans should ensure there is a presumption against land release in areas surrounding the Dundee core area.
- 8.9 The South Angus HMA includes Carnoustie, Monifieth, Muirhead & Birkhill, Wellbank, Strathmartine, Newtyle and surrounding landward areas. ALDP policy DS1 (development boundaries and priorities) gives support for housing development on allocated sites. It only allows for development outwith but contiguous with development boundaries where there is a public interest and social, economic, environmental and operational considerations confirm there is a need for the proposed development that cannot be met within development boundaries. In addition, ALDP policy TC1 (housing land supply/ release) allows sites to come forward for housing to maintain a 5- or 7-year effective housing land supply if any shortfall arises that is not met from existing sites. Priority is given to bringing forward sites from the established land supply in advance of new land release. *TAYplan and SPP refer to a 5-year supply and the 7-year reference no longer merits weight.*
- 8.10 Information on housing land supply is provided in report 119/22 that appears on this agenda. The information confirms that the council's housing land audit identifies there is adequate land to meet the housing land requirements set out in TAYplan for the South Angus HMA. The effective housing land supply programmed for delivery in the period to 2026 is 534 units against a housing land requirement of 110 units. Updated information provided in that report indicates that there have been 94 completions in the South Angus HMA in 2021/22. That reduces the remaining 5-year housing land requirement to 93 units with a programmed supply of 474 units to deliver that requirement.
- 8.11 TAYplan seeks to deliver a housing supply target of 840 new homes in the period 2016 – 2028 from a housing land requirement of 924 units provided at an average rate of 77 units per annum. In the period 2016 – 2022, 757 homes have been built in the South Angus HMA at an average of 126 units per year. Programmed completions on effective sites are anticipated to deliver a further 474 new homes in the period up to 2027. If completions are delivered as anticipated, the TAYplan housing land requirement for the period to 2028 is likely to be met and exceeded by 2024. In the period to 2028 around 1200 new homes would be provided in response to the TAYplan housing land requirement of 924 dwellings.
- 8.12 There is an adequate supply of effective housing land in the South Angus HMA to meet the TAYplan housing requirement and to ensure the maintenance of a 5-year effective housing land supply in the HMA. Therefore, there is no need to find additional housing land within or on the edge of any settlements. Consequently, the planning application gains no support from TAYplan policies 1 and 4 in relation to any requirement to find additional housing land. Furthermore, there is no requirement to trigger the release mechanism set out in ALDP policy TC1 to allow additional housing

land to come forward as there is sufficient land to ensure the maintenance of a 5-year effective housing land supply in the HMA. Release of additional greenfield land at this time would not support the strategy of the development plan to promote regeneration of brownfield sites.

- 8.13 As there is no support for the release of additional housing land, the policies and development strategy provided by the development plan framework would not support the loss of prime agricultural land. The loss of prime agricultural land is contrary to TAYplan policy 9 and ALDP policy PV20.

Compatibility of land use

- 8.14 Land to the north of the site is allocated and has planning permission for the formation of an employment land development. A separation distance of over 250m would be retained between this site and the employment development with intervening land in agricultural use. Existing properties would be closer to the employment development and that development is subject to controls to ensure impacts associated with it do not give rise to unacceptable impacts on the amenity of occupants of those properties. There is no reason to consider that residential development on this site would be significantly affected by the employment development. The relationship between the proposed houses and other neighbouring land uses would not be unusual or untypical of that commonly found in the surrounding area. Residential development on the site would be compatible with existing and proposed land uses.

Design quality and amenity

- 8.15 The proposed site layout is provided at Appendix 2. Creating successful quality places underpins the development plan policy framework. The council's design and placemaking supplementary guidance sets out design requirements for new development proposals. These draw upon the positive elements and characteristics of successful places in Angus. These attributes include an outward facing perimeter block structure where the frontage of buildings face streets and public spaces, paths and open space areas are connected, overlooked, and feel safe to use, and where car parking does not dominate the street scene or diminish place quality.
- 8.16 The proposal provides a mix of house types of varying size and height, and the general design of the buildings is appropriate for the location. The position of houses and their relationship to neighbouring property exceeds the council's spatial standards and while the amenity of occupants of neighbouring property would change, the impacts would not be unacceptable when measured against established standards. The layout would allow for the retention of some hedgerows, provision of open space and additional planting, and formation of a footway/ cycleway adjacent to Panbride Road. Individually these are positive attributes, but they are poorly integrated in the overall design and its response to the character of the surrounding area. However, while a perimeter block structure is provided within the central area of the development, the overall layout does not follow that approach and results in private boundaries forming the main interface with the public realm, including on Carlogie Road which is a main approach route into Carnoustie. It also means that it is the rear boundaries of houses that would face the proposed footway/ cycleway on Panbride Road reducing the attractiveness of the route and opportunity for natural surveillance. This is at odds with the surrounding area which is characterised by properties fronting onto public roads. The existing pattern of development is one that adds to the attractiveness of the area and is one that has been replicated in other recent housing developments. Peripheral landscaping may help screen rear boundary enclosures, but it does not justify a layout that responds poorly to the established character of the area. Consequently, the proposed layout does not comply with the council's design policy requirements.

Built heritage and archaeology

- 8.17 The application site is not designated for any built heritage reasons. There are listed buildings and the conservation area at Panbride located in the vicinity, but the proposal would have no direct effects on them. The development would be intervisible with a number of those historic assets, but impact on their setting would not be unacceptable given a combination of the nature of their special interests, separation distance, and intervening landform and landscaping. The council's archaeological advisor has indicated no objection to the application subject to a planning condition requiring a programme of archaeological works. The proposal is unlikely to give rise to unacceptable impacts on the built heritage interests subject to appropriate conditions.

Natural heritage

- 8.18 The proposed development would result in landscape change, and it would be readily visible from the A930 and from surrounding public areas. The northern edge of the town at this location is broadly defined by Panbride Road, but there are areas of built development to the north of the carriageway. New built development would generally be seen in the context of existing development in the wider area, and the land could potentially be developed in a manner that would not give rise to unacceptable landscape or visual impact.
- 8.19 The applicants have submitted information in relation to the ecological value of the site and it indicates the proposal would not give rise to any significant impact on natural heritage interests. The site is not subject of any natural heritage designation and there is no information to indicate that it is of significant habitat value for protected species. Areas of hedgerow would be retained, and additional planting would be provided. There would be potential to improve habitat value of the SUDS basin and to improve planting within the site to enhance biodiversity and amenity. The site is predominantly productive agricultural land and there is no reason to consider the proposal would give rise to unacceptable impacts on natural heritage interests.

Infrastructure

- 8.20 The site has reasonable accessibility to nearby shops and services, there are established footpath links in the area to primary and secondary schools, and it is on a bus route. The roads service indicated no objection subject to planning conditions.
- 8.21 Notwithstanding that, and as indicated above, the application site includes land that the ALDP safeguards to enable implementation of an upgraded of the A930 Carlogie Road. The planning permission that provides for a realigned road includes a SUDS basin to deal with surface water. That basin is in a similar location to the SUDS basin proposed by the current application. However, the currently proposed basin is smaller and shallower than the basin previously approved in association with the road realignment. The approved basin, which is over 50m in length, could not be accommodated within the SUDS area identified in the current residential layout given the location of proposed houses. Information recently submitted in support of the application suggests that the revised basin has been designed to accommodate surface water associated with the realigned Carlogie Road. The council's engineers have not had opportunity to review that data in detail, but the information suggests it has been designed to deal with water quality standards for residential streets with less than 300 traffic movements per day. This would not be suitable for Carlogie Road as the pollution level would be higher given the number of vehicle movements.
- 8.22 The council's children and lifelong learning service has indicated there is sufficient capacity at primary and secondary schools to accommodate children that might be anticipated from the development.

- 8.23 The council's developer contributions and affordable housing supplementary guidance does not identify a requirement for new residential development to make contribution towards healthcare infrastructure in Carnoustie. However, this site is not allocated or identified for development and any residential development would be in addition to that anticipated in the preparation of the supplementary guidance. The capacity of healthcare infrastructure and the impact of development upon it is a material planning matter. The local medical practice has raised concern regarding the impact of residents from additional homes on its capacity and ability to deliver appropriate healthcare provision. It has identified that it may not be possible to readily extend or adapt the building given ownership issues. This matter has not been resolved, but as matters stand it has not been demonstrated that the proposal would not give rise to unacceptable impact on healthcare provision in the town, and it is not demonstrated how any adverse impact could be mitigated.

Flood risk and drainage

- 8.24 The proposed houses would connect to the public sewer for foul drainage and to the public water supply. Scottish Water has indicated no objection and this approach is consistent with development plan policy. It is indicated that surface water would be addressed by SUDS with a discharge to the Lochty Burn. The Carlogie Business Park/ Carlogie Road realignment proposal is a committed development and specific provision is made for it in the ALDP. That development includes provision for surface water discharge to the Lochty Burn. The roads service has advised that surface water discharge to the Lochty Burn from the Carlogie Business Park/ Carlogie Road realignment development, combined with discharge from the development proposed by this application, would result in additional property being at risk of flooding. Available information indicates it is possible that such impact could be mitigated and therefore it is possible that this matter could be addressed by planning condition.

Affordable housing

- 8.25 Development plan policy and associated supplementary guidance indicates that 25% of the total number of residential units should be provided as affordable housing. The applicant has indicated that this requirement would be met. This matter could be addressed through a planning condition or obligation and the precise nature of the provision would be subject of further discussion with the housing service.

Development plan conclusion

- 8.26 The housing land supply is more than adequate to meet the 5-year requirement, and in terms of land supply, there is no need to allow additional housing development. 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. Large-scale housing development on prime agricultural land on a site outwith but adjacent to a development boundary does not accord with the development plan. The proposed housing layout does not respond well to the character of the surrounding area, and it is not compatible with council design policy. Overall, the proposal would represent a significant departure from development plan strategy, and it is contrary to development plan policy.

Other material considerations

- 8.27 In addition to the matters covered by development plan policy it is necessary to have regard to other material planning considerations. In this case those are SPP, draft NPF4, and relevant planning issues raised in supporting information and in letters of representation both in support and objection to the application in so far as they are not addressed in the discussion above.

- 8.28 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old, but the ALDP has recently become more than 5-years old as it was adopted in September 2016.
- 8.29 SPP identifies sustainability principles that should be used to guide decisions and those are detailed at paragraph 4.29 of report 119/22. Some of the identified matters have also been raised in representation to this application and where appropriate they are addressed below to reduce repetition.
- 8.30 Residential development would provide employment opportunities and there would be economic benefit associated with construction activity and the delivery of new homes. Other development sites including those that comprise the effective housing land supply are also capable of delivering similar employment opportunities and associated benefits. The residential development which is underway at Pitskelly is linked to the delivery of employment land at that location.
- 8.31 The development does not respond well to the character of the surrounding area and does not draw upon the positive attributes that make Carnoustie an attractive place to live. The proposed houses are not unattractive, but for the reasons set out above, the proposed layout does not respond well to the character of the surrounding area and does not comply with the council's design policies. The development would not support good design and meet the qualities of successful places.
- 8.32 The development would involve loss of prime quality agricultural land in circumstances where such loss is not necessary, and development of greenfield land for additional housing development is unlikely to support redevelopment of existing brownfield sites within the town or the wider housing market area.
- 8.33 The proposal would support delivery of accessible housing. The roads service has confirmed it has no objection to the application in relation to road safety matters and there is no reason to consider that the development would compromise road traffic or pedestrian safety. Parking provision is in accordance with relevant council standards.
- 8.34 In relation to infrastructure, issues with the SUDS basin associated with the realignment of the A930 are discussed above. The applicants have indicated that the currently proposed basin could accommodate surface water from the road realignment, and while that position has not been confirmed it would be beneficial for that project. Available information indicates that there are no issues associated with capacity at schools that would accommodate children from the development. Issues regarding impact on healthcare provision are less clear-cut and there is unresolved concern regarding capacity at the medical practice that serves the town.
- 8.35 The roads service has indicated that surface water discharge from the application site, combined with surface water discharge from other committed development, would increase flood risk associated with the Lochty Burn. However, it is possible that issues associated with that could be addressed by planning condition. While the proposal may incorporate some measures to assist in carbon reduction, that could be true of dwellings constructed on other sites that do not require loss of additional prime quality agricultural land. Any new dwellings on the site would be required to comply with relevant building regulations.
- 8.36 The proposal makes provision for open space, and areas within the site would be pleasant for social interaction. It would include provision for linkages to other services and facilities in the wider area by means other than private car. However, the layout does not make provision for useable open space in accordance with council policy requirements.

- 8.37 The principles for sustainable land use set out in the government's Land Use Strategy do not prevent development of prime quality agricultural land. However, this proposal would result in the loss of prime quality agricultural land in circumstances where that loss is not required to meet housing land requirements.
- 8.38 The proposal would not result in significant adverse impact on cultural heritage or historic environment assets.
- 8.39 The proposal makes provision for retention of some hedgerows and would involve additional planting. There is no evidence to suggest that the proposal would give rise to any unacceptable impacts on protected species or their habitats. The SUDS basin is not especially well-designed to enhance biodiversity, but the proposal would not give rise to unacceptable impacts on natural heritage interests or the wider environment.
- 8.40 The proposal does not give rise to any significant issues in terms of reducing waste, facilitating its management and promoting resource recovery.
- 8.41 The proposed development would generally meet the council's spatial standards for a development of this nature, although as indicated above the useable open space provision does not meet required standards. The site has potential to provide a good living environment in a manner that would not result in unacceptable impacts on occupants of nearby property. Beyond the issues already identified above, the proposal would not result in over-development, or give rise to significant impacts on water, air and soil quality.
- 8.42 While the proposal is compatible with some of the SPP criteria that indicate a sustainable development, not all are met. Most significantly, the development does not support good design and meet the qualities of successful places. It would involve development of prime quality agricultural land and would not support regeneration. In these circumstances the proposal is not a sustainable development.
- 8.43 In relation to other matters, interested parties have commented on the compatibility of the proposal with development plan policy. It is also indicated that housing would provide much needed homes, including affordable homes. There is no doubt that provision of new housing is desirable, and that affordable housing is beneficial. However, there is a generous supply of housing land in the South Angus HMA to deliver new homes in accordance with identified TAYplan requirements. Development of prime quality agricultural land that lies outwith the development boundary of the town is not consistent with development plan policy and approval of residential development on this greenfield site could jeopardise delivery of other sites that are consistent with planning policy and that form the effective or established housing land supply. Approval of additional greenfield land for residential development is unlikely to assist in the redevelopment of brownfield sites within development boundaries that are also being promoted for residential development.
- 8.44 The planning history of the wider area is of some relevance in so far as it aids understanding of housing land supply issues. Available evidence confirms there is no shortage in housing land supply. There is no concept of binding precedent in planning law and the planning history of the site and issues regarding the prospect of further development in the area should this application be approved merit little weight.
- 8.45 Draft NPF4 is currently subject of consultation and may be amended following that consultation. The published draft suggests that the scale of the overall housing land requirement across Angus is likely to be lower than current TAYplan requirement, that position may change. Limited weight should be attached to draft NPF4 at this stage.

- 8.46 The applicants suggest that there is a shortage of effective housing land in the South Angus HMA and that the market area is not functioning well as the majority of residential development has taken place in Monifieth. The suggestion that there is a shortage of effective housing land is addressed above and is without merit. The Pitskelly development is underway, and Homes for Scotland has accepted the programming set out in the 2021 housing land audit. In terms of distribution of that land, TAYplan identifies housing land requirements for that part of the Greater Dundee HMA that falls within Angus. The ALDP has allocated land for residential development in Carnoustie, Monifieth, and the landward area through the appropriate plan-making process. Those allocated sites have been or are in the process of being developed. Monifieth has seen a significant amount of residential development in the period of the plan with around 557 completions to March 2022; completions in Carnoustie have been lower at 164 units, but that figure will increase with development underway on the 249 houses at Pitskelly. Development at the former Strathmartine Hospital site will ensure continued development in the area west of Carnoustie.

Conclusion

- 8.47 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is to develop 3.67 hectares of land adjacent to the Carnoustie development boundary for large-scale housing development.
- 8.48 The proposed residential development is outwith the defined development boundary for Carnoustie; it is not allocated or identified for development; and it comprises prime quality agricultural land. Planning policy is clear that in these circumstances residential development would only be acceptable if there was an effective housing land supply shortfall, where sites from the established supply could not be advanced; where the loss of prime agricultural land was justified; or where it would be in the public interest and social, economic, environmental or operational considerations confirmed a need that could not be accommodated within a development boundary or on previously developed land.
- 8.49 It has been demonstrated that there is no shortfall in the effective housing land supply. It has been demonstrated that the release of prime agricultural land is not required to deliver the policies, proposals or strategy of the development plan and is therefore not justified. It would not be in the public interest to allow the development to proceed in circumstances where residential development required to meet identified housing needs can be accommodated within development boundaries, and where development of greenfield land could prejudice opportunities to deliver regeneration. The layout of the development responds poorly to the established character of the area and is not consistent with the council's design policies or the ambition to deliver quality places. The proposal does not represent sustainable development in the context of the principles established by SPP, and the development would not be consistent with SPP.
- 8.50 The proposed residential development would not support delivery of the development strategy for Carnoustie, or the strategy set out in TAYplan, and it is significantly contrary to development plan policy. Consideration has been had to the age of the local development plan and to the presumption in favour of sustainable development established by SPP. For the reasons set out above, this proposal is not considered to represent sustainable development. Material considerations raised in support and in objection to the application have been considered in the preparation of this report. The material matters raised in letters of objection support the conclusion that the proposal is contrary to development plan and that its approval could jeopardise the development plan's strategy. The material matters raised in support of the proposal by the applicant do not justify approval of large-scale residential development on

prime quality agricultural land contrary to the provisions of the development plan.

- 8.51 This application is significantly contrary to development plan policy. There are no material considerations that justify approval of the application contrary to the provisions of the development plan.
- 8.52 Should council be minded to approve the application, it would be necessary to notify that intention to Scottish Ministers given the proposal is significantly contrary to development plan and as the council has a land ownership interest.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

10. CONCLUSION

It is recommended that the application be refused for the following reasons: -

1. The application is contrary to Policies 1 and 4 of TAYplan as it involves large-scale residential development on a site outwith a principal settlement in circumstances where there is alternative land available within principal settlements across the South Angus Housing Market Area capable of providing a 5-year effective housing land supply, and where the development would result in release of additional greenfield land for residential development in a manner that is not consistent with the TAYplan strategy for land release.
2. The application is contrary to Policies DS1, TC1 and TC2 of the Angus Local Development Plan as it involves large-scale residential development on a site outwith but contiguous with the development boundary for Carnoustie in circumstances where the development is not required to address a shortfall in the 5-year effective housing land supply; would not support delivery of the development strategy; is not in conformity with other policies of the Plan; and where there are no social, economic, environmental or operational considerations which confirm there is a need for the proposed development that cannot be met within a development boundary.
3. The application is contrary to Policy 9 of TAYplan and Policy PV20 of the Angus Local Development Plan as it would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy and the advantages of development do not outweigh the loss of productive land.
4. The application is contrary to Policy 2 of TAYplan and policy DS3 of the Angus Local Development Plan and its adopted design and placemaking supplementary guidance as the layout and design of the development does not deliver a high design standard that contributes positively to the character and sense of place of the area.

5. The proposal does not represent sustainable development in terms of Scottish Planning Policy and is not consistent with its policies as it would involve development of prime quality agricultural land in circumstances where that is not justifiable; it would not make efficient use of existing capacities of land, buildings and infrastructure including support for regeneration priorities; and it would not support good design and meet the qualities of successful places.

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:

- Lochty Burn Development Assessment draft report March 2022 JBA Consulting

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DATE: 16 MARCH 2022

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SITE LAYOUT PLAN

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: LETTERS OF REPRESENTATION

APPENDIX 5: PLANNING SERVICE PRESENTATION