

ANGUS COUNCIL

24 MARCH 2022

PLANNING APPLICATION – LAND NORTH OF VICTORIA STREET MONIFIETH
GRID REF: 349123 : 733587

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [21/00781/PPPM](#) submitted by Taylor Wimpey (East Scotland) Ltd for a residential development (Major) including formation of vehicular access, access roads, open space, landscaping, SUDS and associated Infrastructure at a field 50m north of Victoria Street, Monifieth. 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 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 residential development would comprise of approximately 50 dwellings. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site measures around 2.5 hectares and is located to the north of Victoria Street and to the south of the A92. The site comprises agricultural land that slopes from the west downwards to its northeast corner. The site includes a section of the A92 Monifieth to Woodhill Cycle Path and the embankment associated with the A92 dual carriageway. An electricity substation is located to the southeast of the site.
- 3.3 An illustrative framework plan has been submitted and is attached as Appendix 2. It provides basic indication of how the site might be developed. It identifies two vehicular access points on Victoria Street; four development areas to accommodate housing; a Sustainable Urban Drainage Systems (SUDS) basin in the eastern area associated with open space; and areas of landscaping on the site boundaries.
- 3.4 The application has not been subject of variation.
- 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 site as it owns that part which constitutes the A92 Monifieth to Woodhill Cycle Path and the embankment associated with the A92 dual carriageway.

4. RELEVANT PLANNING HISTORY

- 4.1 A Proposal of Application Notice (Application Ref: [21/00455/PAN](#)) in respect of a residential development at the site was considered by the Development Standards Committee at its meeting on 20 April 2021 (Report No. [235/21](#) refers). Committee noted the key issues identified in that report and requested that the application contain information in relation to flood risk and road safety impacts on A92.
- 4.2 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. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
- Pre-application Consultation Report
 - Planning Statement (and Addendum)
 - Transport Statement
 - Surface Water Drainage Strategy
 - Noise Assessment
 - Ecology Report
 - Archaeology Report
- 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 some concern regarding any increased discharge or rate of discharge of surface water to the Monifieth Burn as existing properties are at risk of flooding. SUDS seek to replicate greenfield conditions but can result in some increase. If this development was to go ahead it would be desirable to see some betterment, specifically to reduce discharge to the Monifieth Burn relative to greenfield conditions. As this is an application for planning permission in principle additional information regarding surface water drainage could be addressed by condition.
- 6.2 **Angus Council – Environmental Health** – has indicated no objection. In respect of noise, it is accepted that the exact design of the scheme has not been set, and therefore full noise assessment has not been possible. A condition is requested to ensure a noise impact assessment is carried out as part of any subsequent application to consider the impact of road traffic noise. A planning condition is also requested to deal with construction impacts.
- 6.3 **Angus Council – Landscape Services** – has advised that a proposed development of 40-50 houses would be required to provide open space in the region of 2,430 - 3,038sqm (60.75sqm per dwelling). All open space provided must be usable and designed for its intended use, and the SUDS basin cannot contribute to the required useable open space provision. The open space should be provided as 2/3 amenity

and sports use and 1/3 as informal play space. A burgh play facility at Grange Park would provide accessible formal play space for the development.

- 6.4 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required, where the type and size of the contribution is to be subject to further discussion.
- 6.5 **Angus Council – Children and Lifelong Learning** – has advised a financial contribution towards improvements to primary and secondary school infrastructure would be required. At this time a contribution of £6,802 (primary) and £6,041 (secondary) per dwelling (excluding affordable units) would be required to mitigate impacts.
- 6.6 **Transport Scotland** – no objection.
- 6.7 **SEPA** – no objection.
- 6.8 **Scottish Water** – has advised there is currently sufficient capacity in the public water and wastewater systems for the proposed development. It is indicated that existing Scottish Water assets are located within the development site and the applicant must contact the Scottish Water Asset Impact Team to apply for a diversion.
- 6.9 **Aberdeenshire Council Archaeological Service** – offers no objection to the proposal subject to a condition requiring a programme of archaeological works to be carried out across the site should permission be granted.
- 6.10 **Monifieth Medical Practice** – has advised that the proposed development would place further demands on health care provision in Monifieth. The current patient to GP ratio is 2147 patients per GP which is placing a significant demand on existing clinicians and any further development within the catchment area would require the consideration of closing the practice list to new applications. The current situation is not sustainable with the recruiting of GPs a known issue. The practice requests that provision is in-built to future housing developments to assist in mitigating the impact of population increase.
- 6.11 **Scottish and Southern Electricity Networks** – no objection.
- 6.12 **Community Council** – no comment.

7. REPRESENTATIONS

- 7.1 14 letters of objection have been received with 12 raising objection and 2 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: -
- Development is contrary to the local development plan
 - No need for the proposed development
 - Loss of prime quality agricultural land
 - Loss of an area of greenbelt
 - Impact on amenity of existing residents during construction and from additional pedestrian activity
 - Unacceptable level of amenity for prospective occupants of the properties given proximity to the A92
 - Inadequate on-site open space
 - Unacceptable impacts on existing infrastructure, including schools and healthcare provision

- Planning history of the general area
- Approval of this application would result in the possibility of further housing to the east of the application site

7.3 The following matters have been raised in support to the application and are discussed under Planning Considerations: -

- Development would support the delivery of more affordable housing units in an area where there is an existing demand
- Provision of new houses meets a housing demand in Monifieth

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

- **Developer has not completed the current development** – there is nothing in planning law or planning policy that prevents a developer applying for planning permission for additional development in advance of completion of an existing development.
- **Loss of view and devaluation of property** – these are not material planning considerations and should not be considered in the determination of this application. However, issues related to these concerns such as impact on amenity are discussed below.

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 and PV20.

Principle of development

8.4 TAYplan Policy 1 indicates that tier 1 principal settlements (including Monifieth) have the potential to accommodate the majority of the region's 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 Monifieth in open countryside. It is outside the Dundee core area. 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 2.5 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 and is contrary to the requirement to avoid new residential development in areas surrounding the Dundee core area. 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 use

- 8.14 The site is close to the A92 dual carriageway and road traffic noise is a relevant consideration. The submitted noise assessment identifies that to achieve normally acceptable noise levels for residential properties within the site an acoustic barrier would be required on the boundary with the A92. It is indicated that any barrier would need to be in the region of 1.7m high relative to the A92 road level and would extend along the majority of the 325m northern boundary with the dual carriageway. The environmental health service has indicated that the acoustic barrier may need to be higher towards the west of the site where difference in ground levels between the road and the site are less pronounced. Given the landform in the area identified, it is likely that any barrier would need to be in the form of a wall or fence. A barrier of the nature, height, and length required would likely be readily visible from the public road and it would obstruct visibility of existing road signage. A wall or fence of that height and length adjacent to the dual carriageway would not be acceptable. No information has been provided to demonstrate that a barrier could be provided in a manner that would be appropriate for a highly prominent location that provides the transition between town and country. No information has been submitted to demonstrate how the site could be developed if the proposed acoustic barrier could not be provided, but it is reasonable to conclude that the developable area could be significantly reduced.

Design quality and amenity

- 8.15 This application is for planning permission in principle only and detailed matters regarding site layout and the position and design of buildings, open spaces and roads etc. would require the submission of a further application for approval of those matters. The issues discussed above in relation to the impact of noise from the A92 and how that could be mitigated may affect the developable area of the site and might therefore have a significant impact on any layout. It also has potential to impact on the amenity of occupants of proposed property. The ground levels within the site vary considerably with a relatively steep slope downwards towards the northeast corner. The illustrative layout identifies a SUDS basin in that general area, but that might require significant engineering works and reprofiling of ground levels. The footpath/ cycleway located within the northern extent of the site is important and any development would need to safeguard its amenity. The council's design quality and placemaking supplementary guidance would expect any new houses to have frontages facing that route for amenity reasons and to provide natural surveillance. Similarly, the design guidance would generally seek to have houses facing the Victoria Street frontage. That would likely require houses to be set back from the frontage to allow retention of hedgerows. The submitted illustrative framework does not demonstrate that a development could take place in a manner that would meet the council's design requirements, but subject to resolution of noise issues, it is likely that the site could accommodate some development in a manner that could meet design policy requirements.

Built heritage and archaeology

- 8.16 The application site is not designated for any built heritage reasons. There are buildings and scheduled monuments 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, their orientation, 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 conditions.

Natural heritage

- 8.17 The proposed development would result in landscape change, and it would be readily visible from the elevated A92 and from Victoria Street. The northern edge of the town at this location is defined by Victoria Street. The development boundary established by the ALDP is intended to safeguard the landscape setting of the town. Any new development to the north of Victoria Street would extend the settlement in this direction; protrude from this established edge; and move the new settlement boundary in an obvious manner towards the A92. The application site provides separation between the built extent of the town and the A92 and that is of some value to the landscape setting of the town and avoids the appearance of urban development extending close to and along the extent of the dual carriageway. That benefit would be lost if the site was developed for residential purposes and the physical extent of Monifieth would be much closer to the roadway, increasing the urban extent of the town. A high fence or wall provided as an acoustic barrier along the southern edge of the A92 would extend the appearance of urban development into the countryside. Overall, development of the site for residential use would have an adverse landscape and visual impact and would detract from the setting of Monifieth. The proposal is contrary to development plan policy for that reason.
- 8.18 The applicant has 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. The illustrative framework suggests that existing perimeter planting would largely be retained. 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

- 8.19 The site has reasonable accessibility to nearby shops and services, there are established footpath links in the area to primary and secondary schools, and Victoria Street is a bus route. The roads service indicated no objection subject to planning conditions. The acoustic barrier adjacent to the A92 would likely require alteration of existing road signage, but that could be addressed through relevant processes.
- 8.20 The council's developer contributions and affordable housing supplementary guidance indicates there are capacity issues at Grange Primary School and Monifieth High School. The children and lifelong learning service has indicated that if permission is granted a contribution should be sought towards addressing school capacity constraints. Based on current figures contributions of £6,802 (primary) and £6,041 (secondary) per dwelling (index linked) (excluding affordable units) would be required. The contributions could be secured by a planning obligation.
- 8.21 The developer contributions supplementary guidance does not identify a requirement

for new residential development to make contribution towards healthcare infrastructure in Monifieth. 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 local medical practice has raised concern regarding the impact of additional residential development on its capacity. It is unclear if this capacity concern relates to the physical infrastructure, to staffing levels, or both. Developer contributions could be required to facilitate improvements to the infrastructure, but not to address staffing levels. Further information in relation to this matter would be required to establish a suitable land-use planning response. The generous supply of housing land in the HMA provides time for this matter to be addressed before decisions regarding additional land release are made.

Flood risk and drainage

- 8.22 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 Monifieth Burn. Limited detail regarding the proposed SUDS has been provided and the roads service has indicated some concern regarding possible flood risk in the wider area with regard to the proposed outflow to the Monifieth Burn. The roads service has indicated that further information in respect of the possible impact on flooding of this watercourse and flood receptors downstream is required. Further information in respect of flood risk from surface water disposal would be required to establish acceptability of the proposals, but any required mitigation would be on-site and that could be secured by planning condition.

Affordable housing

- 8.23 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

- 8.24 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 and in an area surrounding the Dundee core area does not accord with the development plan. Residential development on this site would take built-development significantly closer to the A92 and would adversely affect the landscape setting of the town. Overall, the proposal would represent a significant departure from development plan strategy, and it is contrary to development plan policy.

Other material considerations

- 8.25 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.
- 8.26 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.

- 8.27 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.
- 8.28 Development at this site may assist in providing continuity of work for those employed on the nearby development site and that would provide some benefit. 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.
- 8.29 The illustrative framework does not demonstrate that an acceptable development could be provided on the site. The indicative information suggests that the proposal as currently conceived would respond poorly to the site and its surrounding and that it would not comply with council design policy. However, these matters could be addressed through an application for further approval of specified matters.
- 8.30 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.
- 8.31 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. The site is reasonably located in relation to surrounding services and facilities.
- 8.32 Developer contributions could be secured to help mitigate identified capacity issues at local schools. 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.
- 8.33 In relation to climate resilience, any new dwellings on the site would be required to comply with relevant building regulations and energy efficiency measures could be addressed at detailed design stage. Issues related to flood risk could be addressed by planning condition.
- 8.34 There is no evidence that the proposal would adversely affect health and well-being and a detailed layout could make provision for open space and landscaping.
- 8.35 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.
- 8.36 The proposal would not result in significant adverse impact on cultural heritage or historic environment assets.
- 8.37 The development would result in adverse impact on the setting of Monifieth for the reasons set out above. There is no evidence to suggest that the proposal would give rise to any unacceptable impacts on protected species or their habitats, or that it

would give rise to unacceptable impacts on natural heritage interests. Detailed issues in relation to landscaping could be considered in an application for approval of specified matters.

- 8.38 The proposal does not give rise to any significant issues in terms of reducing waste, facilitating its management and promoting resource recovery.
- 8.39 The final principle concerns over-development and protection of amenity. The site is separated from neighbouring residential property by the carriageway of Victoria Street and there is no reason to consider that housing development would significantly or unacceptably affect the amenity of existing residents. It is not unusual for new development to take place in proximity of existing houses and planning conditions could be attached to any permission requiring measures to mitigate construction impacts. Issues regarding noise from the A92 may impact on the detailed layout, but it is likely that the site could 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.
- 8.40 While the proposal is compatible with some of the SPP criteria that indicate a sustainable development, not all are met. Most significantly, the development would involve development of prime quality agricultural land and would not support regeneration. The proposal would have a permanent adverse impact on the setting of Monifieth and would increase the presence of built development in proximity of the A92 where there is a transition to countryside. In these circumstances the proposal is not a sustainable development.
- 8.41 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.
- 8.42 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.
- 8.43 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.
- 8.44 The applicant suggests that there is a shortage of effective housing land in the South Angus HMA and that the market area is not functioning well as there is limited remaining land for residential development in Monifieth. The suggestion that there is a shortage of effective housing land is addressed above and is without merit. While the applicant disputes the effectiveness of the Strathmartine site, Homes for Scotland

has indicated that it is unlikely to dispute the effectiveness in the 2022 housing land audit given active interest in the site by one of its member companies. 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

- 8.45 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 2.5 hectares of land adjacent to the Monifieth development boundary for large-scale housing development.
- 8.46 The proposed residential development is outwith the defined development boundary for Monifieth; it is outside and on the edge of the Dundee core area; 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.
- 8.47 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. Residential development on this site would extend the urban area of the town up to the A92 and in so doing would adversely affect the towns landscape setting. 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.
- 8.48 The proposed residential development would not support delivery of the development strategy for Monifieth, 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.
- 8.49 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.

- 8.50 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 Monifieth 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 9 of TAYplan and policies DS1 and PV6 of the Angus Local Development Plan as large-scale residential development on a prominent site adjacent to the A92 public road would have an adverse impact on the setting of Monifieth.
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 protect or enhance the landscape, specifically the landscape setting on Monifieth.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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APPENDIX 1: LOCATION PLAN

APPENDIX 2: ILLUSTRATIVE FRAMEWORK PLAN

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: LETTERS OF REPRESENTATION

APPENDIX 5: PLANNING SERVICE PRESENTATION