

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 OCTOBER 2022

PLANNING APPLICATION – LAND AT CRUDIE FARM ARBIRLOT ROAD WEST  
ARBROATH

GRID REF: 362139 : 741001

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

**Abstract:** This report deals with planning application No. [21/00749/FULM](#) for a residential development of 146 dwellinghouses with associated infrastructure including vehicular access, landscaping, drainage, SUDS and open space for Scotia Homes Ltd on land at Crudie Farm, Arbirlot Road West, Arbroath. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

- 3.1 Full planning permission is sought for a residential development of 146 dwellinghouses with associated infrastructure including vehicular access, landscaping, drainage, SUDS and open space on land at Crudie Farm, Arbirlot Road West, Arbroath. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to some 6.17ha and is located to the south west of Arbirlot Road West. It predominantly comprises relatively flat agricultural land with areas of landscape planting and field margins. The site is bound to the north and west by agricultural land with residential properties and Muirfield Primary School bounding the site to the south.
- 3.3 The development provides for the erection of 146 dwellings including affordable housing with vehicular access for 143 of those taken from 2 vehicular accesses from Arbirlot Road West. 3 units are proposed at the western end of Timbergreens and vehicular access to those properties would be taken directly from that roadway. The dwellings would consist of one, two, three and four bed properties within a combination of terraced, semi-detached, and detached buildings provided over one and two storeys. A range of parking solutions are proposed including parking courts and in-curtilage parking with some dwellings containing detached garages. A multi-functional area of open space is proposed adjacent to the west boundary with other

areas of open space located throughout the site. Surface water drainage is proposed to be achieved through Sustainable Urban Drainage Systems (SUDS) with a detention basin located in the southwest corner of the site. Landscape planting is incorporated throughout the development.

- 3.4 The application has been varied to amend the layout, design and external appearance of housing to be provided on site; the layout of the parking; the configuration of internal roadways and pedestrian connections; the design of the boundary enclosures at visually prominent locations; the design of open space areas; the landscaping specification and the design of the SUDS basin.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 A Draft Development Brief for the land allocation was prepared in accordance with the process for the preparation and reporting of development briefs established in Report [11/18](#). The finalised [Brief](#) was approved by the Development Standards Committee at its meeting on 6 August 2019 (Report [254/19](#) refers).
- 4.2 A Proposal of Application Notice (Application Ref: [21/00258/PAN](#)) in respect of a residential development at the site was considered by Committee at its meeting on 18 May 2021 (Report No. [151/21](#) refers). Committee noted the key issues identified in that report.

#### **5. APPLICANTS CASE**

- 5.1 The following documents have been submitted in support of the application: -
- Pre-application Consultation Report and associated appendices
  - Design and Access Statement
  - Transport Assessment (parts 1 - 6)
  - Flood Risk Assessment
  - Drainage Strategy Report with associated documents providing operation and maintenance requirements for drainage ditch, greenfield run-off calculations, and surface water calculations
  - Preliminary Ecological Appraisal, Phase 1 & Bat Preliminary Roost Assessment Report
  - Biodiversity Action Plan
  - Energy Statement
- 5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 2.

#### **6. CONSULTATIONS**

- 6.1 **Angus Council – Roads** – has indicated that it is satisfied with the methodology and conclusions reached in the Transport Assessment. It is satisfied that traffic generated by the development could be accommodated on the public road network and has no objection in relation to transport matters subject to planning conditions to secure the widening of Timbergreens, the provision of a 3m cycle path along the west side of Arbirlot Road West, and the relocation of the bus shelter on that road (amongst other things).

In relation to flooding and drainage, roads has offered no objection to the proposal subject to a planning condition requiring evidence that Scottish Water will vest the surface water drainage infrastructure for the site.

- 6.2 **Angus Council – Environmental Health** – no objection subject to a condition to control noise associated with construction activities and the use of air source heat pumps.
- 6.3 **Angus Council – Landscape Services** – has no objection and has advised that the open space provided exceeds the minimum requirement for the development. Further information is required in relation to the layout of open spaces to ensure useable space is provided, but that information could be secured by planning condition.
- 6.4 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development which equates to 36.5 units. The final arrangements for the delivery of 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 Muirfield Primary School and Arbroath High School to serve the development and no developer contribution is required from the proposed development to increase capacity. Using the pupil product ratio, it is anticipated that 33.58 primary and 29.2 secondary school children would be generated by the development. The current school roll at Muirfield Primary School is 242 with a notional school capacity of 335. The current school roll at Arbroath High School is 886 with a notional capacity of 1088.
- 6.6 **SEPA** – no objection in respect of flood risk.
- 6.7 **Scottish Water** – has no objection and has advised that there is currently capacity for water supply and foul drainage in the public network 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.
- 6.9 **Community Council** – has offered no comments.

## 7. REPRESENTATIONS

- 7.1 20 letters of representation have been received with 18 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: -
- Re-development of brownfield, vacant and derelict sites should be prioritised before developing greenfield/agricultural land
  - Lack of need for the proposed development
  - Impacts on amenity (noise and dust) of housing and school during construction
  - Impact on archaeology
  - Impacts on wildlife (including habitat for geese)
  - Unacceptable environmental impacts
  - Road safety concerns
  - Lack of regular public transport links
  - Lack of space in primary school to accommodate children from this and other developments
  - Impacts on existing infrastructure and services (health, dentists)
  - Flooding and drainage concerns

- Loss of views

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 Arbroath
- Site represents a natural extension of the town
- Provision of affordable housing is beneficial

## 8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises: -

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

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been considered in preparing this report.

### **Preliminary matters**

8.4 The ALDP is more than 5-years old as it was adopted in September 2016. TAYplan was approved in October 2017 but Scottish Government has indicated that approved strategic development plans and any associated supplementary guidance will remain in force until the publication of NPF4. Issues associated with the age of the ALDP are addressed further below.

### **Principle of development**

8.5 The application site forms part of a larger area of land that is safeguarded in the ALDP for residential development (allocation A2 refers). The ALDP was prepared in the context of Scottish Planning Policy 2014 (SPP) and TAYplan 2012. The land allocation was made having regard to the current SPP. While TAYplan was updated in 2017, its policies remain consistent with SPP and do not differ materially from those contained in the 2012 plan in so far as they relate to the general principle of residential development on the application site. In that respect, the general principle of residential development of the application site is compatible with the policies of the development plan.

8.6 The A2 land allocation indicates that 5ha of land at Crudie Farm is allocated for residential development of around 120 dwellings in the period 2021 – 2026. The supporting text indicates that land has been allocated on this site (and the nearby A1 site at East Muirlands Road) to capitalise on the renewal of Muirfield Primary School and the good linkages to employment, school and retail facilities. It indicates that this is a first phase of a larger site, with additional land safeguarded for further residential development in the period beyond 2026, the scale of which will be confirmed by a future local development plan. The allocation indicates that proposals should be in accordance with the development brief for the site and should include specified matters.

8.7 The development brief was approved by committee in August 2019 (Report [254/19](#) refers) and relates to the larger safeguarded area of land identified by A2. It identifies general requirements which development proposals require to address relating to:

- Access and connectivity
- Drainage
- Landscaping and open space provision
- Housing numbers, layout and density
- Affordable housing
- Phasing and developer contributions
- Planning policy and emerging policies

8.8 The application proposes 146 dwellings on around 6.17ha of the larger safeguarded site. The proposed development is located in the south-eastern part of the larger site in the general area identified in the development brief for the first phase of development. The location of houses proposed in the application is broadly in accordance with the A2 allocation.

### **Housing land supply**

8.9 Planning policy at all levels seeks to ensure that a minimum 5-year supply of effective housing land is available at all times. TAYplan Policy 4 requires local development plans to identify sufficient land to meet the housing land requirement (set at 94 homes per year for the East Angus Housing Market Area (HMA)) and ensure the maintenance of a minimum 5-year effective housing land supply. The ALDP allocated sufficient land to meet that requirement.

8.10 However, Policy TC1 of the ALDP indicates that the effectiveness of sites will be monitored through the annual housing land audit. It goes on to indicate that, where the audit process identifies a shortfall in the 5-year effective land supply, the council will work with relevant parties to bring forward additional housing land, with the early release of sites planned for later phases of the plan, as well as sites identified as constrained or non-effective considered in the first instance. The policy states that if the shortfall is not met from existing sites, proposals for housing development on other sites may be supported where they are consistent with the policies of the plan.

8.11 In this case, work undertaken in association with the annual housing land audit indicates that sites in the East Angus HMA have not delivered new homes in accordance with developers anticipated programming. The draft 2022 housing land audit suggests there is a shortfall of 84 units in the 5-year effective housing land supply within the East Angus HMA. However, that shortfall should be considered in the context of a surplus of around 105 units across Angus as a whole.

8.12 The A2 allocation indicates that the first phase of the site is identified for *around* 120 units and the development brief indicates that numbers are flexible if development density is supported by good design. While the site area and number of new homes proposed by the application is greater than the 5ha and 120 dwellings identified for delivery in the period 2021 – 2026, the larger area of land is within the development boundary and is safeguarded for residential development. The increase in housing numbers attracts some support from ALDP policy in circumstances where there is a shortfall in effective housing land supply. Issues regarding the identified shortfall in effective housing land supply are addressed further below.

### **Compatibility of land use and provision of a satisfactory residential environment**

8.13 Development plan policy requires that new residential development is compatible with current and proposed land uses in the surrounding area, and that it provides a satisfactory residential environment for residents. The broad principle of the acceptability of residential development at this site has been established by the ALDP land allocation. However, the planning policy requires the design and layout of the development to take account of neighbouring land uses.

- 8.14 The site is bound by agricultural land to the west and north, by Muirfield Primary School to the south and by residential property to the south and east. It is not uncommon for housing to be developed adjacent to agricultural land and that is the case for existing housing in the Hospitalfield residential area to the south. The development of the site for housing has the potential to impact on the amenity of those that live in the area and on the school to the south, during the construction of the development and once the site is occupied. Those impacts would not be unacceptable. The separation distances between existing dwellings and those proposed in the development are compatible with the council's design guidance. The housing proposed to the south-east and on Timbergreens would be single storey. The SuDS and landscaping area at the south of the site provides a buffer between the housing proposed in that part of the site and existing housing on Hospitalfield Road and a similar buffer would be provided along Arbirlot Road West. There is existing housing in the vicinity of the primary school, and it is not uncommon for housing to be located close to schools.
- 8.15 The development will generate more traffic movement in the area but that was recognised and accepted when council allocated the site for residential development in the ALDP. Conditions are proposed that seek to control the construction phase of the development to regulate impacts on existing residents and the school.

### **Design quality and amenity**

- 8.16 The development brief indicates that a key objective for the site is to provide a variety of house types, tenure, size and density to create a balanced and mixed neighbourhood and achieve an attractive design solution. It indicates that applications should be supported by sustainability statements and should create linked spaces that encourage interaction. Recent housing appeal decisions in Angus have underpinned the importance of good design as set out in the council's Design Quality and Placemaking Supplementary Guidance.
- 8.17 The layout generally allows for a perimeter block approach with houses fronting public roads and open spaces. Front gardens on main routes through the site are enclosed by boundary hedging and parking areas on the primary boulevard are designed so that cars do not dominate the street scene by using rear parking courts and driveways up the sides of housing. While car parking is more prominent on secondary and tertiary routes through the site, the applicant proposes planting to reduce its dominance in the street scene. The hierarchy of streets within the layout is clear with a tree lined boulevard on the main route into the site and shared surfaces on secondary routes. Streets are connected and the site would be permeable for pedestrians with a choice of convenient routes which are overlooked by public elevations of homes. Pockets of open space are provided to promote social interaction and to create a sense of place within the development with landscaping used to soften the appearance of the development and create pleasant open spaces.
- 8.18 A range of house types and house sizes are proposed that would provide choice and create a mixed community. Houses would provide one to four-bedroom accommodation over one or two levels. Plot sizes and private amenity space vary according to dwelling size and are typical of those found in modern residential developments. The general design and spacing of buildings is also appropriate having regard to council design guidance and should ensure that prospective residents have acceptable amenity standards. The palette of external materials includes a combination of render and cladding for external walls to provide a mix of complementary finishes. Some housing on the northern and western periphery of the site would back onto agricultural land which in the longer term would not be a suitable edge to the settlement. However, this is the first phase of housing on a larger area of land that is safeguarded for future housing development, and that matter

could be resolved by future phases (as illustrated on the indicative future phases layout submitted). Planning conditions are proposed relating to boundary treatments and development phasing, but the applicant has indicated that the affordable housing area would be delivered in an early phase.

- 8.19 The application is supported by an energy statement which indicates that the development has been designed as a low energy and low carbon development. Measures include high levels of insulation, solar panels, future proofing of housing to allow the easy installation of vehicle charging infrastructure, and the use of air source heats pumps (ASHP) in the affordable housing area. Those measures would help to reduce the carbon footprint of the development. Environmental health has indicated that noise information should be provided to ensure that ASHPs would not give rise to unacceptable noise impacts and that matter can be regulated by planning condition.
- 8.20 The proposed layout would provide a good standard of amenity for future occupants and the general layout and design is broadly compatible with the council's supplementary guidance and the development brief.

### **Landscaping and open space provision**

- 8.21 The development brief requires landscaping and boundary treatments to help integrate the development into the landscape and soften the transition between the built-up area and the countryside. The brief indicates that the larger safeguarded area has an estimated capacity of 450 to 500 units, and each phase of development will require to make a contribution to the aims of the brief to integrate development with the green network, incorporate views into the open countryside and provide open space to serve a range of functions and contribute to biodiversity. The open space requirement for a development of this scale is around 8,870sqm.
- 8.22 The design statement indicates that the approach to landscaping and open space for this phase of the site seeks to provide buffers to neighbouring housing, landscape corridors through the main boulevard, and smaller landscaped areas to help create a sense of place that is welcoming and pleasant. The landscaping plans identify the location of new native tree planting and hedging in open spaces, and as front garden boundary enclosures for housing facing roads and open spaces.
- 8.23 The open space approach to the first phase would deliver a perimeter landscaped open space area along the Arbirlot Road West site frontage, a landscaped boulevard through the site linking to future phases of development, a landscaped buffer along the southern boundary comprising a SUDS area and path connections to Timbergreens and the primary school at the south, a multi-function open space area to the west and smaller pockets of open space between groups of housing. The quantity of open space (described by the applicant as 1.6ha) would exceed the Policy PV2 requirement for a development of 146 houses.
- 8.24 The layout has been arranged so that open spaces including the SUDS area to the south west would be subject of natural surveillance from public elevations of homes. The landscaping arrangements would enhance the biodiversity value of the site, create connections to and enhance the existing green network, and would create a welcoming and pleasant sense of place within the development. Information has been submitted to show how the proposal could relate to future phases of development in a manner which could accord with the aims of the development brief and relevant guidance. The council's landscape services team has confirmed it has no objection to the proposal in respect of the quantity, location and type of open spaces proposed within the development subject to some minor amendments to ensure spaces are useable. Those amendments could be secured by planning condition. Arrangements for the ongoing maintenance of all open spaces, boundary

hedging and land outside of plot curtilages could also be secured by planning condition. The general approach to landscaping, open space provision and boundary treatments is consistent with the aims of the development brief, development plan policy and supplementary guidance.

### **Built heritage and archaeology**

- 8.25 The application site is in an area noted as being of archaeological interest, with evidence of crop marks in the general area of the site. The archaeology service has requested an archaeological written scheme of investigation due to the potential of the site to contain features of archaeological significance. This matter can be addressed by condition. The general layout and design of the site is acceptable as discussed above and the proposal does not give rise to any unacceptable impacts in terms of built environment considerations.

### **Natural heritage**

- 8.26 The proposed development would result in landscape change, and it would be visible from the public road network and surrounding public areas. However, that change has been accepted through allocation of the site for residential development in the ALDP.
- 8.27 The application is supported by an ecology report which suggests the site currently has limited ecological value as cultivated arable land. Proposals to enhance ecological features within the site are included, which would result in a net gain to biodiversity. The biodiversity action plan includes steps to improve the habitat potential of the site for bats, red squirrel, hedgehog, birds, butterflies and to secure appropriate tree and shrub planting. The site is not subject to any designation for natural heritage and the proposal is unlikely to result in any unacceptable direct or indirect impacts on the natural environment.

### **Access and connectivity**

- 8.28 The proposal is accompanied by a transport assessment which considers the accessibility of the site to existing path and cycle routes and public transport. It assesses impacts from the development on the surrounding road network and incorporates a travel plan framework, indicating that a residential travel pack would be provided in the welcome pack of each new home to promote sustainable travel options. The assessment indicates that the site relates well to the existing sustainable transportation network, providing access to walking, cycling and public transport travel options and the development incorporates measures to make connections to these networks. The assessment indicates that vehicular traffic from the proposed development can be accommodated without any unacceptable impacts on the local road network.
- 8.29 The development provides for a total of 146 dwellings, with 143 dwellings accessed from two new vehicular accesses onto Arbirlot Road West. The remaining 3 units would be accessed via Timbergreens, where the carriageway would be widened at its westerly extent with a footway provided on its north side. The footway along the west side of Arbirlot Road West would be widened to form a 3m wide footpath and cycleway and the development incorporates a choice of convenient footpath and cycle connections to the existing road network, to future phases of the development to the north and west, and to Muirfield Primary School to the south of the development.
- 8.30 The roads service has considered the transport assessment and is satisfied with the methodology used and conclusions reached. It has no objection to the proposal subject to planning conditions to ensure (amongst other things) provision of a 3m



cycle track along the west side of Arbirlot Road West, the widening of Timbergreens on its north side, and the relocation of an existing bus stop on Arbirlot Road West.

- 8.31 The transport assessment does not identify a need for on street parking on Arbirlot Road West to be accommodated within the proposal. The parking proposed is in accordance with the councils parking standards and includes the provision of disabled parking in the affordable housing area. There would be space within the plots to provide bicycle storage. The access and connectivity arrangements proposed are consistent with the requirements of the development brief and development plan policy.

### **Flooding and drainage**

- 8.32 The houses proposed would connect to the public drainage network for foul drainage. The proposal incorporates an area for the sustainable management of surface water, in the form of a detention basin at the south west of the site which would discharge into an existing drainage culvert which runs south along Hospitalfield Road to Geordie's Burn. Scottish Water has offered no objection to the proposal and has indicated that there is currently capacity in the water supply and foul drainage network to accommodate the development.
- 8.33 The drainage strategy report indicates that the surface water infrastructure has been designed in accordance with relevant standards including a 35% allowance for climate change. It indicates that the surface water infrastructure has been designed so that it can be adopted by Scottish Water. The proposed housing is not located in an area which is identified as being at risk of flooding on SEPA flood maps. The flood risk assessment includes recommendations including minimum floor levels for the houses at the south of the site and requiring retention of a ditch along the south of the site. A separate maintenance schedule is provided for that drainage ditch.
- 8.34 The roads service has reviewed the flooding and drainage information submitted and has indicated that the surface water drainage system would reduce flows entering the existing culvert. It has no objection to the proposal subject to a planning condition requiring evidence that the surface water infrastructure will be adopted by Scottish Water. SEPA has offered no objection to the proposal and accepts the findings of the flood risk assessment. The drainage system accords with requirements of the development brief. The Biodiversity Action Plan submitted identifies measures to ensure that the SUDS area contributes to biodiversity with an appropriate planting regime within the SUDS basin and the installation of bat, hedgehog and insect friendly features on adjacent land. The information demonstrates that no areas outwith the site will be subject to increased flood risk as a consequence of the development and the field drainage and boreholes located on agricultural land to the west would not be directly affected by this phase of the development.

### **Affordable housing and developer contributions**

- 8.35 The local development plan requires the provision of affordable housing at 25% of the total number of units proposed. The development brief indicates that on site delivery of affordable housing is preferred and requires 20% of the affordable housing to be designed to meet particular needs. The Developer Contributions and Affordable Housing Supplementary Guidance (2018) identifies where developer contributions are required, and in the Arbroath area indicates that contributions are required for increasing capacity at Arbroath High School and towards an extension to Arbroath Sports Centre.
- 8.36 Affordable housing is proposed in the area to the south of the site close to Muirfield Primary School and would include 36 units with a mixture of 1-4 bedroom properties provided through single and two storey houses and flats. The housing service has

been consulted on the proposal and has offered no objection. Precise details relating to the delivery of that affordable housing would be agreed through a planning obligation and delivery package.

- 8.37 While the supplementary guidance indicates that developer contributions are required towards an extension of Arbroath High School, the council's schools and learning service has indicated that there is capacity in both Muirfield Primary School and Arbroath High School to accommodate the anticipated level of children from the development. It has confirmed that there are no plans to extend Arbroath High School and the current roll is around 200 pupils below its notional capacity. In circumstances where there is capacity in the school to accommodate children associated with the development and where there are no plans to extend the school, it would not be appropriate to seek a financial contribution from the development towards increasing its capacity. A financial contribution is however required from the mainstream (but not affordable) units towards increasing capacity at Arbroath Sports Centre and that could be secured through a planning obligation. The council's adopted supplementary guidance does not identify any other developer contributions from new residential development at this location.

#### **Other development plan considerations**

- 8.38 Development of the application site would result in the loss of over 6ha 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. In this case the land is allocated for residential development in the ALDP and the acceptability of the loss of agricultural land has been accepted through the plan-making process. This site contributes to the effective housing land supply in the council's housing land audit, and delivery of housing on this site would support the development strategy in the ALDP. The loss of prime agricultural land in this case is compatible with development plan policy.
- 8.39 The proposal does not give rise to significant issues in terms of other development plan policy.

#### **Development plan conclusion**

- 8.40 The application site forms a first phase of development on part of a larger area of land that is allocated and safeguarded specifically for residential development intended to provide housing land to serve Arbroath in the period 2021-2026 and beyond. The principle of residential development on the site is compatible with and attracts strong support from development plan policy. The detail of the proposal is broadly compatible with development plan policy and associated design guidance, and with the aims of the development brief. Impacts associated with the development can be appropriately mitigated and planning conditions are proposed to secure mitigation. Overall, the proposal accords with development plan policy.

#### **Other material considerations**

- 8.41 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 Scottish Planning Policy (SPP), relevant planning issues raised in letters of representation to the application in so far as they are not addressed in the discussion above and draft NPF4.
- 8.42 Paragraph 33 of 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 5-years old, but the ALDP is more than 5-years old as it was adopted in September 2016. Paragraph 125 of SPP also says where a shortfall in the 5-year effective housing land supply exists, housing land policies of the development plan should not be considered as being up-to-date. In these circumstances the presumption in favour of development that contributes to sustainable development is engaged as a significant material consideration in this case.

- 8.43 Paragraph 29 of SPP identifies sustainability principles that should be used to guide decisions. Some of the identified matters have also been raised in representation to this application and where appropriate they are addressed below to reduce repetition.
- 8.44 The first two criteria relate to economic impact. In this respect residential development would provide employment opportunities and there would be economic benefit associated with construction activity and the delivery of new homes. The proposal would not conflict with any economic strategies.
- 8.45 The third principle relates to design quality and the six qualities of successful places. The proposed development has been designed to take account of those qualities with a perimeter block approach to housing layout; green spaces containing native planting which are overlooked by housing; and a hierarchy of connected streets offering choice to pedestrians encouraging active travel. It has been designed to meet the aspirations of the development brief and council design guidance. Accordingly, the proposal would support good design and meet the qualities of successful places.
- 8.46 The fourth principle relates to making efficient use of land, buildings and infrastructure. This development would involve loss of over 6ha of prime quality agricultural land; it would not involve reuse of existing buildings or brownfield land; but it is located in an area where it can be accommodated by existing infrastructure. However, the land is allocated for residential development in the local development plan, and planning policy allows for loss of prime quality agricultural land where the advantages of development outweigh its loss. Construction of new homes on land that is allocated for residential development and where there is an identified shortfall in housing land supply would be circumstances where the benefit of development would justify loss of prime land. Brownfield sites with planning permission within the East Angus HMA are insufficient to meet the housing land supply requirement of TAYplan.
- 8.47 The fifth principle relates to accessibility. SPP aims to promote development which meets its travel demands first through walking, then cycling, then public transport and finally through the use of private cars. The development relates well to existing routes and includes measures to promote active travel. The site is well located to access existing public transport infrastructure on Arbirlot Road West and on Westway and there are reasonably frequent services to the town centre (Services 39, 43, 73). The roads service has indicated it has no objection to the development subject to conditions and the generality of the layout would provide reasonable connectivity as anticipated by the approved development brief.
- 8.48 The sixth principle relates to delivery of infrastructure. Available information indicates that there are no issues associated with capacity at schools that would accommodate children from the development and the ALDP indicates the recent renewal of Muirfield Primary School was one of the factors in allocating housing land in this part of Arbroath. The council's education service has indicated that this proposal does not require contribution towards education infrastructure. Any issues associated with impact on education infrastructure from possible future housing will be considered as and when additional land is allocated for development through the plan-making process or in the determination of future planning applications. 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 Arbroath. No objection or concern has been raised in relation to this application by NHS Tayside or local health care providers and the additional population from this allocated site was a known factor when relevant parties were consulted on the developer contribution supplementary guidance. Contributions are required towards improvements at Arbroath Sports Centre and can be secured by planning obligation. There is no evidence to suggest that there is not adequate infrastructure to meet the needs of the development.

- 8.49 The seventh principle relates to climate change mitigation and adaptation including taking account of flood risk. SEPA and the council's roads service have offered no objection in respect of the proposed drainage system, which has been designed with an allowance for climate change. The energy statement sets out how the proposal would incorporate measures to assist in carbon reduction (which includes the use of solar panels on roofs) and any new dwellings on the site would be required to comply with relevant building regulations.
- 8.50 The eighth principle relates to improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation. The proposal makes provision for a variety of open spaces, and areas within the site would be pleasant for social interaction. The proposal also includes convenient pedestrian connections to existing open spaces to the east.
- 8.51 The ninth principle requires proposals to have regard to the principles of sustainable land use set out in the government's Land Use Strategy, and the proposal does not give rise to any significant conflict in that respect.
- 8.52 The tenth principle relates to protecting, enhancing, and promoting access to cultural heritage, including the historic environment. The application site is in an area of archaeological interest, but a planning condition is proposed requiring a programme of archaeological works to ensure that the potential for any unknown archaeology within the site is investigated and recorded. The proposal would not result in significant adverse impact on cultural heritage or historic environment assets.
- 8.53 The eleventh principle relates to protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. There is no evidence to suggest that the proposal would give rise to any unacceptable impacts on protected species or their habitats. The site is not subject to any natural heritage designation and while the agricultural land may be used by protected species including geese, the development of the site would not have a significant impact on their habitat having regard to the abundance of agricultural land in the surrounding countryside. The ecology and biodiversity information submitted suggests that the development provides the opportunity for a net gain to biodiversity within the site through native tree and shrub planting, and the incorporation of wildlife friendly features. The proposal would not give rise to unacceptable impacts on natural heritage interests or the wider environment.
- 8.54 The twelfth principle relates to reducing waste, facilitating its management and promoting resource recovery and the proposal does not give rise to any significant issues in terms of this matter.
- 8.55 The thirteenth and final principle relates to avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. The proposed development would generally meet the council's spatial standards for a development of this nature. The proposal would not give rise to significant impacts on water, air and soil quality.

- 8.56 In this case the proposal is generally compatible with the SPP criteria that indicate a sustainable development. There is a shortfall in effective housing land supply within the housing market area, and in circumstances where the proposal is generally in accordance with relevant planning policy, the presumption in favour of development that contributes to sustainable development should carry significant weight.
- 8.57 In relation to other matters, interested parties have raised concern regarding amenity impacts on Muirfield Primary School. It is not uncommon for housing to be located adjacent to schools in the towns and villages in Angus and there is no reason to consider the housing and school could not co-exist. While there would be short term impacts during the construction process, planning conditions are proposed to mitigate impacts associated with construction noise, dust and vibration, and requiring submission of a construction environment management plan including procedures for compliance and complaint investigation. Concerns relating to loss of view are not a material planning consideration. Comments in support are noted, and the foregoing assessment identifies that there is a need for housing including affordable housing in this housing market area.
- 8.58 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, but that position may change. Limited weight should be attached to draft NPF4 at this stage.

### **Conclusion**

- 8.59 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the site is allocated for residential development for the period 2021-2026 and the proposal is broadly compliant with relevant policies of the development plan and the general requirements of the development brief.
- 8.60 SPP indicates that development plan policies will not be considered up-to-date when a plan is more than 5-years old and/ or where there is a shortfall in the 5-year effective housing land supply. The LDP is more than 5 years old and available information suggests that there is a shortfall in housing land supply in east Angus. SPP indicates that where relevant policies in a development plan are out-of-date, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. It is an established principle that development which would remedy, to some extent, a housing shortfall will almost inevitably contribute to sustainable development. The 146 units proposed on the site would help to deliver housing land which would contribute towards addressing that shortfall; and the detail of the proposal raises no significant issues when considered against the thirteen principles of sustainable development set out in SPP. Planning conditions are proposed to mitigate adverse impacts and there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal when assessed against the wider policies in the SPP.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The

conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## 10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

The proposed development would deliver new housing on a site which is identified for residential development in the local development plan for the period 2021-2026. The proposal is broadly compliant with relevant policies of the development plan and the general requirements of the development brief; and would create a good living environment in a manner that does not give rise to unacceptable impacts on amenity, the natural and built environment, access or infrastructure. The development would help to address an identified shortfall in housing land supply and raises no significant issues when considered against the thirteen principles of sustainable development set out in SPP. Planning conditions are attached to mitigate adverse impacts and there are no impacts which would significantly and demonstrably outweigh the benefits of the proposal when assessed against the wider policies in the SPP.

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

#### *Reason:*

*In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.*

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 27(4)(a)-(f) of the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to the development, until a planning obligation pursuant to s.75 of the said Act relating to the land has been made and lodged with the planning authority and the planning authority has notified the persons submitting the same that it is to the planning authority's approval. The said planning obligation will provide that: -
  - (a) 25% of the total housing units within the development shall be provided as affordable housing in accordance with the council's Developer Contributions and Affordable Housing Supplementary Guidance or any subsequent policy or guidance that replaces it.
  - (b) That a financial contribution of £745\* per dwellinghouse (excluding affordable housing units) be provided towards the necessary cost of improving Arbroath Sports Centre (\*index linked).

*Reason: To ensure the proposal is in accordance with the requirements of policies TC3 and DS5 of the Angus Local Development Plan (2016) and the associated Developer Contributions and Affordable Housing Supplementary Guidance.*

3. That no development in connection with the planning permission hereby

approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -

- (a) Evidence of written approval from Scottish Water for the connection of foul drainage from the development to the public drainage system. Thereafter, no dwelling shall be occupied unless it has a connection to the public drainage system.
- (b) A scheme for the phasing of the development which shall include details of the timing and delivery of housing (including affordable housing), provision of drainage infrastructure (including provision of the land drain (or similar) along the southern edge of the site), road construction, open space, landscaping and the formation of new pedestrian connections. Thereafter the development shall be carried out in accordance with the approved phasing plan.
- (c) Details of the location of the construction compounds associated with each phase of the development and the means of construction traffic access and egress from the site. Thereafter the construction compounds shall be formed in accordance with the approved details and access and egress by construction traffic shall be taken in accordance with the approved details.
- (d) Precise details of the proposed surface water drainage arrangements. The submitted information shall include written confirmation that Scottish Water will vest the proposed surface water drainage for the site, including the detention basin draining both roads and curtilage water run-off. In the event that proposed surface water drainage infrastructure is not to be formally vested by Scottish Water, the submitted information shall provide alternative arrangements for ongoing maintenance of that infrastructure. The information submitted shall also include measures to improve the biodiversity value of the SUDS area (having regard to the content of the Biodiversity Action Plan). Thereafter the approved surface water drainage arrangements shall be implemented in accordance with the approved phasing plan.
- (e) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. For the avoidance of doubt, properties along the southern edge of the site shall have finished floor levels above the overspill level from the site to the south and at least 600mm above the ground levels above manholes 1 and 2 of the culvert that drains south as identified in the Crudie Farm Flood Risk Assessment by Kaya Consulting Limited (September 2021). Thereafter the development shall be carried out in accordance with the approved details.
- (f) Details of all external material finishes (including retaining walls) and hard surface materials (including roads surfaces, parking areas, driveways, pathways and existing pathways to be upgraded). Thereafter the development will be undertaken in accordance with the approved details.
- (g) A revised scheme of boundary enclosures which shall be in accordance with the advice contained within the Design and Placemaking Supplementary Guidance. It shall include provision for revised boundary enclosures for those houses with public interfacing boundaries at plots 01-04, 07-08, 12, 18-19, 23-24, 29-40, 44-45, 49-50, 52, 59-63, 71, 75, 82, 87, 91, 95-96, 100-101, 104, 107, 110-122, 124-146. For the avoidance of doubt, the provision of timber fencing on the public facing boundaries of the

above plots is not approved. Thereafter the approved boundary treatments shall be provided in each plot prior to the occupation of the respective dwellinghouse.

- (h) A scheme to ensure retention and future maintenance of the hedgerows that are to be provided as garden boundary enclosures in the development. The scheme shall include provision for the incorporation of post and wire fencing where hedgerows are to be provided as garden boundary enclosures. It shall provide a full specification for the hedging including the plant type, method and density of planting, along with measures to protect plants from grazing mammals. The scheme shall make provision for the hedges to be maintained as part of the landscape maintenance scheme for the overall development or such other provision that secures their long-term maintenance. Thereafter the approved scheme shall be implemented and enforced for the duration of the development.
- (i) A scheme for the management and maintenance of all open space or amenity areas, landscaping, roads and paths, and infrastructure within the site which is not within the curtilage of a dwelling or adopted by a public authority. Thereafter the open space, amenity areas, landscaping, roads and paths, and unadopted infrastructure shall be managed and maintained in accordance with the approved details in perpetuity. Any plants or trees that within a period of 5 years from the completion of development die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species.
- (j) Details of the layout and specification of the open space areas within the development. This shall include precise details of surface materials, landscaping, boundary treatments and ancillary infrastructure (seating, litter bins, play equipment etc.). Thereafter the open spaces shall be provided in accordance with the approved details and approved phasing plan.
- (k) A Construction Environmental Management Plan (CEMP). The submitted CEMP shall include but not be limited to: -
  - Site working hours;
  - Mitigation measures for dust and machinery emissions arising from the construction phase and dust complaint investigation procedure;
  - Mitigation measures for noise and vibration impacts and a noise and vibration complaint investigation procedure;
  - Tree protection measures for trees within the site to be retained and trees outwith the site to be protected; and
  - Procedures for monitoring compliance and dealing with any breach of the approved plan.

Thereafter, the approved CEMP shall be fully implemented upon commencement of the development and remain in place for the duration of the construction of the development hereby approved.

- (l) An archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby



approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

- (m) A scheme for the provision of a 3.0-metre-wide cycle track on the south-west side of Arbirlot Road West. The cycle track shall extend over the entire site frontage bordering the south-west side of Arbirlot Road West. Where the cycle track forms a junction with the site access road, that junction shall be formed in accordance with Figure No. 5.4 of Cycling By Design (DfT). Thereafter the cycle track shall be completed in accordance with the approved details prior to the occupation of the first dwellinghouse within the development.
- (n) A scheme for the provision of all carriageway crossings to be formed at grade where pedestrian and/or cycle routes cross proposed carriageways. Thereafter the crossings shall be completed in accordance with the approved details and approved phasing plan.
- (o) Details of the specification of the external surface finish for the access track to the proposed SUDS detention basin which for the avoidance of doubt shall be surfaced in a bound material. Thereafter the track shall be formed and provided in accordance with the approved details and approved phasing plan.
- (p) A Residential Travel Plan Framework. The framework shall have regard to the provision for walking, cycling and public transport access to and within the site and shall identify the measures to be provided for the management, monitoring, reviewing, reporting and duration of the plan. A copy of the approved Travel Plan shall be provided to each household on first occupation.
- (q) A scheme for the relocation of the existing bus stop located on the north east side of Arbirlot Road West (and to the rear of 9 Bloomfield Place). Thereafter the bus stop shall be relocated prior to the use of the site access proposed between plots 78 and 79 on the approved site layout plan.

*Reason: In order that the planning authority may verify the acceptability of the specified details and to ensure provision and maintenance of approved details in the interests of amenity, environmental protection, road safety, mitigating landscape and visual impact and promoting biodiversity, archaeological protection, and promotion of sustainable modes of transport.*

4. That notwithstanding the terms of any other phasing plan approved by this permission, the development shall be undertaken in accordance with the following requirements: -
- (a) Prior to the commencement of any development, the ditch along the southern edge of the site shall be improved to address the comments in Section 4.1 of the Kaya Consulting Ltd Flood Risk Assessment (September 2021).
  - (b) Prior to the commencement of any other development on site visibility plays shall be provided at the junctions of the proposed accesses with Arbirlot Road West giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of Arbirlot

Road West. Once formed nothing shall be sited, erected, or planting permitted to grow above 1050 millimetres in height within the visibility splays.

- (c) Prior to the occupation of the first dwellinghouse at Timbergreens, the carriageway of Timbergreens shall be increased to a nominal width of 5.5 metres with a nominal 2.0 metres wide footway provided on its northwest side, all as shown on drawing no. L3 – Road Geometry Layout, Layout 3 by MGA Architecture dated August 2022.
- (d) Prior to the occupation of the first dwellinghouse within the development the landscape planting within the linear parkland adjacent to Arbilot Road West as detailed on drawings - Overall Landscape Proposals: SH CF 100.22 SL-01 Revision C and SH CF 100.22 SL-02 Revision C dated 10 May 2022 as revised by the requirements of condition 2 shall be planted.
- (e) Prior to the occupation of the penultimate dwelling house, all details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage shall be completed in accordance with the standards of Angus Council.

*Reason: In order to ensure a safe and suitable access and to provide and maintain adequate sightlines in the interests of road safety; in order to provide adequate infrastructure at an early stage in the development; to ensure a satisfactory standard of road construction in a timely manner and to ensure provision of appropriate planting in the interests of amenity.*

- 5. That notwithstanding the plans and details accompanying this planning application, the proposed air source heat pumps are not approved by this planning permission unless detailed information demonstrating that noise emissions from the units will not individually or cumulatively exceed:
  - (a) 42dB(A) Leq(5min) as measured 1m from the centre point of any neighbouring window serving a habitable room.
  - (b) 50 dB(A) Leq(1hr) as measured within the external amenity space of any noise sensitive premises.

is submitted to and approved in writing by the planning authority. Thereafter only air source heat pumps that comply with the required emissions levels shall be installed in accordance with details and at locations approved in writing by the planning authority.

*Reason: In the interests of safeguarding the amenity of occupants of residential property from an unacceptable level of noise.*

- 6. Noise emissions from the air source heat pump(s) shall not individually or cumulatively exceed NR Curve25 between 2300 and 0700 and NR Curve 35 at all other times as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.

*Reason: In the interests of safeguarding the amenity of occupants of residential property from an unacceptable level of noise.*

- 7. That, all driveways shall be designed so as to prevent the discharge of surface water onto the adjacent road. This shall include the provision of a cut-off drain at the end of the driveway if finished levels fall towards the road.

*Reason: to prevent the flow of surface water onto the road in the interests of*

*traffic safety.*

8. That notwithstanding the provisions of any development order, no vehicular access, hard surface, decking, parking area or boundary enclosure shall be formed between the front elevation of the dwelling and the public road where this would necessitate removal of the boundary enclosures and hedging approved by this permission.

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

9. Noise associated with the construction of the development including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

**Table A: Construction Noise Limits Day Time Average Period Noise Limit**

<b>Day</b>	<b>Time</b>	<b>Noise Limit</b>
Monday - Friday	07:00 – 08:00	60 dBA Leq (1hr)
Monday - Friday	08:00 – 18:00	70 dBA Leq (10 hrs)
Monday - Friday	18:00 – 19:00	60 dBA Leq (1hr)
Saturday	07:00 – 08:00	60 dBA Leq (1hr)
Saturday	08:00 – 13:00	70 dBA Leq (5 hrs)

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

10. Vibration levels associated with construction activities shall not exceed the following limits: -
  - (a) At any residential or educational properties 1 mmms<sup>-1</sup> peak particle velocity; and
  - (b) At any commercial or industrial properties 3 mms<sup>-1</sup> peak particle velocity.

The above vibration limits relate to maximum peak particle velocity ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1 metre above ground level or on solid ground as near the façade as possible.

*Reason: In order to safeguard the amenity of occupants of nearby properties that may be affected by vibration.*

11. That the development shall be undertaken in full accordance with the detail and supporting information approved under the terms of this permission unless as otherwise expressly modified by conditions. All mitigation measures identified in supporting information shall be implemented at the appropriate and necessary stage of the development.

*Reason: To ensure that the development is undertaken in accordance with the approved details and identified mitigation measures.*

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

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**DATE: 11 OCTOBER 2022**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

APPENDIX 5: PLANNING SERVICE PRESENTATION