Abstract: This report deals with planning application No. 07/00938/FUL for the erection of 4795sqm of Class 1 non food retail, residential (43 units), car parking, access and road improvements, landscaping and town centre pedestrian link for AWG Property Ltd and Deanway Development Ltd at St James House and St James Works, St James Road/ New Road, Forfar. This application is recommended for conditional approval subject to a Section 75 Agreement.

1 INTRODUCTION

1.1 Full planning permission is sought for the erection of 4795sqm of Class 1 non food retail, residential (43 units), car parking, access and road improvements, landscaping and town centre pedestrian link at St James House and St James Works, St James Road/ New Road, Forfar.

1.2 The application site is located between New Road to the west, The Vennel to the east and extends from the rear of the properties to the south of Little Causeway to St James Road. It measures approximately 2.5 hectares in area. A number of large buildings of industrial scale and appearance occupy the northern section of the site and these have until recently been utilised for industrial weaving and workshop purposes. Whilst some of these buildings are of stone and slate construction with multi-bayed pitched roofs, others, that are particularly prominent, are of modern, utilitarian appearance and construction. St James House and its car park occupy the southern section of the site. Little Causeway, to the north of the site, is a designated Conservation Area and there are a considerable number of listed buildings both adjacent to and in the vicinity of the application site.

1.3 The application proposes a retail building at the east of the site with a north-south axis. The service area would lie between the building and The Vennel and access would be from a new entrance formed on St James Road. The existing stone boundary wall to The Vennel would be retained. A car park for the retail development would be provided to the west of the retail unit and would be accessed from New Road. The residential development would comprise two blocks of flatted dwellings located at the northwest of the site. An urban space would lie between the two opposing blocks and this would provide the car parking area.

1.4 The application has been subject of statutory advertisement.

1.5 The proposal includes land owned by Angus Council. As the proposal is contrary to the Development Plan if Members are minded to approve the application it would require to be notified to the Scottish Ministers.
2 RELEVANT PLANNING HISTORY

2.1 An outline planning application reference 03/00187/OUT (Report No. 806/04 refers) for the erection of 5110sqm of non-food retail floorspace on the site of the St James Works was refused by the Development Control Committee at its meeting on 17 June 2004 for the following reasons:

1. That the proposed development was contrary to Town Centres and Retailing Policy 4 of the Dundee and Angus Structure Plan in that the development would prejudice the vitality and viability of Forfar Town Centre.

2. That the proposed development was contrary to Policy TCR5 of the Angus Local Plan in that the development would undermine the vitality and viability of Forfar Town Centre.

3. That the proposed development was contrary to Proposal F/H9 of the Angus Local Plan which allocates the site for housing.

2.2 An appeal to Scottish Ministers was submitted but the refusal was upheld and the appeal dismissed. However, in his decision letter the Inquiry Reporter concluded that ‘…in a high degree of probability, there would not be unacceptable impact on any town centre.’ This conclusion was consistent with the applicants Retail Impact Assessment and with the independent review of the RIA undertaken by consultants on behalf of Angus Council. In addition the Inquiry Reporter indicated that ‘…there might be a better prospect that co-ordinated redevelopment of the larger site could include a component meeting retailers’ expectations for warehouse-type units, without incongruously dominating the whole area between New Road and The Vennel with an insensitive form of development, and with greater regard than the appeal scheme has for the setting of listed buildings and the amenity of nearby residents.’

2.3 A planning application for an enlarged site including St James House (ref: 06/01096/FUL) was submitted in August 2006. That application proposed 5045sqm of retail floorspace and 56 flatted dwellings. Concern regarding the design and layout of the proposal was raised by Architecture + Design Scotland and the application was subsequently withdrawn on 11 April 2007.

3 APPLICANT’S CASE

3.1 The applicant has submitted a Planning Policy and Retail Statement, a Transport Assessment, a Drainage Strategy Statement, a Report on Delivery Vehicle & Mechanical Plant Noise, a Design Statement and a Design Statement Supplement in support of the application. A Desk Based Archaeological Assessment has also been submitted. The submitted information is available to view through the Council’s Public Access system.

3.2 The Planning Policy and Retail Statement concludes that:

- “The proposals are consistent with the development plan policy, national planning policy and guidance and other material considerations in the emerging Local Plan policy;
• Deliver the successful development and regeneration of a vacant brownfield site significantly enhancing the quality of the urban area;
• Deliver residential development at the site that is entirely appropriate and encouraged by development plan policy;
• Be of high quality design that respects the setting of the nearby Forfar Conservation Area and listed buildings. The design of the detailed planning application has benefited from extensive discussions with both Angus Council and Architecture + Design Scotland;
• Provide increased choice and competition for consumers in the Forfar catchment area;
• Meet the needs of the population of Forfar and reduce trips to more distant retail locations elsewhere, thus resulting in the claw-back of trade from more distant retail locations;
• Meet the terms of the sequential approach."

3.3 The Transport Assessment has been prepared on the basis of a single vehicular customer access/egress point from New Road for the retail development and a service vehicle access/egress on St James Road. The residential units would be accessed from a new junction on New Road. Traffic signals are proposed at the junction of St James Road and New Road with pedestrian crossing facilities. A dedicated right turn lane would be provided on the west bound carriageway of St James Road and on the south bound carriageway of New Road at the St James Road/ New Road junction. In relation to vehicular traffic it is concluded that this proposed system would have sufficient capacity to accommodate the proposed development. It identifies that the site is well located for walking trips to and from the town centre and would have a substantial walk-in catchment population. It is further identified that the site is located on one existing bus route and is close to others on West High Street. Car parking for the retail development would comply with the Maximum Parking Standards and the parking for the residential development would be in accordance with the requirements of the Head of Roads. The Transport Assessment concludes that the proposed development can be accommodated satisfactorily. Its location and design will also comply with national and local policy in terms of integrated and sustainable transport.

3.4 The Drainage Strategy Statement indicates that the net impact of the development compared to recent use and nature of the site will not be detrimental. The proposals include methods to better the quality of run-off drainage to the public surface water system.

3.5 The Report on Delivery Vehicle & Mechanical Plant Noise concludes that noise from HGV vehicle deliveries and from mechanical plant serving the new retail units are within limits that are normally considered acceptable.

3.6 The Design Statement considers issues including the existing urban grain; the site edges; key buildings; views; permeability and linkages; conceptual design; and design solution. The Design Statement Supplement considers matters including townscape & routes; proposed layout; scale & enclosure; approaches and boundaries; housing; retail; and materials.

3.7 The Desk Based Archaeological Assessment indicates that the remains of the 19th century St James Jute and Linen Works in the north of the site represent an important part of the development of the Forfar textile industry. The types of
archaeological remains found in the area include Bronze Age cinerary urns, the edge of the burgh of Forfar and the sites and buildings of various post-medieval residences and industries. Given the existence of such sites in the vicinity of the proposed development, there is a possibility of encountering hitherto unknown buried archaeology within the proposed development area.

4 CONSULTATIONS

4.1 Forfar Community Council, Historic Scotland and the Director of Education have been consulted but to date no representations have been received.

4.2 Scottish Water has responded and has offered no objection to the application.

4.3 SEPA has been consulted and has indicated that sewage disposal from the development should be directed to the public sewer. It is indicated that surface water should be directed to a Sustainable Urban Drainage System. Reference is made to the possibility of waste management licensing implications if material is to be imported to the site for any purpose. It is further indicated that waste management facilities for recycling will be required within the development.

4.4 The Council’s Archaeological Advisor has considered the Archaeological Desk Based Assessment submitted in support of the planning application. This is considered acceptable but it is indicated that a condition requiring an archaeological evaluation prior to any ground breaking should be required. In addition it has been indicated that a photographic record detailing the interior and exterior of the buildings should be lodged with Angus Council Sites and Monuments Record.

4.5 The Head of Environmental and Consumer Protection has indicated no objection to the application subject to conditions limiting hours of delivery and setting limits for noise from fixed mechanical plant serving the retail units. In respect of contaminated land he has confirmed that the information submitted to date is adequate for the purposes of an outline application and a suspensive condition requiring investigation and any necessary remediation of contaminated land is appropriate.

4.6 Tayside Police has noted that the local crime profile suggests that risks are low and that the majority of crimes reported to the Police relate to criminal damage, acquisitive crime, disturbance and other anti-social behaviour. A number of recommendations are made in order to minimise risk of crime and these have been passed to the applicants agent.

4.7 The Head of Roads has reviewed the submitted Transport Assessment and, whilst he does not accept all of the assumptions contained therein, is generally satisfied with its conclusions. He notes that it concludes that all junctions would remain significantly under capacity in the year 2017. Notwithstanding this he indicates that the north end of New Road is very narrow, with poor provision for pedestrians and because of this he has concerns regarding traffic safety at this location. However, he recognises that redevelopment of the St James Road/New Road site is required in order to prevent the site falling into disrepair in a prominent location. He notes that as there is no possible way to widen New Road at its northern due to the presence of existing houses, these concerns will continue, regardless of the proposed development. Accordingly, he welcomes the traffic safety mitigation measures proposed which include:
The widening of New Road between its junction with St James Road and the narrower section at its north end;

The improvements to the junction of New Road with St James Road and the installation of a signalised priority junction with right turn lanes and separate pedestrian phase;

The entrance for service vehicles taken from St James Road, which will remove the former HGV traffic from New Road;

The direct pedestrian link between the site and Little Causeway.

4.8 The Head of Housing has indicated that affordable housing will be required in accordance with Policy SC6 of the Finalised Angus Local Plan. He has indicated that the requirement in this case, based on 44 units would be 7 units and he has suggested that they should be split between a number of blocks in order to aid integration. It should be noted that the scheme has been subject to minor amendment and the number of units has been reduced to 43 units thus reducing the affordable housing requirement to 6 units and these are split between two blocks.

4.9 Architecture + Design Scotland has indicated that the designs are a considerable improvement on those previously submitted. The site planning and organisation is clear, and has overcome previous ambiguities and conflicts. The introduction of the saw-toothed roof overcomes the problem of a long unbroken skyline, and helps reduce the mass of the retail element. A number of suggestions are made to further improve the proposal and these have been discussed with the applicants agent.

5 LETTERS OF REPRESENTATION

5.1 Two letters of representation have been received and are attached to this report. The main issues raised relate to:

- **Contrary to development plan and national planning policy** – I will address this matter under Planning Considerations;

- **Inappropriate access arrangements** – I will address this matter under Planning Considerations however as indicated above the Head of Roads has raised no objection to the application;

- **Inappropriate development given existing townscape** – I will address this under Planning Considerations however it is relevant to note that Architecture + Design Scotland has indicated that the proposal represents a significant improvement over previous applications;

- **Possible retail impact** – I will address this matter under Planning Considerations.

6 PLANNING CONSIDERATIONS

6.1 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.

6.2 As the development subject of this application has potential to affect a listed building or its setting, Section 59(1) of the planning (Listed Building and Conservation Area)
(Scotland) Act 1997 also requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.3 Although the Development Plan is current and up-to-date, Angus Council has been undertaking a review and roll forward of the ALP and the Finalised Angus Local Plan Review (2005) (FALPR) was approved by Angus Council at their meeting on 15 December 2004. The FALPR establishes policies and proposals for the period to 2011, taking into account the guidance from the DASP. Although not yet part of the statutory Development Plan the FALPR (including Committee approved modifications) has reached the stage where it is a material consideration to be taken into account in the determination of this planning application. In this report policies of the FALPR have been referred to when the said policy is materially different to the ALP to the extent that, as a consequence the recommendation contained within this report has been substantially influenced.

DEVELOPMENT PLAN

6.4 In this case the Development Plan comprises:

- Dundee and Angus Structure Plan (DASP) (Approved October 2002)
- Angus Local Plan (ALP) (Adopted November 2000).

The Development Plan is current and up-to-date and in this respect merits considerable weight in the determination of the proposal.

6.5 The general retailing objectives and policies of the Development Plan framework are detailed in Appendix 1 to this report and are material to the consideration of this application. The following policies and proposals are of particular relevance to this application:

Dundee and Angus Structure Plan
- Town Centres and Retailing Policies 1 and 4
- Transport Policy 4
- Environmental Resources Policies 5A & 6

Angus Local Plan
- ENV 1, 5, 37, 51 & 61
- H 1, 4, 16 & 21
- TCR 1, 5 & 8
- INF 4
- TRA 5, 10, 12, 13 & 14

6.6 The key objective of the Development Plan framework is to safeguard the vitality and viability of the town centre as defined by the ALP. New large scale retail development will only be permitted where it is demonstrated that it will not have an adverse impact on the vitality and viability of town centre areas. Where this can be demonstrated the Development Plan seeks to direct new retail development, in the first instance to town centre sites, then edge-of-centre and finally to out-of-centre sites where no town centre or edge-of-centre site is available.

6.7 The application site is identified in the ALP as Proposal F/H9. This states that:
1.6 ha of land at New Road is allocated for a mixed residential scheme of around 75 houses and flats. A range of other compatible uses may also be appropriate including business or community uses. Vehicular access must be from New Road, no vehicular access will be permitted from The Vennel.

6.8 The ALP identifies the site for residential development and the site contributes to the effective housing land supply. Accordingly the housing element of this proposal is compatible with this policy. The Local Plan Proposal suggests that a range of compatible uses may also be appropriate in association with housing including business or community uses. No specific mention is made of retail development, however, given the location adjacent to the town centre, it could be considered potentially compatible with the housing development anticipated by the zoning. Whilst the housing element of the proposal is broadly compatible with the policy on the basis that it will provide a mix of affordable and mainstream flatted accommodation, I do not consider that the development of a significant portion of the site as part of a large scale retail development is consistent with Proposal F/H9.

6.9 It is relevant to note that the ALP does suggest that Forfar may be able to accommodate retail warehousing. However, the application site is not identified for large scale retail development in the ALP. Proposals for large scale retail development require to be considered in relation to the policies and criteria set out in the Development Plan and identified above. The criteria identified by the Development Plan for the assessment of retail proposals are similar to those identified in Scottish Planning Policy 8 'Town Centres and Retailing' and for ease of reference these will be discussed jointly below.

SPP 8 ‘TOWN CENTRES AND RETAILING’

6.10 SPP 8 provides a statement of Government policy in respect of town centres and retailing. Both the DASP and the ALP are consistent with the requirements of the SPP. The content of the SPP is a material consideration in the determination of this planning application.

6.11 It is indicated that the Governments broad policy objectives are: -

- Promote distinct, competitive places and encourage regeneration, in order to create town centres that are attractive to investors and suited to the generation of new employment opportunities. This means identifying the most appropriate location for retailing and other related activities.

- Create a climate that enables all sectors of the community to have access to a wide choice of shopping, leisure and other services and for gaps and deficiencies in provision to be remedied. This means supporting an efficient, competitive and innovative retail and leisure sector which meets the needs of the entire community. It does not mean using the planning system to protect the competitive interests of individual retailers or other businesses.

- Improve the physical quality and sustainability of our town centre environments. This means promoting good quality design, protecting and enhancing existing quality, supporting the creation of town centres which are safe, inclusive and attractive for everyone and which promote sustainable management of water and energy.
• Support development in existing accessible locations or in locations where accessibility can be improved. This means encouraging developments that are accessible to all, reduce the need to travel and provide alternatives to car use by being served by a choice of modes of transport.

6.12 The SPP indicates that all new development should be rigorously assessed against the development plan and against the policy of the SPP. Where a development is not consistent with the development plan the assessment should ensure that all the following considerations are met:

• A sequential approach to site selection has been used.
• There is no unacceptable individual or cumulative impact on the vitality and viability of the network of centres identified in the development plan.
• The proposal will help to meet qualitative and quantitative deficiencies identified in the development plan.
• The proposal does not conflict with other significant objectives of the development plan or community planning strategies.

In all cases the development should be assessed to ensure:

• The proposal is of high design quality and at an appropriate scale for its location.
• The location is, or can be made, conveniently and safely accessible to all sectors of the community.

6.13 In December 2001 Angus Council commissioned DTZ Pieda Consulting to undertake a retail study of Angus. The study sought to identify the following:

• Consumers views on, and use of the centres;
• Likely trends in food and non food retailing and implications for the centres;
• Shortfalls in, and opportunities for, various types of retail provision.

6.14 The resultant Angus Retail Study was published in April 2002. That study is now over 5-years old and as such must have reduced weight in the decision making process. However it is relevant to note that the study identified potential demand for additional retail floorspace in Forfar both from retailers and shoppers and identified significant expenditure leakage from Forfar to destinations outwith Angus, in particular Dundee.

DEVELOPMENT PLAN AND SPP 8 ASSESSMENT

Sequential Assessment

6.15 Town Centres and Retailing Policy 4 of the DASP, policies TCR5 and TCR8 of the ALP and SPP8 advocate a sequential approach to the selection of sites for large scale retail development, indicating first preference to town centre sites, followed by edge of centre locations and then out of centre sites. Policy TCR8 indicates that
'Retail warehouse development will be directed to sites within or on the edge of the town centres of Arbroath, Forfar and Montrose, having regard to sequential considerations of location and site availability…'.

6.16 The applicant’s ‘Planning Policy and Retail Statement’ concludes that there are no town centre sites capable of accommodating a development of the scale proposed and concludes that the application site is edge-of-centre. No assessment of potential town centre sites is provided in the submitted document, however, based on local knowledge I am satisfied with the conclusion that there are no available town centre sites for the scale of development proposed. This is consistent with the findings of the Inquiry Reporter in relation to the previous planning appeal relating to the site.

6.17 The northeast corner of the application site is adjacent to the Town Centre boundary and is within 50 metres of the Core Retail Area, both as defined by the ALP. While the site is not readily visible from the main shopping area it is in within easy walking distance of both the Town Centre and Core Retail Area. The Inquiry Reporter identified that the pedestrian links from the site to the town centre were of poor quality. However, the link from the site to Killacky’s Corner has been subject of detailed consideration as part of this application and the revised landscaped and ramped route, would improve the quality of that linkage. This improved linkage would, in my opinion, be likely to see the car parking associated with the development serving both the proposed development and the town centre and could facilitate linked trips. Notwithstanding the relative lack of intervisibility, I am satisfied that the site constitutes an edge-of-centre location in terms of both development plan and SPP 8 guidance and in the absence of a town centre location the application site meets the sequential test and in this respect is compatible with development plan and SPP8. Again this conclusion is consistent with the findings of the Inquiry Reporter.

6.18 Planning permission has been granted for the erection of additional retail floorspace adjacent to the Focus retail unit at Myre Road. That site is considered to constitute an edge of centre location and the cumulative retail impact of that floorspace should be considered when assessing the likely retail impact of this planning application.

6.19 An objector has made reference to the site of Angus County Press and suggests that location would represent a better location for the ‘proposed retail development.’ Whilst I note that the site in question is adjacent to an existing food store and close to Myre Road, I must advise Committee that the site would not be large enough to accommodate the proposed development. In addition I note that the objector does not contend that the site at Craig O’Loch Road would constitute an edge of centre location. I have previously indicated in Report 598/07 that:

‘SPP8 clearly states that edge of centre sites should be interpreted as being adjacent to the boundary of the town centre with consideration being given to physical linkages and barriers such as visual integration, topography, and accessibility by a number of transport modes. Although the main route from the site to the town centre is relatively level with good pedestrian walkways, there is no sustained retail interest on the route and it is considered that this site does not have any visual or functional links with the defined town centre. As a result the site is not considered to constitute an edge of centre site.’
6.20 I remain of the opinion that the site at Craig O’Loch Road does not constitute an edge of centre location and on this basis the current application site is sequentially preferable. In addition it is relevant to note that Policy F10 of the Finalised Angus Local Plan Review (as modified) indicates that the current application site ‘...provides an opportunity for a mixed use redevelopment including an appropriate mix of housing, business, community uses or retailing which is complimentary to the town centre’. That policy has been approved by Angus Council and is not subject of any outstanding objection and as such merits considerable weight in the decision making process.

Retail Impact

6.21 The applicant has submitted a Retail Statement in support of the planning application. This seeks to quantify the likely level of trade that may be diverted from existing shops to the proposed development and to assess the likely impact of that trade diversion on the vitality and viability of town centres. It is considered that retail impact is occurring where a new retail proposal drives the turnover of existing centres at the target date, below current turnover levels (or average company levels where supermarkets and retail parks are concerned). It should be noted that Retail Impact Assessments are a guide to likely effects of a retail development and variations in assumptions can lead to significant differences in forecasts.

6.22 Whilst identifying scope for ‘flexible retail warehouse style units’ within Forfar it is relevant to note that the Angus Retail Study also concludes in relation to comparison goods shopping that there is ‘modest scope for additional retailing in Forfar’. In relation to the whole of Angus, the Angus Retail Study identifies an effective comparison goods capacity of 4200 square metres gross up to 2006 assuming a continuation of existing shopping patterns. The 4795 square metres gross floor space proposed by this application considerably exceeds the level of development anticipated by the Angus Retail Study for Forfar.

6.23 The Retail Statement submitted in support of the application draws upon the findings of the Angus Retail Study. The Retail Statement has been prepared assuming a gross floor space of 5050sqm rather than the reduced floorspace of 4795sqm for which planning permission is sought. It estimates that comparison goods expenditure leakage from the Forfar catchment area equates to some 75% (£67.2 million at 2010) and suggests that this is very high reflecting the limited range of shops selling comparison goods. It is suggested that this would reduce to 71% (£63.8 million) at 2010 with the development and occupation of the new retail floorspace at Myre Road. The applicant’s Statement suggests that the proposed development is likely to generate 81% of its trade from ‘claw back’ of expenditure which is currently exported to Dundee and other centres outwith the catchment area. It is suggested that the turnover of the development will be £7.3 million and on the basis of 81% claw back it is suggested that the retail impact of the development on Forfar would be 1.5%. On the basis of 50% claw back it is suggested that the retail impact on Forfar would be 4.6%. The Retail Statement takes cognisance of the outstanding planning permission at Myre Road and concludes that the whichever scenario is used, it is considered that the town centre will be capable of withstanding the limited level of trade diversion from the development and the vitality and viability of the town centre will not be undermined.
6.24 The Development Control Committee has previously expressed concern regarding the potential impact of large scale retail development on the vitality and viability of Forfar town centre and refused outline planning permission for the erection of 5110sqm of non-food retail floorspace on a smaller site at this location. However, in the subsequent appeal the Inquiry Reporter concluded that ‘...in a high degree of probability, there would not be unacceptable impact on any town centre.’ This conclusion was consistent with the applicants Retail Impact Assessment and with the independent review of the RIA undertaken by consultants on behalf of Angus Council. The current application reduces the proposed retail floorspace to 4795sqm.

6.25 Accordingly, having regard to previous retail studies, including the previous independent review undertaken on behalf of Angus Council and the findings of the Scottish Executive Inquiry Reporter, there does appear to be quantitative capacity to facilitate the provision of additional retail floor space. However, I consider that it would be appropriate to limit the minimum size of the proposed units and maximum number of units in order to ensure that the units would be of a size that would not otherwise be readily available within the existing town centre and which would complement it rather than draw existing retailers from the centre to the new development, which could result in increased vacancy rates within the historic core.

Tackling Deficiencies

6.26 As indicated above the Angus Retail Study, identified considerable leakage of comparison goods expenditure from Angus, particularly to Dundee. However, it is recognised that there will always be a level of comparison goods expenditure leakage to a regional shopping centre such as Dundee. If the current level of leakage was considered unduly high and capable of being retained within Forfar, this could be regarded as an indication of both qualitative and quantitative capacity for additional retail development.

6.27 The Angus Retail Study identified that some 25% of respondents like the current range and choice of shops in the town compared with 23% expressing this as a dislike of the centre. Whilst this does not indicate a particularly high level of dissatisfaction, the Study identified potential scope for additional non food retail development and the high level of expenditure leakage does indicate a qualitative deficiency. The existing retail units within the town centre area are generally limited in size due to the historic nature of the buildings and opportunity to create larger retail units within the town centre area is limited. The development of larger retail units adjacent to the town centre might attract new retailers, particularly multiple retailers, who desire larger, purpose built shop units. As indicated above the identity of the proposed retailers and the nature of the goods to be sold is not known, however, if new retailers could be attracted to the town and could co-exist with existing retailers this would result in improved competition and choice.

Accessibility

6.28 As indicated above the northeast corner of the application site is adjacent to the Town Centre boundary and is within 50 metres of the Core Retail Area both as defined by the Angus Local Plan. The site is slightly elevated in relation to the Core Retail Area however there are no significant barriers to pedestrian movement between them and there are established pedestrian routes. Similarly there are no major impediments to pedestrian movement between the site and surrounding
residential areas. New Road is very narrow immediately to the north of the application site and there is no footway to its eastern side and only a narrow footway to the west. The development would be likely to result in additional traffic on New Road and there does not appear to be scope to improve this situation which could lead to additional pedestrian/vehicular conflict. The provision of a pedestrian through route across the application site would provide opportunity to improve pedestrian accessibility to the town centre from the southwest and this might divert pedestrians from New Road. The proposed signalised crossing at the St James Road/ New Road junction would improve pedestrian accessibility both to the site and the town centre. The site is located on an established bus route and is in proximity of other bus services utilising West High Street. A bus shelter could be provided within the development site on New Road. Provision can be made within the site for cycle parking. The proposed car parking and disabled parking provision is in accordance with the Head of Roads requirements and the Maximum Parking Standards provided in SPP 17 'Transport and Planning'. Accordingly, I am satisfied that the site either provides, or is capable of providing good accessibility by a choice of means of transport including walking, cycling and public transport and has potential to facilitate linked trips with the town centre. Additionally, if the development was to successfully reduce expenditure leakage to Dundee, there would likely be reduced vehicular trips to Dundee, which would be in accordance with the principles of SPP 17. Accordingly, I consider that the development of a retail development on this site would broadly be in accordance with the requirements of Transport Policy 4 of the DASP, Policies TCR8, TRA5, 10, 13 and 14 of the ALP and SPP 8 in so far as it relates to accessibility.

Impact on Road Network

6.29 In relation to the previous planning appeal relating to retail development in this area the Inquiry Reporter expressed some concern regarding the access arrangements proposed at that time and an objector has raised similar concerns in relation to this application. However the access arrangements have been revised in this current application and residential, retail and service vehicles now all have separate access/egress points.

6.30 All service vehicles would take access and egress from St James Road reducing the need for them to travel of New Road. These access arrangements would result in an improvement to visibility on The Vennel. Residential and retail development traffic would take access and egress from New Road which would be widened from the pinch point at the north to its junction with St James Road. Traffic lights would be provided at the St James Road/New Road junction and a dedicated right turn lane would be provided for south bound traffic on New Road with a right turn lane for west bound traffic on St James Road. The proposed lights at the St James Road/New Road junction would have a pedestrian cycle to aid pedestrian movement to the town centre and to Kirkriiggs Primary School. In discussion the Head of Roads has suggested that the proposed egress from the site should be designed to prevent traffic exiting the site and travelling north on New Road towards West High Street. It is indicated that this will minimise use of the sub standard West High Street/ New Road junction and limit additional traffic at the pinch point on New Road to the north of the application site.

6.31 These matters are all addressed in the submitted Transport Assessment which has been assessed by the Head of Roads who has offered no objection to the proposals.
It is also relevant to note that the previous industrial use of St James Works and office use of St James House generated considerable vehicle movements in the area and if these uses were to resume there would be additional traffic in the area without the road improvements proposed as part of this development. On the basis of the advice from the Head of Roads findings the application appears broadly consistent with Transport Policy 4 of the DASP and Policy TCR8 of the ALP. Conditions are proposed requiring full details of the proposed alterations to the St James Road/ New Road junction and the site access to New Road, to be to the standards required by the Head of Roads and to be formed prior to the commencement of any other development.

Design and Amenity Issues

6.32 The application site is located in the vicinity of an area of considerable townscape value, abutting the designated ‘outstanding’ Forfar Conservation Area and with a significant number of listed buildings in the immediate vicinity. In this respect Section 59(1) of the Planning (Listed Building and Conservation Area) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Development plan and national planning guidance indicate that a high standard of design that contributes positively to the quality of the urban area should be provided.

6.33 The surrounding townscape has a fine grain typical of the historic core of a small burgh and this is particularly evident to the north of the site. The site itself is occupied by a number of large, utilitarian, industrial buildings of modern construction and little or no architectural or historic merit. A number of buildings on site are multi-bayed, slate roofed, traditional mill buildings that are of some local historical and architectural interest and St James House itself contains a number of interesting architectural features. However, these buildings are not listed buildings and their demolition does not require planning permission. In townscape terms the existing buildings do provide some enclosure to St James Road and New Road. The high stone wall that forms the eastern boundary of the site provides a sense of enclosure to The Vennel and it is proposed that this will be retained.

6.34 The design process for the current proposals has involved detailed discussion with Architecture + Design Scotland as well as officials from this department. The development has been designed to provide housing and a small element of retail towards the north of the site adjacent to the most sensitive area of townscape with the remainder of the retail development and its car parking to the south.

6.35 The housing element seeks to provide a layout that reflects the pattern of development at Little Causeway to the north with two opposing blocks fronting onto an urban space lying between them. The residential properties take the form of L-shaped 3-storey blocks on an east-west axis although closest to New Road the properties address the street running on a north-south axis and reduced to 2-stories in height. The buildings would be finished in harl with slate roofs. Varying colours would be used along the length of the blocks in an attempt to introduce visual interest, breaking-up the mass of the buildings and seeking to reflect the fine grain of neighbouring properties. The retail element forms one building running on a north-south axis to the east of the site. The frontage of the building is staggered in order to add visual interest and a saw tooth roof seeks to reflect local mill building architecture
and has the effect of reducing the apparent mass of the building. A sizeable car park lies between the retail element and New Road and it is proposed to screen this with walls constructed from reclaimed stone and sections topped with timber fencing. Trees would be planted around the periphery of the site. The service yard would lie between the retail building and The Vennel and again this would be screened by walls constructed from reclaimed stone and sections topped with timber although the existing stone wall forming the boundary to The Vennel at the northern end of the site would be retained.

6.36 Overall the juxtaposition of uses combined with the revised access arrangements provide for a successful layout that sits more comfortably adjacent to the neighbouring conservation area and listed buildings. The design rationale adopted for the current scheme is a significant improvement on previous submissions and this is reflected in the positive comments received from Architecture + Design Scotland. The general appearance and layout of the retail element in particular appears to have the potential to be highly successful. I have discussed the possibility of introducing glazing on the south elevation of the retail development with the intention of providing some active frontage to St James Road however the applicants have indicated that this would not be consistent with their design concept. The layout of the residential element seeks to reflect the quality of Little Causeway to the north of the site and this may prove successful in providing a development that integrates well with the surrounding townscape. I do have some concern that the height of the proposed buildings combined with the width of the urban space between the two blocks and its use as car parking might not provide a space that has the same quality as Little Causeway. However, possible alternatives have been explored and the applicants design team and Architecture + Design Scotland appear to favour the current layout. The simple design of the buildings and the proposed materials reflect the local vernacular and I consider that the development would provide an acceptable residential environment. The design of the link to the town centre and the pocket park contained therein appears to be well designed and has potential to provide a valuable space in the townscape. Similarly the proposed landscaping to the periphery of the site has potential to contribute positively to the townscape. The quality of the boundary treatments at street level where screening is required for car parks and service areas will be particularly important and whilst I have no particular objection to the use of stone topped with timber on St James Road and New Road, I consider that the particular character of The Vennel and views into and out of the conservation area would best be preserved by providing 2 metre high stone walls adjacent to the carriageway using stone from the demolished buildings.

6.37 The Head of Environmental and Consumer Protection has offered no objection to the application and it must be recognised that it is not unusual for retail developments to be located in proximity of residential properties. Similarly, it is relevant to note that the northern part of the site has until recently been utilised as an industrial factory and may benefit from a lawful use as industrial premises whilst the southern part of the site has a lawful use as office accommodation. Accordingly, I am satisfied that, subject to conditions limiting noise levels and loading/unloading times, the retail element of the development could satisfactorily co-exists with existing uses in the area and would result in the removal of a potentially more onerous non conforming use. The retail park is likely to operate for limited hours only and outwith these hours the area may not be positively utilised. However, the mixed use development proposed does provide for flatted dwellings to the north of the site which will provide some overlooking of the retail areas and of the pedestrian link to the town centre.
The applicants have indicated that they are agreeable to a planning condition requiring the provision of CCTV in order to reduce the possibility of anti-social behaviour. I am satisfied that the residential development is compatible with surrounding uses and should not have a significant adverse impact on the amenity of neighbouring residential properties.

Archaeology

6.38 The site is identified as being of archaeological interest and the Council’s Archaeological advisor has requested an archaeological Desk Based Assessment during the processing of this application. The site is close to the historic core of the town however given that it has previously been developed and that the existing buildings are on made ground the likely presence of important undiscovered archaeology is limited. On this basis the Council’s Archaeological Advisor has indicated no objection to the application subject to conditions requiring the existing buildings to be recorded prior to demolition and an archaeological evaluation prior to any ground breaking.

Contaminated Land

6.39 Environmental Resources Policy 6 of the DASP indicates that any site being considered for redevelopment that is known or suspected to be contaminated by a previous use will be subject to a detailed assessment to establish the measures required to bring it back to an appropriate use. Policy ENV61 of the ALP indicates that ‘...All development proposals will require to be supported by appropriate survey information, detailing the extent and nature of ground instability/contamination, the resultant implications for site development and possible remedial measures...’. PAN33 provides an indication of good practice advice in relation to the development of contaminated land. It advocates a ‘suitable for use’ approach and indicates that the key role of the planning system is to ensure that land is made suitable for any new use, as planning permission is given for that use.

6.40 The information submitted in support of the previous applications for this site recognise that areas of the site may contain potential contaminants, however, no information regarding the nature or extent of the contamination or any required remediation has been submitted. In addition that information related only to the St James Works section of the site. On this basis the application does not meet the terms of this policy. The Head of Environmental and Consumer Protection has advised that further information should be obtained on previous uses of the site and any resultant contamination but has indicated that given the nature of the risks in this case he considers that can be dealt with by means of planning condition. A large scale retail development is likely to generate sufficient funds to undertake any necessary remediation. Accordingly, whilst the proposal does not comply with the detailed requirements of Policy ENV61, given the nature of the proposed use and the comments from the Head of Environmental and Consumer Protection, I am satisfied that the intentions of the policy (i.e. that the site can be made suitable for the proposed use) can be achieved through the use of planning conditions.

Other Material Considerations

6.41 The application site is identified as F10 in the Finalised Angus Local Plan Review (as modified). That allocation is not subject to any outstanding unresolved objections and
as such merits considerable weight as the most recent statement of Angus Council policy in relation to the site. Policy F10 states:

2.4 ha of land at New Road provides an opportunity for a mixed use redevelopment including an appropriate mix of housing, business, community uses or retailing which is complementary to the town centre. Development should take account of the character of the surrounding area, which includes listed buildings and a conservation area. Proposals should address St James Road, one of the main routes through the southern part of the town. Vehicular access will not be permitted from The Vennel.

6.42 The mix of housing and retail development proposed by this application is generally consistent with the terms of this allocation. As discussed above the layout and design of the proposal take account of the character of the surrounding area and would, on the whole, make a positive contribution to the quality of the urban area. Again, as discussed above the submitted retail information and previous Inquiry Reporters decision (which dealt with a larger retail proposal) indicate that retail development of the scale proposed should not have an adverse impact on the vitality and viability of the town centre. Accordingly, I consider that the proposal is compatible with this policy.

6.43 Policy SC6 of the Finalised Angus Local Plan deals with affordable housing and requires developments in this area to provide 15% affordable housing. The proposal provides for 43 residential units and as such six affordable units are required. The applicant has confirmed a willingness to provide these and proposes to split the provision between two blocks which I find acceptable. A legal agreement will secure delivery of the same.

6.44 Policy SC30 of the Finalised Angus Local Plan requires residential developments to provide open space on the basis of 2.43 hectares per 1000 head of population. The policy is assessed on the general assumption of 2.5 persons per household. In this case the open space requirement associated with this development would be 2612sqm. The proposal includes landscaping which is necessary for the development itself and this should not constitute open space provision in terms of the policy requirement. It also includes the ‘pocket park’ which measures approximately 375sqm and I consider that this does contribute to open space provision. This leaves a balance of 2237sqm of open space that would be required. Given the location of the development within the densely developed urban area and given the nature of the proposal I do not consider that it would be appropriate to require on-site provision of open space. The Finalised Plan does make provision for a financial contribution towards improvement of existing open space in such circumstances and I consider that this would be appropriate in this case.

Conclusions

6.45 In summary the key issues are:

1. whether the proposed retail development justifies setting aside the Local Plan housing allocation for the site.

2. whether the retail development is acceptable in relation to the retail policies in the development plan.
3. Whether the retail and residential development is acceptable in relation to its impact on the surrounding area including visual and traffic matters.

6.46 There is a strong case for retail use on the site. It is close to the existing town centre and is the only site of sufficient size to accommodate such a scale of retail development so close to the core retail area. From the available information on comparison goods retail expenditure, it is clear that there is a very large outflow from the Forfar area to Dundee. While some leakage to larger centres is inevitable, the scale of the present outflow is a matter of concern. In the absence of further retail development, it is likely that the outflow will increase, particularly with the scale and nature of retail development in Dundee. The Angus Local Plan indicates that Forfar may be able to accommodate retail warehousing and the Angus Retail Study also recognised that retailer demand existed for additional comparison goods retail floorspace and that ‘it would be appropriate to provide a site opportunity in, or on the edge of Forfar Town Centre for development of flexible, retail warehouse style units to encourage new retailers into the town’. Against this background, the introduction of additional retail floorspace is supportable and the Finalised Angus Local Plan Review identifies this site as an opportunity for retail development and that allocation is not subject to any unresolved objections. The submitted retail information and the conclusions of a previous planning appeal indicate that retail development of the scale proposed should not have an unacceptable adverse impact on the vitality and viability of existing town centres.

6.47 In terms of development plan retail policy there is sufficient information to conclude that the development will not undermine the vitality and viability of local town centres; it is located in an edge of centre location; and will assist in reducing comparison goods expenditure leakage to other areas, in particular Dundee. The site has good accessibility by a variety of means of transport and improvements to the local roads network will be undertaken at the developers expense. The redevelopment of the site will not lead to a shortage of good quality industrial or business sites and would involve the use of a brownfield site.

6.48 The previous appeal in relation to the refusal of outline planning permission for retail development on the site was dismissed largely on the basis of its likely design, scale and awkward relationship with the surrounding townscape. In his conclusions on that appeal the Inquiry Reporter noted ‘…there might be a better prospect that co-ordinated redevelopment of the larger site could include a component meeting retailers’ expectations for warehouse-type units, without incongruously dominating the whole of the area between New Road and the Vennel with an insensitive form of development…’. The current proposals relate to the larger site referred to by the Inquiry Reporter. Architecture + Design Scotland has indicated that the designs are a considerable improvement on those previously submitted. It indicates that the site planning and organisation is clear, and has overcome previous ambiguities and conflicts and states that the introduction of the saw-toothed roof overcomes the problem of a long unbroken skyline, helping to reduce the mass of the retail element. Architecture + Design Scotland is the body charged by the government to inspire better quality in design and architecture in the public and private sectors and as such I considers its endorsement of the design to be significant in the determination of this application. Overall I consider the layout and design of the revised proposals would contribute positively to the quality of the urban area and would not have an adverse impact on the setting of listed buildings or the conservation area.
6.49 Drawing all of these factors together I consider that the provision of additional comparison goods floorspace in Forfar is desirable, that the location of the proposed development is good and should strengthen the attraction of the town centre as a whole and the retail impact is acceptable. The layout and design of the proposal is of high quality and has received the support of Architecture + Design Scotland and the housing development would provide an acceptable residential amenity and the overall proposals should not have an adverse impact on the amenity of the area. The proposal is otherwise compatible with development plan or emerging development plan policy and on this basis I consider it appropriate to recommend approval of the application.

6.50 As the Council has a financial interest as owner of part of the application site and as the proposal is contrary to Policy F/H9 of the adopted Angus Local Plan it would be necessary to notify Scottish Ministers in the event that Committee is minded to approve the application contrary to the provisions of the development plan.

6.51 As this application relates to development contrary to development plan it will be necessary for Committee to provide an indication of the main reasons on which the decision is based.

Reasons for Approval

- The Finalised Angus Local Plan Review identifies the site as an opportunity site for a mix of uses including residential and retail development and that allocation is not subject to any unresolved objections.

- That the Angus Local Plan indicates that there is potential for retail warehouse development on the edge of Forfar town centre and submitted evidence and the conclusions of a previous planning appeal indicate that retail development of the scale proposed will not undermine the vitality and viability of local town centres.

- That the proposed site, by virtue of its edge of centre location and the absence of an alternative site within the town centre, is consistent with the sequential approach to the location of retail development provided by development plan and national planning policy guidance.

- That the proposed development is compatible with the retail policies provided in the Dundee and Angus Structure Plan and the Angus Local Plan.

- That the proposed site, by virtue of its proximity to the town centre, proximity to neighbouring residential areas and location on a bus route, offers opportunity for linked trips with the town centre and accessibility by a range of transport modes other than private car.

- That the proposed development offers opportunity to reduce leakage of comparison goods expenditure to Dundee and thus reduce overall vehicle journeys.

- That the proposal is consistent with Scottish Planning Policy 8.
• That the objectives of the Policy ENV61 of the Angus Local Plan regarding ground contamination can appropriately be addressed by the use of a suspensive planning condition.

7 HUMAN RIGHTS IMPLICATIONS

7.1 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.

8 RECOMMENDATION

8.1 It is recommended that the applications be approved subject to a Section 75 Agreement and the planning conditions detailed below.

Application No. 07/00938/FUL

Subject to a Section 75 Agreement

Subject to conclusion and recording of a valid Section 75 Agreement amongst all relevant parties containing the following general terms along with such other or additional terms as may be considered necessary or expedient by the Head of Law and Administration in consultation with the Head of Planning and Transport.

• Provision of 6 affordable housing units;
• Provision of a financial contribution towards the improvement of existing open space;
• Provision of a Travel Plan for the retail development with appropriate monitoring and reporting arrangements.

Conditions:

1. That the development hereby permitted shall be begun before the expiration of five years from the date of this permission.
   
   Reason: In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.

2. That no alterations or amendments be made to the details contained in the approved and docqueted plans unless so indicated by conditions attached to this consent or agreed in writing with the Planning Authority.
   
   Reason: For clarification purposes and for the avoidance of any possible misunderstanding.
3. That prior to the commencement of any development a scheme for the phasing of the overall development including timescales for the completion of the retail and residential developments along with the associated hard and soft landscaping and road improvements shall be submitted for the written approval of the planning authority. The phasing of the development shall be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the planning authority.

*Reason:* In order that the planning authority may approve the proposed phasing of the development in the interests of the character and amenity of the area.

4. That prior to the commencement of development revised detailed drawings and specifications in accordance with the standards required by Angus Council shall be submitted for the written approval of the planning authority providing for:

- the proposed site accesses for the retail car park on New Road shall be formed as to prevent traffic exiting the site from turning north towards West High Street;
- right turn lanes on New Road and St James Road;
- the installation of a system of traffic signals with full pedestrian facilities at the New Road/ St James Road junction;
- improvement of visibility at the junction of The Vennel with St James Road;
- the widening of New Road ex adverso the site to 6 metres with a 1.8 metre footway on its east side.

*Reason:* In order that the planning authority may verify that the road improvements necessary in order to accommodate the development are to the standards required by Angus Council and in order that the planning authority has a plan showing the works to be undertaken.

5. That the detailed works required by condition 4 of this permission shall be undertaken prior to the commencement of any other development approved by this planning permission.

*Reason:* In the interests of road traffic and pedestrian safety.

6. That prior to the opening of any retail unit to the public the footpath link from the site to Little Causeway shall be formed in accordance with drawing number P715.01 Rev. C to the standards required by Angus Council.

*Reason:* In order to ensure that the footpath link is formed and constructed in accordance with the standards required by Angus Council in the interests of providing linked retail trips with the town centre.

7. That no vehicular access to or egress from the site shall be permitted on to The Vennel and the existing sandstone retaining wall that forms the eastern boundary of the site with The Vennel shall be retained.

*Reason:* In the interests of road traffic and pedestrian safety and to preserve the setting of the conservation area.

8. That a maximum of 254 car parking spaces shall be provided of which at least 14 spaces shall be for disabled persons vehicles, located at positions approved in writing with the planning authority and retained as such thereafter.

*Reason:* In order to comply with the parking requirements of Angus Council and SPP17.
9. That 44 car parking spaces shall be provided within the residential development prior to the occupation of any dwelling or at such other intervals as may be approved in writing by the planning authority and shall be retained thereafter.
   
   Reason: In order to ensure adequate parking for the residential properties is provided and retained.

10. That a minimum of 10 ‘Sheffield’ style cycle racks shall be provided at locations agreed in writing with the planning authority. The racks shall be covered and lit with locational signage, shall be provided prior to the opening of any retail unit to the public and shall be retained thereafter.
   
   Reason: In order to ensure adequate provision of cycle parking for customers and staff and to promote the use of sustainable transport modes.

11. That prior to the commencement of development a scheme for the provision of a minimum of 13 secure cycle racks for the residential flats and 4 separate cycle racks for visitor parking shall be submitted for the approval of the planning authority. The cycle parking shall be provided prior to the occupation of any dwelling hereby approved and shall be retained thereafter.
   
   Reason: In order to ensure adequate provision of cycle parking in the interests of sustainable transport and in accordance with the requirements of the Finalised Angus Local Plan Review.

12. That prior to the opening of any retail unit to the public a bus shelter and bus boarder shall be provided on the east of New Road at a location and to a specification approved in writing by the planning authority.
   
   Reason: In order to ensure that adequate provision is made for public transport in accordance development plan policy.

13. That prior to the commencement of development the developer shall submit evidence of written agreement with Scottish Water that foul drainage for the entire development can be accepted to the public sewer and thereafter all foul drainage shall be connected to the public sewer.
   
   Reason: In order that the planning authority may be satisfied that foul drainage is available to allow the entire development to proceed.

14. That prior to the commencement of development the developer shall submit evidence of written agreement with Scottish Water, SEPA and the Roads Authority of a scheme for the disposal of surface water run-off from the development for approval in writing by the planning authority. Thereafter the scheme shall be fully implemented in accordance with an approved programme and the scheme shall be maintained as necessary thereafter.
   
   Reason: In order that the planning authority may verify that appropriate measures are in place to deal with surface water disposal.

15. That prior to the commencement of development a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
   
   a. the nature, extent and type(s) of contamination on the site
   b. measures to treat/ remove contamination to ensure the site is fit for the use proposed
   c. measures to deal with contamination during construction works
d. condition of the site on completion of decontamination measures.

Before any residential or retail unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
Reason: In order to ensure that the land is suitable for the proposed new use.

16. That no loading or unloading onto or from service delivery vehicles associated with the retail units hereby approved shall take place out with the hours of 0800 and 2000 Monday to Friday, 0800 and 1800 on Saturdays and 0900 to 1700 on Sundays.
Reason: In order to safeguard the amenity of nearby noise sensitive properties.

17. That noise from any fixed mechanical plant serving the proposed retail units shall not give rise to a noise level associated with windows open within any dwelling or noise sensitive premises in excess of that equivalent to NR Curve 35 between 0700 and 2300 and NR Curve 25 at all times.
Reason: In order to safeguard the amenity of nearby noise sensitive properties.

18. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both internal and external, together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record.
Reason: To ensure a historic record of the buildings.

19. That prior to the commencement of any development a scheme of the archaeological evaluation of the site shall be submitted for the written approval of the planning authority. Thereafter all works shall be undertaken in accordance with the approved scheme and the developer shall afford access at all reasonable times to any archaeological organisation acceptable to the planning authority and shall allow them to observe work in progress and record items of interest and finds. Notification of the commencement date, information as to whom the planning authority should contact on site and the name of the archaeological organisation retained by the developer shall be given to the planning authority in writing not less than 14 days before development commences.
Reason: In order to ensure that appropriate mitigation measures are in place to safeguard any archaeological interests in accordance with development plan policy.

20. That prior to the opening of any retail unit to the public waste management facilities for recycling shall be provided within the site at a location and to a specification approved by the planning authority.
Reason: In order to ensure the provision of waste recycling facilities in accordance with the policies of the Finalised Angus Local Plan Review.

21. That prior to the commencement of the development a revised plan of boundary treatments shall be submitted for the approval of the planning authority and shall include provision for the proposed reclaimed stone wall with acoustic fencing atop to be replaced with a 2 metre high reclaimed stone wall. In addition a detailed timetable for the installation of the boundary enclosures shall be submitted for the
approval of the planning authority and this will provide for the boundary enclosure to the retail service yard to be formed prior to the commencement of use of any retail unit. The boundary enclosures shall be formed in accordance with the approved details and shall be retained thereafter.

Reason: In order to ensure that the proposed boundary treatments are appropriate for the character of the area and are provided at appropriate stages in the development process.

22. That prior to the commencement of development the developer shall provide evidence of written agreement with Tayside Police of a scheme for the provision and maintenance of Closed-Circuit Television within the development for the written approval of the planning authority. The approved scheme shall be implemented prior to opening of any retail unit to the public.

Reason: In order to ensure that the development is adequately light in order to minimise the possibility of anti-social activity.

23. That all planting comprised in the approved details of landscaping shown on drawing number P715.01 Rev. C shall be carried out in the first planting season following opening of any retail unit to the public or as otherwise agreed with the planning. 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.

Reason: In order to ensure that the necessary landscaping is undertaken and subsequently maintained.

24. That prior to the commencement of any work on the site, a scheme for the management and maintenance of open spaces within the development be submitted to and approved by the Council. Thereafter the open space areas shall be managed and maintained in accordance with the approved scheme.

Reason: In order to comply with the landscaping requirements of the local planning authority and ensure subsequent maintenance.

25. That prior to the commencement of development details of a scheme of external lighting proposed in association with the retail units and retail car park hereby approved shall be submitted to an approved in writing by the planning authority. The approved scheme of lighting shall be provided prior to the opening of any retail unit to the public.

Reason: In order to ensure that the development is adequately light in order to minimise the possibility of anti-social activity and to ensure that the amenity of nearby occupied premises is adequately safeguarded.

26. That samples of all external finishes to the walls and roofs of the buildings within the development shall be submitted for the prior written approval of the planning authority. Only those samples approved by the planning authority shall be utilised in the development.

Reason: In order that the planning authority may verify that the proposed materials are appropriate in terms of colour and texture for the area.

27. That a scheme to reuse stone and slate from the buildings to be demolished within the site shall be submitted for approval of the planning authority. The approved scheme shall be implemented.
Reason: In the interests of the sustainable use of materials and to ensure the use of materials that are appropriate to the character and appearance of the area.

28. That the gross floor area of the retail units hereby approved shall not exceed 4795 square metres. The net sales floor space of the retail units shall not exceed 4040 square metres of which no more than 15% of any retail unit shall sell convenience goods. For the purposes of this permission convenience goods are defined as: -

‘Food, alcoholic and non alcoholic drinks, tobacco, newspapers and magazines, cleaning materials and matches.’

Reason: In order to clarify the terms of this permission and to safeguard the vitality and viability of town centres in Angus.

29. That the retail floor space hereby approved shall be subdivided in accordance with drawing number SJF(PL)103 Rev. A unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure that the proposal provides retail units of a size that are not otherwise readily available within the town centre and which complement rather than compete with the centre in the interests of its vitality and viability.

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.

P&T/AH/IAL
16 October 2007

Eric S. Lowson
Director of Infrastructure Services
DUNDEE AND ANGUS STRUCTURE PLAN

TOWN CENTRES AND RETAILING POLICY 1 : TOWN CENTRES

To promote the Angus towns and their centres, as defined in the Angus Local Plan, as key locations for new retail developments and for complementary leisure, recreational and commercial uses.

TOWN CENTRES AND RETAILING POLICY 4 : OUT OF CENTRE RETAILING

In keeping with the sequential approach to site selection for new retail developments, proposals for new or expanded out of centre retail developments in excess of 1000 sq m gross will only be acceptable where it can be established that:

- no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centres;
- individually or cumulatively it would not prejudice the vitality and viability of existing city, town or district centres;
- the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of the above centres;
- the site is readily accessible by modes of transport other than the car;
- the proposal is consistent with other Structure Plan policies.

Local Plans will investigate more specific measures to enhance the accessibility of sites by modes of transport other than the car, including by on-site measures.

Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning conditions and planning or other agreements.

TRANSPORT POLICY 4 : DEVELOPMENT LOCATION

In identifying land for new development Local Plans will seek to ensure that development takes place in the most accessible locations having regard to the objectives of the Local Transport Strategy. New development proposals will as a minimum require to demonstrate that they:-

- provide safe, convenient and attractive facilities for pedestrian, cycle and public transport access;
- provide or use walking and cycle routes which are or can be linked into established and planned networks;
- are accessible to or can be made accessible to the existing or proposed public transport networks;
are located where local road network capacity is available.

Development proposals generating significant traffic must be supported by Transport Assessments and Travel Plans where necessary. Travel Plans will be implemented through appropriate planning conditions and planning or other agreements.

ENVIRONMENTAL RESOURCES POLICY 5A: HISTORIC ENVIRONMENT

Local Plans will establish a policy framework to safeguard and enhance important features of the area's historic environment as a means of conserving the diverse and distinctive qualities of Dundee and Angus.

The historic environment of Dundee and Angus is a valuable, non-renewable resource which must be protected, conserved and enhanced. Local Plans shall identify these assets and include policies which:

- Protect the site and setting of listed buildings and ancient scheduled monuments;
- Protect other archaeological sites and sensitive areas. Where this is not feasible, proper recording and analysis shall take place;
- Protect and enhance conservation areas and historic gardens and designed landscapes.

ENVIRONMENTAL RESOURCES POLICY 6: DESIGN AND URBAN RENEWAL

There is a general presumption against inappropriate development of important open spaces identified in Local Plans. The Councils will seek to optimise their recreational potential, amenity value and conservation interests in partnership with other agencies.

New development will require to make a positive contribution to the identity, character and quality of the built and historic environment. Environmental improvements within the main employment and retailing areas in Dundee and the Angus towns, and adjacent to transportation gateways will be pursued in conjunction with key partnership agencies, to support on-going regeneration and sustainability.

Development proposals that assist urban renewal, community regeneration and the appropriate re-use of vacant and derelict land and buildings across the Dundee and Angus area will be generally supported. Any site being considered for redevelopment that is known or suspected to be contaminated by a previous use will be subject to a detailed assessment to establish the measures required to bring it back to an appropriate use.

As part of the wider urban regeneration process in Dundee and the main Angus towns, Local Plans will support the preparation and implementation of Urban Woodland Strategies and other related initiatives to address the treatment of vacant or derelict sites.
ANGUS LOCAL PLAN

Policy ENV 1: Environmental Quality

All proposed development must have full regard to opportunities for maintaining and/or improving environmental quality.

Policy ENV 5: Development in Existing Built-Up Areas

Within defined development boundaries planning applications for new development on sites not identified on the inset Proposals Maps will only be permitted where the proposals accord with the Development Strategy and other policies of the Local Plan. Proposals leading to significant loss of amenity and character of the surrounding area will not be permitted.

Policy ENV 37: New Development in Conservation Areas

Development proposals within Conservation Areas or affecting the setting of such areas will be supported where they:

(a) respect the character and appearance of the area in terms of:
   - scale, proportions and massing;
   - layout, grouping and setting;
   - detailing and materials.

(b) contribute positively to the setting of the area;

(c) maintain important open spaces or important views within, into or out of the area;

(d) retain particular features which contribute to the character and appearance of the area;
   - walls and other means of enclosure;
   - ground surfaces;
   - natural features such as trees and hedgerows.

(e) accord with the Character Statement of the area.

Policy ENV 51: Archaeological Sites

Angus Council will seek to preserve in situ unscheduled sites of archaeological significance and their settings, and will require rigorous examination of the impact of development proposals likely to affect such sites. Where development proposals are located within or immediately adjacent to areas of archaeological interest identified in the medieval burgh cores or any other sites of known or suspected archaeological interest Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account in determining whether planning permission should be granted with or without conditions or refused. Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision...
is made at the developer’s expense for the excavation and recording of threatened features prior to development commencing.

**Policy ENV 61: Contaminated Land**

Development will only be permitted on, or in the vicinity of land that is known to be, or may be unstable, contaminated or affected by landfill gas where Angus Council is satisfied that the actual or potential risk can be overcome. All development proposals will require to be supported by appropriate survey information, detailing the extent and nature of ground instability/contamination, the resultant implications for site development and possible remedial measures. Where necessary Angus Council will require appropriate remedial measures to be undertaken to overcome any identified problems prior to the commencement of development.

**Policy H1: Housing Land Audit**

Adequate land has been identified in the Plan to meet forecast housing requirements up to 2006. Angus Council will liaise with Scottish Homes and private sector housebuilders to conduct an annual audit of the available housing land.

**Policy H21: Residential Character and Amenity**

Development proposals which have a significant adverse affect on the character and amenity value of existing housing will be resisted. Applications will only be acceptable where they are compatible with established housing use.

**Policy TCR1: Support for Town Centres**

Angus Council will initiate and support measures designed to enhance the vitality and viability of the town centres and will work in partnership with other bodies and interested parties to promote and develop opportunities which:-

(a) sustain the key functions and role of each of the Angus towns and their centres: and

(b) safeguard existing amenity and complement and enhance the historic character and general environment of the Angus towns.

**Policy TCR5: Large Scale Retail Development**

Town centres are the preferred location for large scale retail development within Angus. Sites on the edge of centre may be acceptable where retail development proposals cannot be accommodated within town centres and where it can be demonstrated that the development will not undermine the vitality and viability of any of the Angus town centres.

**Policy TCR8: Retail Warehouses**

Retail warehouse development will be directed to sites within or on the edge of the town centres of Arbroath, Forfar and Montrose, having regard to sequential considerations of location and site availability. Consideration will be given to the range of goods sold and the potential impact of the proposal on existing retail areas. Proposals must be accompanied by a retail impact assessment, and will be considered against the following criteria:-
(a) they do not undermine the vitality and viability of existing and approved shopping provision in any town centre in Angus;

(b) they tackle deficiencies in qualitative or quantitative terms which cannot be met in or at the edge of the town centre;

(c) they are accessible to all sections of the community by a variety of modes of transport;

(d) associated improvements to the trunk and local roads network are addressed at the developer’s expense;

(e) their siting would not lead to a shortage of good quality industrial or business sites;

(f) the design, scale and relationship to the surroundings would contribute positively to the quality of the urban area;

(g) preference will be given to development proposals which involve the effective use of vacant or derelict land;

(h) there is no adverse effect on local amenity or other significant environmental effects; and

(i) there would be no conflict with other policies in this Local Plan.

Policy INF4: Surface Water Disposal

The use of Sustainable Urban Drainage Systems (SUDS) is preferred in dealing with surface water drainage. Angus Council will consult and liaise with SEPA, NoSWA and developers in the assessment of development proposals in order to ensure that appropriate methods of surface water run off collection, treatment and disposal are promoted to minimise the pollution of water courses and ground water.

Policy TRA5: Public Transport

Development proposals will require to show that satisfactory provision has been made for the needs of public transport. The layout of major new development areas will require to:

- make provision for public transport infrastructure such as lay-bys, turning areas, bus boarders;

- cater effectively for passengers with restricted mobility.

Policy TRA10: Provision for Pedestrians and Cyclists

Development proposals will require to show that satisfactory provision has been made for safe and convenient pedestrian and cyclist routes and access. The design of major new development areas will require to:

(a) effectively serve movement and desire lines within the development area itself and between it and other areas, especially between housing and local schools, employment, shopping and leisure facilities;
(b) cater effectively for persons with restricted mobility;
(c) protect the amenity enjoyed by the occupiers of nearby residential properties;
(d) reflect the principles of PAN 46 Planning for Crime Prevention.

**Policy TRA12: Safe Routes to School**

Angus Council will promote a ‘safe routes to school’ policy, encourage greater use of pedestrian and cycle movement to school and will implement a programme of measures designed to improve road safety for pedestrians, cyclists and motor vehicles.

**Policy TRA13: Access for Mobility Impaired**

In considering development proposals, Angus Council will require where appropriate the provision of facilities, access and parking for the mobility impaired.

**Policy TRA14: Parking Standards**

Development proposals will only be approved where adequate provision is made for parking and servicing in conformity with Angus Council Roads standards.

**FINALISED ANGUS LOCAL PLAN REVIEW (AS AMENDED)**

**Policy SC6: Affordable Housing**

Angus Council will seek to secure the provision of affordable housing from housing developments on allocated sites, opportunity and windfall sites which will contribute towards meeting identified needs in each Housing Market Area as follows:

- Arbroath – 20% LCHO housing;
- Brechin/Montrose – 25% LCHO housing;
- Forfar, Kirriemuir and Glens – 15% LCHO housing;
- South Angus – 40% social rented and/or LCHO housing.

The requirement for affordable housing in each Housing Market Area will be applied to the overall capacity of sites of 10 or more units, or a site size equal to or exceeding 0.5 hectares. Where a site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will still be applied.

Affordable housing developments may be permitted on sites outwith but adjacent to development boundaries provided it can be demonstrated that:

- there is an identified local need that cannot be met on a suitable site within defined development boundaries;
- the proposal takes account of the provisions of Policy S6: Development Guidelines; and
- proposals are in accord with other relevant policies of the Local Plan.

In all circumstances, Section 75 or other legal agreements may be used to secure the delivery of affordable housing.
Policy SC30 : Open Space Provision

Development proposals will require to provide open space and make provision for its long term maintenance. Angus Council will seek to ensure that as a minimum the NPFA standard of 2.43 hectares of open space/recreational space per 1000 head of population is met. The specific requirements of any development will be assessed on a site by site basis and this standard exceeded or relaxed as appropriate taking account of the level, quality and location of existing provision.

F10 : Opportunity Site - New Road

2.4 ha of land at New Road provides an opportunity for a mixed use redevelopment including an appropriate mix of housing, business, community uses or retailing which is complementary to the town centre. Development should take account of the character of the surrounding area, which includes listed buildings and a conservation area. Proposals should address St James Road, one of the main routes through the southern part of the town. Vehicular access will not be permitted from The Vennel.