

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 13 JUNE 2023

PLANNING APPLICATION – NEWTYLE GLEBE, NORTH STREET, NEWTYLE  
GRID REF: 329923 : 741594

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

**Abstract:** This report deals with planning application No. [22/00673/FULL](#) by Hadden Homes for the erection of 39 homes with associated access arrangements, car parking, landscaping, open space and ancillary infrastructure works at Newtyle Glebe, North Street, Newtyle. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason 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 The applicant seeks full planning permission for the erection of 39 homes with associated access arrangements, car parking, landscaping, open space and ancillary infrastructure works at Newtyle Glebe, North Street, Newtyle. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site measures around 2.25ha and is located to the north of the C16 Newtyle to Glamis Road in Newtyle. The site is bound to the north and east by agricultural land. The southern edge of the site is defined by mature trees and hedging adjacent to the roadway. A recreation ground and its associated car park and landscaping is located to the west of the site along with a section of the Newtyle railway core path.

3.3 The proposed dwellings would be a mix of detached and semi-detached single and two storey properties. Four flats are also proposed. Ten of the dwellings are proposed to be affordable homes. Vehicular access would be taken from the C16 Newtyle to Glamis Road at the southwest of the site and this would necessitate removal of some hedging. Amenity open space would be provided at the south and west of the site. A sustainable urban drainage system basin and additional landscaping is proposed in the eastern section of the site along with a pumping station for foul drainage. The trees along the southern boundary and western boundary would be retained.

3.4 The application has been varied to amend the layout of the site, including relocation

of house plots; to amend the appearance of houses; and to revise boundary enclosures and landscaping proposals.

- 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

The land subject of this application is included in the Angus Local Development Plan (ALDP) as land allocation N2 which identifies the site for a development of around 30 dwellings. That allocation was subject of objection during preparation of the ALDP and was considered by a government appointed Reporter. The Reporter concluded that the land allocations proposed by the council in Newtyle were appropriate. In making that determination, the Reporter surmised that the allocation of two different sites in the village was likely to provide a wider range of choice of new housing. In addition, the Reporter was satisfied that issues regarding potential flood risk, pedestrian access, and retention of the tree lined avenue adjacent to the road carriageway could be appropriately addressed. The Reporters conclusions in relation to Newtyle and this particular site (described as land north of Eassie Road) are set out in full in [Report 277/16](#) Appendix 1 (pg 389 refers).

#### 5. APPLICANT'S CASE

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

- Design and Access Statement
- Planning Statement
- Ecological Impact Assessment
- Surface Water Management Plan (Parts 1-3)
- NPF4 Statement
- Transport Statement
- Earthworks Report
- Tree Survey
- Landscape Maintenance Schedule
- Landscape Strategy Report
- Drainage Flow Calculations
- Flow Rate – Rainfall Run Off Calculation

- 5.2 The information submitted in support of the application is available to view on the [Public Access](#) system. The conclusions of the statements and assessments are summarised at Appendix 2.

#### 6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – no objection subject to conditions. In its capacity as flood prevention authority, it has advised that further information regarding the finalised details of the surface water drainage system and its future maintenance should be secured by condition.
- 6.2 **Angus Council – Environmental Health** – No objection.
- 6.3 **Angus Council – Housing Service** – a 25% affordable housing contribution is required from the proposed development in accordance with current requirements. This equates to the provision of 9.75 units. Final agreement on the detail of this can be secured by condition.
- 6.4 **Angus Council – Parks & Burial Grounds** – the amount of open space within the development exceeds the minimum requirement identified by Policy PV2 of the Angus Local Development Plan. It is noted that the SUDS basin does not feature in

the open space calculations. Conditions are suggested to deal with protection and enhancement of ecological features at the site.

6.5 **Angus Council – Education** – the catchments for the area include Newtyle Primary and Monifieth High School and Webster’s High School. Monifieth High School is under significant capacity pressure, and a contribution in respect of secondary school provision should be sought in accordance with the council’s developer contributions and affordable housing supplementary guidance.

6.6 **Aberdeenshire Council Archaeology** – no objection.

6.7 **Scottish Water** – no objection. It states that there is currently sufficient capacity in the Lintrathen Water Treatment Works to service the development and there is sufficient capacity for a foul only connection in the Newtyle Waste Water Treatment.

6.8 **Community Council** – no comment received.

## 7. REPRESENTATIONS

7.1 21 letters of representation have been received with 19 raising objection, 1 offering support, and one providing general comment. Those letters are provided at Appendix 3 and are available to view on the council’s [Public Access](#) system.

7.2 In summary terms, the following issues are raised as objection:

- No need for housing in the area and adverse impact new homes could have on community;
- Loss of agricultural land;
- Adverse amenity impacts, including visual impact, privacy, noise and light pollution;
- Adverse impacts on wildlife and trees;
- Adverse impact on road traffic and pedestrian safety, including impact on the local path network;
- Adverse impacts on drainage and potential for increased flood risk;
- Adverse impacts on other infrastructure including water, sewage, education, electricity, digital communication and need for improvement.

7.3 In summary terms, the following matters are raised in support and general comment:

- On balance a positive move for the village and provides housing for people that want to move there.
- Existing infrastructure should be improved before any building works start.

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

- **Adverse impact on house prices** – impact on property prices is not a material planning consideration and cannot be taken into account in the determination of this application.
- **Neighbour notification extent is inadequate** – neighbour notification has been undertaken in accordance with statutory requirements and the application has been advertised in the press. In addition, the application has been available to view online using the council’s public access system.

## 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: -
- [National Planning Framework 4](#) (NPF4) (Published 2023)
  - [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 taken into account in preparing this report.
- 8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
- 8.5 The application site comprises land that is allocated for residential development in the ALDP (allocation N2 refers). The site comprises prime quality agricultural land and policy generally seeks to protect this as an important natural resource. However, this site is within the development boundary for Newtyle and the principle of loss of prime land has been considered and accepted through the allocation of the site for development. This site contributes to the effective housing land supply in the council's housing land audit. Delivery of housing on this site would support the development strategy in the ALDP and that must be balanced against the loss of prime land. NPF4 Policy 16 'quality homes' deals with residential development. Amongst other things, it states that development proposals for new homes on land allocated for housing in local development plans will be supported. While the ALDP was prepared in the context of TAYplan Strategic Development Plan and Scottish Planning Policy 2014, the principle of residential development on this site remains broadly compatible with NPF4. In this respect, the general principle of residential development on the application site is compatible with the development plan and the site is allocated and safeguarded for residential development by the ALDP.
- 8.6 The N2 allocation indicates that 2ha of land is allocated for a residential development of around 30 dwellings. The application site corresponds with the land allocation identified in the ALDP, but it measures around 2.25ha. The allocation requires proposals to be in accordance with a development brief which will be prepared for the site, and which should address matters related to design and layout; preservation and enhancement of landscape features; provision of appropriate boundaries to form an appropriate urban edge; provision of satisfactory access arrangements; and provision of SUDS. It further indicates that an application should be accompanied by appropriate supporting information as is deemed necessary.
- 8.7 A formal development brief for the site has not been prepared by the council, but the applicant has provided a design statement and supporting information that addresses the matters identified for consideration by the policy. In these circumstances, it is appropriate to proceed to determine the application having regard to the relevant requirements of the land allocation. In addition to those matters, other policy issues relating to design, amenity, impact on the built and natural environment, access, infrastructure, including flood risk, and affordable housing provision are relevant.
- 8.8 The development provides for a total of 39 residential units accessed from the public road to the south which would require removal of a section of hedge. The layout seeks to replicate the grid pattern that is found elsewhere in the village and would allow for the retention of peripheral trees to the south and west. Open space would be provided on the southern, eastern, and western extents of the site and this would reduce potential for future pressure to remove trees due to amenity impacts and would assist in providing a transition between the development and the surrounding countryside. It allows for the provision of attractive pedestrian connection with the recreation area to the west. The proposed approach replicates that followed in the

residential development to the south of the public road at Bulb Park. The layout generally follows the outward facing perimeter block approach advocated by the council's adopted design quality and placemaking supplementary guidance with the public elevations of houses overlooking streets and public spaces. The northern extent of the site would back onto an open field and hedging is proposed on this boundary. That arrangement is not unacceptable in circumstances where the extent and visibility from other public areas is limited.

- 8.9 The development would provide for a reasonable mix of house types in the form of detached and semi-detached properties with accommodation provided over one and two stories. Four flatted dwellings would be provided in a two-storey building type. It includes provision for 10 affordable houses which is consistent with council policy requirements, and which is acceptable to the housing service. A planning condition is proposed that would secure the provision of the affordable housing. The proposed house types would have traditional ridged roofs and gable ends and while they are of modern appearance, they are not inappropriate in the context of the surrounding area. A condition is proposed that requires precise details of the exterior finishing materials for the buildings and for boundary enclosures to be submitted and approved. Car parking provision meets with the Council standards. The proposed layout ensures that the new houses would be in general accordance with relevant spatial standards identified in council guidance and the new homes would provide a good living environment for future occupants. The proposed houses would be separated from existing neighbouring dwellings by the carriageway of the public road and a distance in excess of 40m. Impacts on occupants of neighbouring property would be limited by virtue of that separation distance. There would be additional pedestrian and vehicular movement and activity associated with the development, but this would not be of a level that could be considered unacceptable in a village location.
- 8.10 Overall, the layout and design of the proposal is compatible with development plan policy, including the design requirements of the land allocation and the council's design quality and placemaking supplementary guidance. The proposal would provide a good living environment for prospective residents and would not give rise to unacceptable impacts on the amenity of existing residents in the area.
- 8.11 The site is not subject of any built heritage designation and while there are sites of historic interest in the wider area, their setting would not be significantly affected by the proposed development.
- 8.12 The site is in agricultural use, and it is not subject of any natural heritage designation. It is on the periphery of the settlement, sits adjacent to existing woodland, and provides ready access to the wider countryside for any wildlife that may use the existing space. Available information suggests that the trees and associated hedgerows around the perimeter of the site are likely to provide a foraging habitat for bats. However, the existing trees would be retained, and a planning condition is proposed that seeks to safeguard them during construction activity. The submitted ecological impact assessment recommends biodiversity mitigation and enhancement measures, including the provision of bat boxes and the proposed phasing condition requires implementation of those measures. There is no evidence to suggest that development would adversely affect any designated site or protected species. Open space would be provided within the site at a level that exceeds council standards and new planting would be provided within the site in a manner that could provide some biodiversity enhancement. A condition is proposed to control phasing of the development and that seeks to control delivery of the new landscaping.
- 8.13 The site is located on the edge of Newtyle and has good accessibility to the services and facilities within the village. Pedestrian linkages are proposed to connect the site with existing footways and footpaths in the area. Newtyle is located on a bus route and occupants of the new homes would have access to those services. A proposed

condition requires provision of a residential travel pack to identify opportunities for future residents of the development to make sustainable travel choices. A new junction with the public road would be formed in accordance with council roads standards and the roads service has confirmed it has no objection to the proposal in terms of road traffic or pedestrian safety subject to a number of proposed conditions.

- 8.14 In relation to drainage and flood risk, foul drainage from the development would be directed to the public sewer. Scottish Water has been consulted and has offered no objection to this proposal. Surface water from the development would be directed to a sustainable urban drainage system (SUDS) and information in relation to that system has been submitted with the application. The system would include provision of a detention basin and roadside swales which is consistent with the requirements of the land allocation. The roads service has confirmed it has no objection to the proposed surface water drainage system but has advised that information in relation to its future management and maintenance should be required by condition. However, at this stage it is anticipated that Scottish Water would have responsibility for the surface water drainage system, including the detention basin, while the swales would be a matter for the council. The application site is not within an area identified on SEPA flood risk maps to be at risk of flooding and a proposal that includes the appropriate treatment of foul and surface water drainage should not increase flood risk in the area. The roads service has confirmed it has no objection to the application in relation to flood risk. Overall, the proposed drainage arrangements are compatible with the requirements of the land allocation and with development plan policy.
- 8.15 Impact on other infrastructure is considered in the context of relevant development plan policy and the council's adopted developer contributions and affordable housing supplementary guidance. The supplementary guidance forms part of the statutory development plan and it confirms that development within the catchment of Monifieth High School will be required to make financial contributions to address capacity issues. The education service has confirmed that such contribution is required, and an appropriate condition is proposed to secure this. The proposal would provide 10 affordable homes representing 25% of the total homes to be provided on the site which is consistent with the relevant policy requirements. The supplementary guidance does not identify any requirement for residential development in Newtyle to make other contributions towards infrastructure and there is no evidence to suggest that there is a requirement for any such contribution because of the proposal. Again, it is relevant to note that this site is allocated for residential development in the ALDP, and the proposed homes were a known factor when the supplementary guidance was produced in consultation with relevant bodies.
- 8.16 The proposal does not give rise to any significant issues in terms of other development plan policy.
- 8.17 As with any proposal, the proposal attracts support from some development plan policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the proposal is in general compliance with the development plan. The land is specifically allocated in the local development plan for residential development and there is an expectation that proposals which comply with development plan policy will be supported unless material considerations indicate otherwise.
- 8.18 In relation to material considerations it is relevant to have regard to the planning history of the site and to the representations submitted in relation to the proposal.
- 8.19 As indicated above, this site is allocated for residential development in the ALDP, and the allocation of the site was a matter considered by government Reporters during examination of the ALDP prior to its formal adoption. It is relevant to note that the Reporter supported allocation of the site and identified that concern regarding potential flood risk could be addressed through the requirement to implement SUDS

and to require appropriate supporting information. The Reporter also indicated there was no evidence to suggest that retention of the tree lined avenue adjoining the roadway and provision for provision of appropriate pedestrian access could not be achieved. This proposal provides SUDS and drainage infrastructure in a manner that is acceptable to consultation bodies; it makes provision for the retention of trees on the periphery of the site; and it makes acceptable provision for pedestrian access.

- 8.20 The submitted letters of representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. A number of the representations raise concern regarding the principle of residential development on this site, the loss of agricultural land, and impact on the community. However, issues related to the principle of the development, including loss of agricultural land have been addressed above. This site is allocated for residential development and the principle of residential development on the site is compatible with development plan policy. The development will provide new homes, including affordable homes and that may help sustain services and facilities in the community.
- 8.21 The development of new homes in what is currently an open field would change the character and amenity of the area. However, that was a known factor when the site was allocated for residential development and the relevant consideration in relation to this proposal is whether resultant impacts associated with the detail of the proposal are acceptable having regard to council design guidance and the nature and character of the surrounding area. The outlook from some properties would be changed but there is no right to a view, and the resultant impacts would not be unusual or untypical in a village setting. The proposal would generate additional activity and movement, but again there is no reasonable basis to conclude this would be at a level that would be unusual, untypical, or unacceptable. A planning condition is proposed to deal with construction noise. Street lighting would be designed to comply with council requirements and there are currently streetlights along a section of the site frontage and in Bulb Park. The proposed dwellings would be a significant distance from any neighbouring residential property and the separation distances easily exceed any requirement identified in council design guidance.
- 8.22 A section of hedge would be removed to facilitate access to the site and to provide suitable visibility splays. However, the trees around the periphery of the site would be retained as required by the ALDP land allocation. The site is not subject of any natural heritage designation and there is an abundance of land in the immediate vicinity which offers similar habitat value. There is no evidence to suggest the proposal would have any significant adverse impact on protected species. The landscape proposals associated with the development offer some potential for biodiversity enhancement.
- 8.23 The proposed junction between the site and the public road would be formed in accordance with relevant roads standards and there is no restriction on vehicle numbers on the local road network. Pedestrian access would be provided in an acceptable manner, and the development would not impinge upon or significantly affect the core path to the west. The roads service has confirmed no objection and there is no evidence to suggest the proposal would adversely affect road traffic or pedestrian safety.
- 8.24 Scottish Water has confirmed it has no objection to the proposed foul drainage or water supply arrangements and the roads service is generally satisfied with the proposed arrangements for dealing with surface water discharge. SUDs should ensure that post development runoff rates do not exceed those that existed pre-development. A condition is proposed that requires detail of arrangements for future management and maintenance of all surface water infrastructure. Matters relating to water pressure are issues for Scottish Water to address as necessary.

- 8.25 In relation to impact on other infrastructure, consideration has been taken of the council's adopted developer contribution and affordable housing supplementary guidance. A financial contribution would be necessary towards secondary school provision and the development would provide 10 affordable housing units. The supplementary guidance does not identify a requirement for the proposal to make any other contributions towards infrastructure in the area. Issues related to broadband speed and mobile signal reception are contractual matters between service users and providers. The proposal would require alteration to electricity cables, but issues associated with that are for the developer to address with the relevant utility provider.
- 8.26 In conclusion, this site is allocated for residential development and the proposal for new homes on the site is broadly consistent with that allocation. While a formal development brief has not been prepared for the site, the number of homes proposed can be accommodated in a manner that provides an acceptable design and that complies with relevant development plan and design guidance requirements. The proposal includes provision for affordable homes, and it would provide a good living environment without unacceptably affecting the amenity of existing residents in the area. It would not give rise to unacceptable impacts on amenity, natural, built, or cultural heritage interests or infrastructure, and it would not result in unacceptable flood risk or road safety implications, subject to the stated conditions. Issues raised by interested parties have been considered and, where appropriate, amendments to the proposal have been negotiated and/ or conditions proposed to address those concerns. However, when matters are balanced and considered in the round, the proposal complies with relevant policies of the development plan and there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

## **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 proposal is in accordance with the development plan as it will provide for the erection of new homes of acceptable layout and design on land that is allocated for residential development in the local development plan in a manner that does not give rise to unacceptable impacts on amenity, natural, built, or cultural heritage interests or infrastructure, and that does not result in unacceptable flood risk or road safety implications, subject to the stated conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.



## 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 Section 75 of the same 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 shall provide that:

- (a) 25% of all housing provided within the development shall be affordable housing in accordance with Angus Council's Developer Contribution and Affordable Housing Supplementary Guidance.
- (b) A financial contribution of £6,041 (index linked from October 2018) is made per dwellinghouse (excluding affordable housing) towards the necessary cost of improving secondary school infrastructure in Monifieth.

*Reason: To ensure the provision of affordable housing and to ensure that pressure placed on education infrastructure by the development can be mitigated in accordance with the requirements of the development plan.*

3. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the planning authority:

- (a) A scheme for the phasing of the development which shall include details of the timing and delivery of housing, the provision of drainage infrastructure, the timing of road and footway/ footpath construction, and the provision of open space and landscaping, including the mitigation and enhancement measures identified in the Ecological Impact Assessment by ECOS Countryside Service LLP Version 3 dated 22 March 2023. Thereafter the development shall be carried out in accordance with the approved phasing plan except as otherwise required by conditions of this permission.

- (b) A scheme for the management and maintenance of all proposed open space and amenity areas, existing mature trees and hedgerows, roads or paths, and infrastructure within the site which is not within the curtilage of a dwelling or adopted by a public authority. Thereafter the development and its unadopted infrastructure shall be managed and maintained in accordance with the approved details in perpetuity.

- (c) Precise details of all hard landscaping and boundary treatments. The approved hard landscaping, boundary treatments, and planting approved in the landscape proposals approved by this permission shall be provided within each respective phase of the development in accordance with the requirements of the approved phasing plan. 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.

- (d) A scheme for the management and maintenance of all surface water infrastructure including roads drainage. No dwelling shall be occupied unless the approved drainage scheme has been provided in accordance with a drainage phasing plan approved by this permission and thereafter the system shall be managed and maintained in accordance with the approved management and maintenance details in perpetuity.
- (e) Precise details of the proposed foul water pumping station. Thereafter the development shall be undertaken in accordance with the approved details.
- (f) Precise details of external materials for the dwellings, which for the avoidance of doubt will include dark grey slate or slate effect roofs. Thereafter each respective dwelling shall be finished in the approved external materials prior to its occupation.
- (g) A 'Swept Path Analysis' to show that a pantechnicon delivery vehicle can access and circulate within the site.
- (h) Precise details of the location for provision of a tactile pedestrian crossing point which shall be formed with dropped kerbs at the junction of the proposed access with the Newtyle to Glamis Road (C16) to facilitate a safe crossing. Thereafter the development shall be undertaken in accordance with the approved details.
- (i) Detailed plans and cross section drawings showing existing and proposed ground levels and finished floor levels relative to neighbouring land/properties and a fixed ordnance datum. Thereafter the development shall be undertaken in accordance with the approved details and each house shall be constructed in accordance with the approved finished floor levels and shall not be occupied until the approved finished ground levels within its plot are provided.

*Reason: In order that the planning authority may control the specified details in the interests of the amenity, environmental quality, road safety, and to ensure the development is undertaken and maintained in accordance with the approved details in the interests of the amenity of the area.*

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 other development on site: -
    - (i) visibility splays shall be provided at the junction of the proposed access with the Newtyle to Glamis road (C16) giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of the Newtyle to Glamis road (C16). Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.
    - (ii) protective fencing shall be installed around all trees to be retained as per the approved 'Tree Works Plan PLANNING' (drawing number ED13901-WA-X-XX-DR-L-0002 Rev P02 dated 03.01.22) in accordance with the standards set out in BS 5837: 2012. This fencing must remain in situ until development is completed and there shall be no passage of vehicles; excavations; storage of soil, plant, vehicles or other materials within the protective fencing.
  - b) prior to the occupation of any dwelling within the development: -

- (i) the pedestrian link between the new roadway within the site and the car park/ recreational area to the west shall be completed and available for use by the public;
  - (ii) the tactile pedestrian crossing point and associated dropped kerbs at the junction of the proposed access with the Newtyle to Glamis Road (C16) shall be completed and available for public use
  - (iii) a 'Residential Travel Pack' shall be submitted to and approved in writing by the planning authority. The pack shall identify the provision for walking, cycling and public transport access to and from the site and shall be made available to the first occupant/s of each respective dwelling upon occupation.
- c) prior to the occupation of the penultimate dwelling, all details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage shall be completed to the standards of Angus Council.

*Reason: In order to provide adequate infrastructure in the interests of pedestrian and road safety and to encourage sustainable means of travel, and in order to prevent unnecessary damage to trees.*

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

**Table B: Construction Noise limits**

Day	Time	Average Period (t)	Noise limit
Monday-Friday	0700-1900	12 hour	70 dBA Leq †
Saturday	0700-1300	6 hour	70 dBA Leq †

*Reason: In the interest of the residential amenity of nearby noise sensitive properties.*

**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: 6 JUNE 2023**

- APPENDIX 1: LOCATION PLAN
- APPENDIX 2: SUMMARY OF APPLICANTS STATEMENTS AND ASSESSMENTS
- APPENDIX 3: LETTERS OF REPRESENTATION
- APPENDIX 4: DEVELOPMENT PLAN POLICIES