Abstract: This report outlines and comments on the responses arising from consultation on the draft development brief for L2: Housing – Jubilee Park, Letham which is allocated in the Angus Local Plan Review for residential development. An alternative access to the site has been promoted by the private landowner and options are outlined on how to progress towards a finalised development brief.

1 RECOMMENDATION

1.1 It is recommended that the Committee –

1. note the responses to the consultation draft development brief set out in Appendix 1;

2. agree to undertake additional consultation with householders and owners in Old Letham in relation to access arrangements (option 2 detailed below) and report the findings back to a future Infrastructure Services Committee before finalising the brief.

2 BACKGROUND

2.1 The Infrastructure Services Committee at their meeting of 1 June 2010 approved a draft development brief for land at Jubilee Park, Letham as a basis for consultation (Report 404/10 refers).

2.2 Members will recall that ownership of this site is split between two parties. Angus Council owns the western part of the site, whilst a private landowner owns the eastern part (some two-thirds) of the total site area (see Figure 1 & 2); this includes land adjacent to Letham Primary School. (Report 404/10, paragraphs 2.4 and 2.5 refer).

2.3 The land owned by the Council is strategic to any vehicular access from Jubilee Park or Bractullo Gardens. Policy L2 in the Angus Local Plan Review states that no vehicular access will be permitted from Old Letham, Braehead Road or Woodside Road.

2.4 Report 404/10 also highlighted that there were significant implementation issues involved in providing the open space/playing fields and a possible car park at Letham Primary School as specified within Policy L2. Given these issues it was noted that detailed discussions between a number of Council departments and the developer would be required to realise the full development of site L2 in line with the Local Plan Review and the emerging draft development brief.
2.5 The draft development brief was circulated to a range of organisations including Letham & District Community Council, local Councillors, the landowners, Scottish Water and residents on Woodside Road. Comments on the draft brief were requested by 26 July 2010. A summary of the responses is outlined in Appendix 1. A full set of responses is available for reference in the Members' Lounge.

2.6 Since then officers from Planning & Transport, Roads, Education etc. have had a number of meetings with the landowner/agent in trying to finalise the brief. There are however a few points which remain unresolved and yet fundamental to meeting the terms of the adopted Local Plan Review policy.

2.7 This report summarises and discusses the main points arising from the responses and sets out options in order to progress towards a finalised development brief that will guide and secure effective development of the site.

3 RESPONSES TO DRAFT DEVELOPMENT BRIEF

3.1 Comments were received from Scottish Water and six householders from Bractullo Gardens and Jubilee Park. In addition, one householder from Woodside Road responded. Comments were also received from the private landowner.

3.2 Although consulted, no comments were received from:

- Letham & District Community Council
- Letham Feuars Committee
- Members of the Public

3.3 Responses from the six Bractullo Gardens and Jubilee Park householders principally relate to their view that access to site L2 via Jubilee Park or Bractullo Gardens is unsuitable. The Head of Roads has subsequently reaffirmed that both Bractullo Gardens and Jubilee Park are considered capable of serving both the existing houses and all of the proposed development. The existing adopted carriageway is 5.5 metres wide (with 1.8m footpaths on either side of the road), which is the standard width for a residential road, and as such the road is capable of serving in excess of 100 houses. There are approximately 30 houses in Bractullo Gardens and the same in Jubilee Park, therefore use of either of these roads together with an additional 30 houses from site L2 would not significantly impact on the existing local road network. No change is recommended as a result of the householder comments.

3.4 As part of implementing site L2, it was recognised that an opportunity to provide access for residents on Woodside Road through the site should be considered. The creation of a vehicular link between the eastern section of Woodside Road and site L2: Jubilee Park could provide an improved/enhanced vehicular access for existing residents on Woodside Road and avoid them passing the Letham Chicken Factory to Dundee Street. If this was possible it might allow vehicular access to be closed from the unmade section of Woodside Road in order to avoid a circular/open through route between site L2: Jubilee Park and Dundee Street.

3.5 Scope to investigate this vehicular link was included within the draft development brief. Planning & Transport specifically consulted residents of Woodside Road, who
may be affected by any change to the existing access arrangements. This would allow feedback on whether there would be support for alternative access arrangements for the properties on Woodside Road or whether the existing access arrangements should remain unaltered. Only one response was received; this was positive to the possibility of creating a vehicular link between Woodside Road and site L2. Consultation with the residents of Woodside Road has proved inconclusive and therefore no change to the finalised development brief should be made. This does not rule out the opportunity to improve the current access arrangements which could come forward as part of a detailed housing layout where there is agreement between all parties.

Response from Private Landowner

3.6 The response from the private landowner covered the following main points:

- Drainage
- Public Open Space
- Vehicular Access

3.7 **Drainage:** - The requirement for a Drainage Impact Assessment (DIA) for this site was included in the draft brief following initial consultation with Scottish Water. There were known issues in Burnside Road where residents in the past had experienced sewer surcharging and flooding. As a result, a full Drainage Impact Assessment (DIA) was felt to be required as part of any planning application to establish the drainage requirements for the site. In addition, reinforcement works may also have been required to allow the development to proceed. Discussions with Scottish Water would be needed at an early stage to establish the drainage requirements for the site.

3.8 The landowner has challenged the technical need for a DIA indicating that the existing problems at Burnside Road may not be exacerbated as a result of the drainage of the L2 housing development. This response has been taken up with Scottish Water. They have clarified that there is no indication that existing problems at Burnside Road will be exacerbated by the development of site L2. However there remains a need for early discussions between the developer and Scottish Water to establish the drainage requirements of the site. This would assist in identifying whether a full Drainage Impact Assessment (DIA) is required and the extent of any reinforcement works which may be required.

3.9 The brief should therefore be modified to reflect this slightly amended position.

3.10 **Public Open Space:** - The landowner has challenged the provision of 0.7ha of dedicated area of open space/playing fields adjacent to the Primary School. The private landowner contends that there is no policy requirement for public open space or play area and that the provision of playing fields should be funded by the Council. He has however acknowledged that there may be scope for agreement with the developer to provide these works outwith the terms of the Brief as a part of negotiations between the landowners, although this should not be a specific requirement of the Brief.

3.11 The requirement for public open space is consistent with local and national policy. The private landowner did not object to the proposal during preparation of the Angus
Local Plan Review and has been aware for some time that provision of open space is part of the implementation of this development.

3.12 Following the receipt of the comments from the landowner, the Education Department was consulted in relation to the provision of playing fields for Letham Primary School. The Director of Education has confirmed that the requirement remains, however there is currently inadequate funding to provide this work. On this basis, the Director of Education confirmed that it would be beneficial if the private landowner provides the playing fields, although it is noted that if this is not possible then it would be best if the land was made available for Angus Council to develop it in the future when the necessary funding becomes available.

3.13 During preparation of the Angus Local Plan Review, the provision of improved playing fields/open-space for Letham Primary School and residents of the village were considered as important community benefits. Although officers from Planning & Transport recognised at that stage the difficulties associated with the implementation of Policy L2, the recent economic climate has raised significant questions on the deliverability of playing fields for the school and wider public use. Lengthy discussions have taken place over recent months, including several meetings with officers from Planning & Transport, Housing, Education and representatives of the landowner in order to realise development of site L2. Although these discussions have been useful to clarify a number of matters, including the provision of playing fields/open space no agreement between the landowner and Council officers has been reached regarding the future implementation of site L2. Indeed, it has become clear that there are significant differences in what approach should be taken regarding implementation with neither party able to fully commit to a specific course of action – largely due to the current economic position. It has not been possible to reach a suitable resolution at this stage.

3.14 **Access:** - A key issue raised by the landowner is the point of access. Their preference is to use Old Letham; some initial technical work has been undertaken by the landowner to demonstrate that access to the site could be achieved by use of Old Letham in compliance with the Angus Council’s Roads Standards. They consider that the Development Brief should not rule out the option of using Old Letham for vehicular access. No objections were received from the private landowner during the Local Plan Review process to the proposed access arrangements for site L2. The use of Old Letham for full or part vehicular access to site L2 would represent a significant change to the draft brief and a departure to Policy L2 as set out in the adopted Angus Local Plan Review.

3.15 Given the above, the Head of Roads was reconsidered on the potential use of Old Letham to access the site and commented as follows:

"Old Letham is an unadopted road serving nine existing houses along its length. I do not consider that Old Letham in its present form is suitable to serve further development on this site.

The junction of Old Letham with Blairs Road is directly adjacent to the Blairs Road/Dundee Road crossroads junction and the developer’s proposals to serve his site from Old Letham would result in a significant increase in vehicle traffic using the Old Letham/Blairs Road junction."
I have safety concerns regarding the intensification of use of this junction due to its close proximity to the Blairs Road/Dundee Road junction and would not be in favour of its use to serve a development of this scale.

Notwithstanding the above, in the event that access to the development site was permitted subject to upgrading of Old Letham I would generally require a carriageway of 5.5 metres wide with 1.8 metre wide footways on each side.

The bellmouth junction of Old Letham with Blairs Road should have a throat width of 5.5 metres with kerbed radii of 6 metres and visibility sightlines of 2.4 x 40 metres on the each side of the junction.

The existing carriageway of Old Letham would require to be upgraded to current road standards including the provision of street lighting and positive drainage including SUDS.

The upgrading of Old Letham to conform with current road standards would likely require land outwith the current road boundary and as such would require the cooperation of the existing adjacent landowners.

Further, under the terms of Section 16 of the Roads (Scotland) Act 1984 any application for a private road to become a public road must be made by the ‘requisite number’ of frontagers of the affected road. The ‘requisite number’ is defined as being the either the majority of the frontagers or such number of frontagers which together owns not less than half of the land fronting or abutting the affected road.

The above requirements in terms of land required to upgrade the road and any subsequent adoption request may involve Angus Council as owners of Jubilee Court which is located directly adjacent to almost the entire west side of the road.

3.16 The response from the Head of Roads makes it clear that any works to bring Old Letham up to adoptable standard will involve significant areas of land outwith the private landowner's control. This raises significant doubt on whether bringing Old Letham up to adoptable standard can be achieved. It should also be noted that any improvements would also include land at Jubilee Court which is owned by Angus Council. However, the agent acting on behalf of the private landowner has subsequently indicated that compliance with the Roads Divisions requirements can be realistically achieved in terms of gaining vehicular access from Old Letham to serve the allocated housing site. No details, including any agreements with adjacent landowners on Old Letham have been provided to substantiate this claim. The Housing Division, have also confirmed, that they have not been contacted as adjacent landowner of Jubilee Court. At this stage the effectiveness of using Old Letham as the access road to site L2 is unproven.

4 FUTURE DEVELOPMENT OPTIONS

4.1 Given the above, Members are asked to consider the following options in order to progress towards a finalised development brief for the site:
Option 1
Note the comments and request from the private landowner in relation to access via Old Letham, however make no change to the draft development brief. Confirmation of the development brief would therefore be in-accordance with Policy L2 with access only being permitted from Bractullo Gardens and/or Jubilee Park with opportunity to provide vehicular access for residents at Woodside Road through site L2 being further investigated. However given the potential conflict of views on this matter the site may not come forward timeously for development. Other adjustments to the brief would be as set out in Appendix 1.

Option 2
Note the comments and request from the private landowner and reconsult on the development brief with the various agencies, previous respondents to the draft brief, residents of Old Letham and other interested parties in relation to the use of Old Letham for vehicular access to the whole of or part of site L2. This would allow any legal or technical matters regarding the potential use of upgrading Old Letham to be identified and clarify whether this is a realistic option as a means of access to serve the site.

Option 3
Given the lack of recent progress following detailed discussions with various parties and the difficulties involved in implementing site L2 towards development suspend future progress of the development brief.

4.2 Option 2 is recommended as the most appropriate course of action. This would allow consultation with affected householders and establish the technical and legal feasibility of using Old Letham as an access. The responses would be reported back which would allow the Committee to have full information before making a final determination on this matter.

4.3 Option 1 and 3 may result in no development coming forward and would still leave the question surrounding the feasibility and suitability of Old Letham as an access unresolved.

5 FINANCIAL IMPLICATIONS

5.1 The costs associated with any additional consultation on the possible use of Old Letham requirement will be minimal, and can be contained within the 2010/11 Planning & Transport Division’s Revenue Budget in the relevant year.

5.2 There are two main issues in relation to financial matters which may affect the Council:

- Access over the Council owned land; and
- The provision of improved playing fields/open-space as part of planning gain.

5.3 If access to the site was via Old Letham there may be cost implications for the Council should they decide to develop the land currently held on the Housing Revenue Account in the future. Any change to the development brief may also have further implications for future negotiations associated with the Education Department’s desire to provide improved school playing fields/open space and a car park for Letham Primary School. The Director of Education has previously indicated
that there is currently no funding to develop the land; therefore this will be a matter for the Director of Education to consider in the future. A further report outlining the proposed way forward, including any financial implications will be brought forward to a future meeting of this Committee.

6 HUMAN RIGHTS IMPLICATIONS

6.1 There are no human rights implications arising directly from this report and should any implications arise from the development brief itself these will be dealt with through the development management process in consideration of the relevant applications for planning permission.

7 EQUALITIES IMPLICATIONS

7.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment is not required.

8 CONSULTATION

8.1 The Chief Executive, Director of Corporate Services, Head of Finance, Head of Law & Administration, Head of Property, Director of Neighbourhood Services and the Director of Education have been consulted in the preparation of this report.

9 SINGLE OUTCOME AGREEMENT

9.1 This report contains the following local outcomes contained within the Single Outcome Agreement for Angus.

- The health of the Angus population is improved.
- Improved outcomes for people who use community care services are achieved.
- Children and young people in Angus are active with opportunities and encouragement to participate in play and recreation, including sport.
- Harm caused by the misuse of drugs and alcohol is reduced resulting in improved quality of life in Angus.
- Good quality housing is available throughout Angus.
- Crisis response for homeless households is improved.
- The importance and benefits of society of the environment are recognised.

10 CONCLUSION

10.1 Consultation on the draft development brief for site L2: Housing - Jubilee Park, Letham has resulted in the promotion of alternative means of access to serve the part of the site - via Old Letham. Given the lack of information submitted to substantiate the effectiveness of suggested alternative route and the potential departure from the adopted Angus Local Plan Review Policy L2 it is considered that additional consultation with householders in Old Letham and other relevant parties should take place before a final decision is taken on the brief.

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NOTE: The following 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.

- Adopted Angus Local Plan Review (2009)
- Draft Angus Core Path Plan (April 2008)
- Report 102/01, Angus Council, Planning & Transport Policy Committee, January 2001
- Report 500/08, Angus Council, Neighbourhood Services Committee, May 2008
- Report 404/10, Angus Council, Infrastructure Services Committee, June 2010

P&T/GWC/PCH/IAL
3 February 2011