

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 12 DECEMBER 2023

PLANNING APPLICATION – GREENLAWHILL FARM, GREENLAW TERRACE, BARRY,
CARNOUSTIE
GRID REF: 3541:7347

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [21/00557/FULL](#) by DJ Laing Homes Limited & Persimmon Homes North Scotland for the erection of 29 dwellinghouses, formation of access roads, open space, landscaping and associated infrastructure at Greenlawhill Farm, Greenlaw Terrace, Barry, Carnoustie. 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 9 of this report.

2. INTRODUCTION

- 2.1 The applicant seeks full planning permission for the erection of 29 dwellinghouses, formation of access roads, open space, landscaping and associated infrastructure at Greenlawhill Farm, Greenlaw Terrace, Barry, Carnoustie. A plan showing the location of the site is provided at Appendix 1.
- 2.2 The application site measures around 1.8ha but includes a section of Greenlawhill road that extends westwards from the C1 public road to Greenlaw Terrace. The main developable area of the site is located around 70m west of the C1 public road and it is located to the south of Greenlawhill road. It is bound to the west by existing properties at Greenlaw Terrace and to the east by the garden of a property known as Greenlaw and an area of uncultivated agricultural land. Open agricultural land lies to the north of Greenlawhill road. The site is located at the top of a raised beach which sits to the south and which contains mature trees. The core path network with links to Pitskelly and Shanwell cemetery is located to the east of the C1 Upper Victoria link road.
- 2.3 The proposed dwellings would be a mix of detached and semi-detached single, one and half, and two storey properties. Eight of the dwellings are proposed to be affordable homes. Greenlawhill road would be widened to facilitate improved pedestrian and vehicular access and an improved junction would serve as the access point to the development with a limited number of dwellings taking direct access from the public road. Amenity open space would be provided at the south of the site, and it would include provision for a sustainable urban drainage system (SUDS) basin.
- 2.4 The application has been varied to amend the layout of the site, including relocation of house plots and house types; changes to drainage infrastructure; and to revise open space and landscaping proposals.
- 2.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

3. RELEVANT PLANNING HISTORY

3.1 The land subject of this application forms part of site C4 as identified in the Angus Local Development Plan (ALDP). The land comprising C4 amounts to around 3.2ha. It is allocated as an opportunity site with potential for residential development and the full ALDP text associated with the C4 site is provided in Appendix 4.

3.2 That land allocation was considered by a Scottish Government appointed Reporter at the examination of the Angus Local Development Plan (ALDP) in 2015/2016. In his conclusions, which were accepted by Council, the Reporter stated amongst other things that: -

'... I am satisfied that the settlement boundary and limited extent of the opportunity site at Greenlawhill are no longer appropriate since the completion of the Upper Victoria link road, and should be extended eastwards as far as that road. This will enable full consideration to be given to the potential of this site, which now occupies a prominent position on a key entrance to the town.'

'...I consider that its identification as an enlarged opportunity site within an adjusted settlement boundary would be appropriate, as that recognises that there may be potential constraints which require to be overcome before planning permission can be granted.'

3.3 A previous proposal (appn. Ref: [16/00075/FULL](#)) for the erection of 46 dwellings and associated works on an area of land roughly corresponding with the extent of the current application site was refused by committee and dismissed on appeal in 2016. The appeal reporter concluded that residential development would be acceptable on the appeal site, but identified the following as main reasons why the proposal was not acceptable: -

- the proposal would result in an overdevelopment of the appeal site, the density and design of which would have an adverse impact on the local landscape character and the diversity of existing development.
- rather than blending with the bungalows and 1.5 storey houses at Greenlaw Terrace and Hillview, the unsympathetic medium density housing, generally on higher ground, would dominate the adjoining properties to the detriment of the amenities of the occupiers.
- the proposal would result in the loss of the verge and hedgerow on the north side, which should be retained in the interests of safeguarding the rural character of the area and the existing wildlife habitats.
- accessibility to the site, particularly for pedestrians, cyclists and schoolchildren would be far from satisfactory while Greenlawhill road remains a single carriageway with no footpaths for most of its length. Likewise, despite the secondary pedestrian access to the site in the south-west corner, there would still be no footpath down the steep hill to Main Street, Barry where the nearest bus stops are located.

3.4 Planning application [21/00558/FULL](#) has been submitted for the erection of 28 dwellings and associated works on land immediately to the east of the current application site. That application is on the agenda of this meeting for determination.

4. APPLICANT'S CASE

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

- Design statement
- Ecology reports – comprising a phase 1 habitat survey and a bat survey

- Tree Survey
- Transport Statement, including two appendices
- Site investigation and contaminated land report (parts 1 – 5)
- Drainage assessment (parts 1 - 6), maintenance schedule, letter on soakaways, and soakaway calculations
- Flood risk assessment
- Health impact assessment
- Response to objections (parts 1 and 2)

A number of visualisations have also been submitted to aid interpretation of the proposed development.

- 4.2 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.

5. CONSULTATIONS

- 5.1 **Angus Council – Roads** – no objection subject to conditions, including upgrade of roadway and provision of footways. 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.
- 5.2 **Angus Council – Environmental Health** – No objection in relation to amenity impacts or contaminated land subject to conditions.
- 5.3 **Angus Council – Housing Service** – The number of affordable units proposed on site is acceptable, subject to the fractional balance being made up by commuted payment (this takes account of this planning application and application 21/00558/FULL). While there are a range of house types/sizes proposed across the site, the units currently identified for affordable homes would not fully meet identified need and therefore may not score highly enough to be included in the Strategic Housing Investment Plan. If the applicant chooses to self-fund the affordable units, this would be acceptable. Alternatively, the applicant could provide more suitable units within the development to meet the affordable requirement. The specific means of affordable housing delivery or specific units to be provided as affordable homes could be controlled via planning condition/ obligation and an associated approved affordable housing delivery package.
- 5.4 **Angus Council – Parks & Burial Grounds** – the amount of open space within the development meets the minimum requirement identified by Policy PV2 of the Angus Local Development Plan. Comment is provided on matters of detail in relation to the open space, play areas, and landscaping. These matters can be addressed by condition.
- 5.5 **Angus Council – Education** – the site is within the catchment of Burnside Primary and Carnoustie High School. The service advises that both schools have adequate capacity to accommodate children from the development and no objection is offered and no developer contribution is required.
- 5.6 **Aberdeenshire Council Archaeology** – no objection subject to a condition requiring a scheme of archaeological mitigation.
- 5.7 **Scottish Water** – no objection.
- 5.8 **NHS Tayside** – no comment received.
- 5.9 **Carnoustie Medical Practice** - no comment received.

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

6. REPRESENTATIONS

6.1 46 letters of representation have been received with 43 raising objection and three providing general comment. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) system.

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

- Contrary to local development plan policy.
- No need for housing in the area.
- Carnoustie needs more shops and a petrol station, not more houses.
- Coalescence of Barry and Carnoustie.
- Loss of agricultural land.
- Inappropriate layout and design.
- Adverse amenity impacts, including visual impact and privacy.
- Adverse impacts on wildlife and trees.
- Adverse impact on road traffic and pedestrian safety and poor connectivity to the surrounding area.
- Adverse impacts on drainage and potential for increased flood risk.
- Adverse impacts on infrastructure including education and health.
- Should provide affordable homes.

6.3 In summary terms, the following matters are raised in general comment:

- Vehicular access at the western extent of site is limited minimising impact on Greenlaw Brae.
- Tress and hedgerows are retained.
- Desirability of retaining hedgerow to north of public road as a buffer between agriculture and residential land uses.
- Desirability of retaining trees to south of site for flood prevention reasons.
- Footpath connectivity between development and surrounding area could be improved.

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

- One application for the entire site should have been submitted – the applicants have chosen to submit two separate applications for the overall opportunity site that is identified in the ALDP and is entitled to adopt that approach. Both applications have been subject to statutory publicity and consultation and the combined impact of both developments is considered in relevant assessments.
- Adequacy of supporting information - the assessments that have been submitted in relation to each application consider the potential development of the entire opportunity site as identified in the ALDP. Additional and updated information has been submitted during consideration of the application and consultation responses do not identify any significant issue with the information provided. Adequate supporting information has been submitted to allow an informed decision to be made.
- Adequacy of publicity and consultation – the application has been subject of statutory publicity and consultation and information has been published on the council's Public Access website. Interested parties have had significant opportunity to comment on the development proposals.
- Other development proposals for housing in the area and housing should be directed to the east of Carnoustie – applications for large-scale residential development at locations outwith the Carnoustie development boundary as defined in the ALDP have been refused and dismissed at appeal, including in the vicinity of Carlogie Road and at Shanwell. Those decisions are of limited

relevance to determination of this application but do confirm that the council has resisted unplanned growth around the town.

7. PLANNING CONSIDERATIONS

- 7.1 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.
- 7.2 In this case the development plan comprises: -
- [National Planning Framework 4](#) (NPF4) (Published 2023)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 7.3 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.
- 7.4 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.
- 7.5 The application site comprises the western section of a larger area of land that is identified as opportunity site C4 in the ALDP. The ALDP identifies this as a site that provides opportunity for residential development. The site is classified as prime quality agricultural land although some areas have previously been developed and have brownfield characteristics. Policy generally seeks to protect prime agricultural land as an important natural resource. However, this site is within the development boundary for Carnoustie and Barry and the principle of loss of prime land has been considered and accepted through both its identification as an opportunity site and its inclusion within the development boundary. The site contributes to the effective housing land supply in the council's housing land audit and there is an indication within the audit of an anticipated build programme that would see new homes delivered between 2025 and 2027. 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. This is an allocated opportunity site for residential development and its identification for that purpose lends support to the principle of the proposal. It is a location within easy reach of local shops and services and the location is broadly consistent with the 20-minute neighbourhood principle. The proposal would assist in the delivery of affordable homes, and it includes measures to improve the local road network. The general principle of residential development on the application site is compatible with the development plan.
- 7.6 The main development plan considerations in relation to the detail of the proposal relate to the acceptability of the design, amenity, impact on the built and natural environment, accessibility, infrastructure, including flood risk, and affordable housing provision are relevant. Guidance on those matters is provided by the C4 opportunity site identification which requires any residential development to reflect the rural setting and open nature of the site, and its prominence at the entrance to Carnoustie. In addition, it indicates that vehicular access should be taken from the Upper Victoria link road and specifies that landscaping should provide an appropriate town edge while enhancing linkages to the green network.
- 7.7 The development provides for a total of 29 residential units accessed from the public road to the north around 80m west of its junction with the Upper Victoria link road. It

provides a density of around 16 houses per hectare based on the gross site area (compared with 26 per hectare in the previously refused scheme). The overall density on the C4 allocation in combination with the development proposed by application 21/00558/FULL would be around 18 houses per hectare. The layout would provide for the widening of Greenlawhill road with a footway formed to the south of the carriageway and connecting to the Upper Victoria link road. Existing trees to the south of the existing road would be removed to facilitate the widening, but the hedge to the north would be retained along the length of the site frontage. A mix of single and 1½ storey 'cottage' style houses would front the widened roadway with parking accommodated to the side of the properties. This would provide an active frontage otherwise common in the area with the benefits of natural surveillance of the footway, and it would reduce the prominence of car parking. Houses within the development would back onto those frontage properties and onto existing houses at Greenlaw Terrace. Open space would be provided at the southern extent of the site adjacent to the top of the raised beach and its existing planting and would provide separation between existing landscaping and the proposed houses. The quantity of open space would exceed the council's policy requirement and would link well with existing green infrastructure. Use of the open space for active purposes would be constrained as it would contain a SUDS basin and associated access, and by its sloping landform. However, it is located such that it would be overlooked and benefit from natural surveillance from some of the houses that bound the open space. Footpath linkages would be provided to link the development with existing development to the west and with proposed development to the east, and the proposed road network would provide linkage to the remainder of the C4 local development site to the east. 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. Where that is not achieved it is indicated that feature boundary enclosures would be provided, and the public areas would benefit from natural surveillance by other properties. Conditions are proposed to deal with detailed matters including the specification of the open space areas and landscaping.

- 7.8 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 with between two and four bedrooms. It includes provision for eight 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 appropriate affordable housing. The proposed house types would have pitched roofs and gable ends and would be designed to meet energy performance standards required by building regulations. The houses fronting Greenlawhill road would be single or 1 ½ storey in height and would be of appropriate design in the context of the surrounding area with boundary walls providing separation from the new footway. A mix of house styles, including two storey properties would be provided within the site, but they would be well-spaced, with parking generally provided to the side of buildings. 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 would meet the council standards and adequate provision is made for storage of waste and recycling receptacles within each plot. 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 that abut the existing dwellings to the west would be single storey in height and would be orientated such that there would not be direct views between windows in existing and proposed buildings. Impacts on occupants of neighbouring property would be limited by virtue of separation distances, house types, and orientation. 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.

- 7.9 Overall, the design is materially different from the development that was refused permission in 2016, and the context of the area has changed with the ongoing development to the northeast at Pitskelly. However, the design, orientation, and spacing of properties along the northern boundary of the site would provide a frontage appropriate to a location on the edge of the urban area. The layout and design of the proposal is compatible with development plan policy 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. A planning condition is proposed to deal with construction noise.
- 7.10 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. A condition requiring a programme of archaeological mitigation is proposed.
- 7.11 The site 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 existing derelict buildings within the site and trees to the south (but outwith the site) accommodate bat roosts. However, the development would remove dereliction and would secure new homes. The bat survey suggests that with appropriate mitigation, including provision of bat boxes in trees and provision within buildings, there should be no detrimental impact to the positive conservation status of the bat species in the UK and no harm to individual bats as a consequence of the development. A habitat survey indicates that those present within the site are not notable for their rarity, quality, or extent and do not present a constraint to development. It is indicated that there is no evidence of badgers, and that standard mitigation measures should ensure no unacceptable impact on breeding birds. Some vegetation and trees would be lost to facilitate the development, including the improvements to road and footway infrastructure, but this is of limited ecological or landscape value. There is no evidence to suggest that development would significantly adversely affect any designated site or protected species. Open space would be provided within the site at a level that exceeds council standards, and some existing trees would be retained, but there is little information submitted with the application to demonstrate that it would provide net biodiversity gain. However, conditions can be attached to require implementation of necessary ecological mitigation and to ensure new planting provides some biodiversity enhancement.
- 7.12 The site is located on the edge of the settlement, but it is reasonably well located in relation to services in the wider area. Primary and secondary school provision, health care, bus stops, recreation areas, and local shopping provision are all within reasonable walking distance. Pedestrian linkages are proposed to connect the site with existing footways and footpaths in the area, including provision of a footway to the south of Greenlawhill road. A footpath connection is shown between the eastern section of the C4 opportunity site and the Upper Victoria link road and that is beneficial in terms of providing improved pedestrian accessibility to services in the wider area, including Burnside Primary School. However, there is currently no footway on the western side of the public road at the point where the footpath would emerge, and visibility for pedestrian crossing at this location is poor. On that basis, a condition is proposed that requires provision of a footway on the western side of the Upper Victoria link road between the site and the light controlled crossing to the north at Barry Road. This would provide safe pedestrian movement between the site and the light controlled pedestrian crossing and addresses concerns regarding accessibility raised in the previous appeal decision. A proposed condition requires provision of a residential travel pack to identify opportunities for future residents of the development to make sustainable travel choices. An improved junction with the public road would be formed in accordance with council roads standards, and the

existing carriageway of Greenlawhill road would be widened between Greenlaw Terrace and the Upper Victoria link road. Properties fronting Greenlawhill road would take direct access from the widened roadway. 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. While this application does not specifically include provision for improvement to Greenlawhill road, such improvement is necessary to facilitate the development and accordingly is required by proposed conditions.

- 7.13 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 roads service has offered no objection to the proposed surface water drainage system but has advised that further information in relation to its detailed design and future management and maintenance should be required by condition. 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. Overall, the proposed drainage arrangements are compatible with the requirements of development plan policy.
- 7.14 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](#) (2018). The supplementary guidance forms part of the statutory development plan and it indicates that there is sufficient capacity at Carnoustie High School to accommodate children expected from development in the area. In relation to Burnside Primary School, the guidance indicates that development within the catchment will be required to make contribution towards extension or reconfiguration. However, the education service has advised that, having regard to current and projected school rolls, there is sufficient capacity at both the secondary and primary school to accommodate children from this development and other planned development in the area. It has advised there are no plans to extend the primary school and the updated position is consistent with the information contained in the [draft developer contributions and affordable housing supplementary guidance](#) which was reported to and approved by the Communities Committee in August 2023 for consultation purposes. In circumstances where the education service advises that there is adequate school capacity and no requirement for developer contribution, it would be unreasonable and contrary to policy to require such contribution. The proposal would provide eight affordable homes on-site consistent with the 25% policy requirement and detail in relation to the specific provision can be addressed by planning condition/ obligation. The supplementary guidance does not identify any requirement for residential development in Carnoustie to make contributions towards other infrastructure and there is no evidence to suggest that there is a requirement for any such contribution because of the proposal. For clarity, this assessment has been undertaken having regard to all planned development in the area, including the proposal for 28 new homes on the neighbouring land to the east.
- 7.15 The proposal is generally compatible with topic specific policies and with the council's approach for housing within development boundaries. In these circumstances, and having regard to the scale, nature, and location of the development, along with the proposed conditions, it does not give rise to any other significant issues in terms of development plan policy, including NPF policies 1, 2 and 3.
- 7.16 As with any proposal, the application 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 identified in the local development plan as an opportunity site for residential development and the development as proposed is broadly compatible with development plan policy. There is a legal requirement that

development which complies with the development plan should be approved unless material considerations indicate otherwise. These conclusions relate to this application in isolation but are also applicable when it is considered in conjunction with the corresponding application for the remainder of the site.

- 7.17 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.
- 7.18 As indicated above, the site is allocated in the ALDP as an opportunity site for residential development and this was confirmed, and the development boundary of the settlement extended to accommodate the entire area of land between the Upper Victoria link road and Greenlaw Terrace following examination into unresolved objections to the ALDP. While the development plan has been updated with the publication of NPF4, the broad principle of housing development on land identified for that purpose in the local development plan remains broadly compliant with the NPF4.
- 7.19 A previous planning application for residential development on the application site was dismissed at appeal. However, the Appeal Reporter did not question the principle of residential development on the site and the refusal was based on limited grounds relating to unacceptable layout and design, adverse impact on amenity of neighbours, and poor integration for pedestrians. The current proposal significantly reduces the density of development; the layout accords with the council's design guidance; houses fronting the northern boundary are of single and 1 ½ storey cottage design; houses on the western boundary adjacent to existing properties are single storey; and improvement to connectivity for pedestrians is proposed and can be further enhanced by conditions requiring provision of a footway on the Upper Victoria link road between the site and Barry Road. It is also relevant to note that in the period since that decision was made, new houses and a business park have been constructed on land to the northeast of the site in the vicinity of Pitskelly Farm and that significantly changes the approach to the settlement from the north.
- 7.20 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 land is allocated as an opportunity site for residential development and the principle of residential development on the site is compatible with development plan policy. There are vacant retail units in the town centre that could accommodate new retail uses, and while there may be a desire to have a petrol station, such a facility cannot be delivered through the planning system. The development would provide new homes, including affordable homes and may help sustain services and facilities in the community.
- 7.21 The development of new homes on this land would change the character and amenity of the area. However, it will facilitate the removal of derelict buildings and the likely impact was a known factor when the site was identified as a development opportunity in the ALDP. The character of the area is changing with employment development and housing taking place on land to the northeast in the vicinity of Pitskelly Farm, but the appearance of the proposed houses when viewed from public areas would not be inappropriate for an edge of settlement location. The separation distances between existing and proposed houses comply with standards identified in council design guidance. 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.
- 7.22 It is indicated that the hedge to the north of Greenlawhill road is to be retained as the proposed road widening would take place to the south of the existing carriageway.

Some vegetation, including trees would require to be felled to facilitate the widening of the road and the provision of an associated footway, but the overall impact on landscape features must be balanced against the desirability of providing improved accessibility and the affected vegetation is of limited biodiversity or landscape value. 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 subject to appropriate mitigation which can be secured by planning condition. There is potential to secure landscaping in association with the proposals to offer some biodiversity enhancement.

- 7.23 The proposed junction between the site and the public road would be formed in accordance with relevant roads standards. The proposal provides for improvement to pedestrian access with a new footway between Greenlaw Terrace and the Upper Victoria link road, and pedestrian linkages within the site. A proposed condition of the planning permission requires provision of a new footway between the site and Barry Road to the west of the Upper Victoria link road. These measures would improve overall pedestrian accessibility to the wider area. The proposal would generate additional traffic, but the roads service has confirmed no objection and there is no evidence to suggest the proposal would adversely affect road traffic or pedestrian safety.
- 7.24 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. The site is not in an area identified by SEPA as being at significant risk of flooding. There is some evidence of water ponding to the south on lower lying land at the foot of the raised beach. However, the proposal would incorporate SUDS which would be designed to ensure that post development runoff rates do not exceed pre-development runoff rates. A condition is proposed which requires further approval of the detailed design and subsequent maintenance of the surface water drainage system and that includes a requirement to demonstrate no increased risk of flooding to properties outwith the site.
- 7.25 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 towards education infrastructure would not be reasonable in circumstances where the education service indicates that such contribution is not required as schools have capacity to accommodate additional pupils that could reasonably be expected from the development. The health impact assessment submitted in support of the application states that '*...based on the available information, it can be concluded that the proposal will not impact significantly on the capacity of the local medical practice.*' It further suggests that as the local practice is currently accepting patients, there is no justification to impose a planning obligation on the proposed development, or to conclude that the development should be restricted on healthcare infrastructure grounds. The local medical practice and NHS Tayside have been consulted on the application, but neither has identified a requirement for contribution towards physical extension of existing infrastructure to accommodate the development. The proposal makes provision for affordable housing in broad accordance with policy requirements. The supplementary guidance does not identify a requirement for the proposal to make any other contributions towards infrastructure in the area.
- 7.26 In conclusion, this land is part of a larger area that is allocated as an opportunity site for residential development in the ALDP and the proposal for new homes on the site is broadly consistent with that allocation and with relevant development plan policy. 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. These conclusions relate to this application in isolation but are also applicable when it is considered in conjunction with the corresponding application for the remainder of the site. 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.

8. 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.

9. 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 as an opportunity site 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 or such equivalent contribution as may be consistent with the aforementioned supplementary guidance.

Reason: To ensure the provision of affordable housing 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, including affordable housing, remediation of contaminated land, the provision of drainage infrastructure, the timing of road and footway/ footpath construction, and the provision of open space and landscaping, including the ecological mitigation measures identified in the bat survey update, phase 1 habitat survey, and tree survey all submitted in support of this application. 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 provision of soft landscaping within the site which shall include measures for the protection of trees and hedgerows within and adjacent to the site that are to be retained. The scheme shall provide a biodiversity mitigation and enhancement plan which has regard to NatureScot Developing with Nature guidance and shall incorporate mitigation measures as identified in the bat survey update, phase 1 habitat survey, and tree survey all submitted in support of this application, as well as measures for the ecological enhancement of the basin associated with the sustainable urban drainage system. Thereafter the development shall be carried out in accordance with the approved details and in accordance with the approved phasing plan.

- (c) A scheme to ensure retention and future maintenance of the hedgerows that are to be provided as front garden boundary enclosures. That 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 longterm maintenance. Thereafter the approved scheme shall be implemented and enforced for the duration of the development.

- (d) A scheme for the enhancement of the open space area located at the southern extent of the site. This shall include the route and specification of paths and the access to the sustainable urban drainage system basin, and measures to prevent access to that area by vehicles other than for purposes related to management and maintenance of the SUDS or of the open space. The scheme shall identify any trees that are to be removed, provide information on ground levels, and include provision of benches for public seating and features of interest for children. Thereafter the development shall be carried out in accordance with the approved details and in accordance with the approved phasing plan.

- (e) 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.

- (f) Precise details of all hard landscaping and boundary treatments. The approved hard landscaping, boundary treatments, and any associated planting 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.
- (g) Precise details of the scheme for the treatment and disposal of surface water, including full details of the sustainable urban drainage system. The scheme shall take account of Angus Council's Technical Guidance for Developers and Regulators and shall provide a drainage phasing plan. The scheme shall demonstrate no increase in flood risk to other property in the area and the phasing plan shall include provision of stone drainage channels to be constructed on the slope face prior to the commencement of construction of any houses.
- (h) 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.
- (i) Precise details of the location and specification for provision of a tactile pedestrian crossing point which shall be formed with dropped kerbs on the classified Upper Victoria link road (C1) at or near its junction with Greenlaw Hill. Thereafter the development shall be undertaken in accordance with the approved details and the crossing shall be formed before any house within the approved development is occupied.
- (j) 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 occupied 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.
- (k) A comprehensive review of the remedial actions regarding topsoil placement. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the review report being approved by the planning authority. Prior to the occupation of any dwelling the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the planning authority.
- (l) 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.

The development shall thereafter be undertaken in full accordance with the planning permission.

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 development on site: -

(i) evidence of approval for the formation of a footway to the west of the C1 public road between Greenlawhill road and the existing footway to the north of Barry Road in accordance with the standards of Angus Council shall be submitted to and approved in writing by the planning authority.

(ii) protective fencing shall be installed around all trees and hedgerows within and immediately adjacent to the site which are to be retained 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 commencement of any other development on site: -

(i) visibility splays shall be provided at the junction of the proposed access with Greenlawhill road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of Greenlawhill road. Thereafter, no works other than construction of roadways shall take place until visibility splays are provided on both sides of the internal road junction between Plot 10 and the proposed public open space giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of the main site access road. 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.

c) prior to the occupation of any dwelling within the development: -

(i) the carriageway of Greenlawhill road shall be widened to a nominal width of 6.0 metres and a new footway provided on its south side (and the existing 30mph speed limit extended), all between Greenlaw Terrace and the classified Upper Victoria link road (C1). The carriageway widening and footway works shall be formed, constructed and lit in accordance with the standards of Angus Council;

(ii) the footway detailed in a)(i) above shall be formed to the west of the C1 public road between Greenlawhill road and the existing footway to the north of Barry Road in accordance with the approved details and the standards of Angus Council;

(iii) a pedestrian crossing point shall be formed in accordance with approved details on the classified Upper Victoria link road (C1);

(iv) 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.

d) 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 and hedgerows.

5. That notwithstanding the provisions of any development order and unless otherwise approved through the grant of planning permission following submission of an application to the planning authority: -

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

b) no windows or other openings shall be formed above ground floor level on the southwest facing elevations of the houses occupying plots 01, and 18 to 21.

Reason: To ensure retention of boundary enclosures that add to the character of the development, and to avoid development that could adversely affect the amenity of occupants of neighbouring property.

6. Noise associated with construction works including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A 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 A: 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: 4 DECEMBER 2023

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