

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 5 JANUARY 2017

PLANNING APPLICATION – DUNNICHEN PARISH CHURCH, DUNNICHEN, FORFAR, DD8 2NX

GRID REF: 350953 : 748788

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 16/00046/FULL for the Change of Use and Alterations to Former Church to form Dwellinghouse and Change of Use of Vacant Ground to Residential Garden Ground for Mr Chris Garrigan at Dunnichen Parish Church, Dunnichen, Forfar. This application is recommended for conditional approval.

1. RECOMMENDATION

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

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The applicant seeks full planning permission for the change of use and alterations to a former Church to form a dwellinghouse and change of use of vacant ground to residential garden ground at Dunnichen Parish Church.

3.2 The application site comprises the former Dunnichen Parish Church which is a small oblong gothic building of stone and slate construction which dates from 1802 and is a category B listed building and a small area of land to the north. It is located within a graveyard that encompasses an area of 2100sqm. Access to the property is via the access to the graveyard which is located at its west boundary wall. The applicant only has a right of access to the property through the graveyard which is maintained by Angus Council. The closest residential properties to the site are located 79m to the south east (Kirkside) and south west (Linn Garan). The application property is located within the Dunnichen Conservation Area. The ecclesiastical use of the building ceased in 2011 with services rationalised at Letham Church.

3.3 The application proposes the change of use and alterations to the building to form a dwellinghouse as well as the change of use of a vacant area of ground to residential garden ground. There would be no external alterations to the building. The internal alterations to accommodate the proposed dwellinghouse involve the erection of partition walls, installation of full length glazed screens and alterations to the first floor gallery. The ground floor of the building would accommodate an open plan lounge and kitchen area, as well as 2 bedrooms with en-suite bathrooms which would be contained below the first floor gallery structure, and a bathroom, sauna and utility room contained within the projecting porch and vestry attached to the west elevation of the building. The 3 sided first floor gallery would accommodate 4 bedrooms, 2 of which would have en-suite bathrooms. Secondary glazing of timber framed single paned hermetically sealed units would be installed in the existing window openings. The existing pulpit and plaques within the building would remain in situ. The area of ground subject of the change of use to garden ground encompasses an area of 285sqm and is located 7.5m to the north of the building adjacent to the north boundary of the graveyard. The

boundaries of the ground consist of stonewalls. The area of ground is overgrown and in an unkempt condition. As the applicant only has a pedestrian right of access to the building there would be no off street parking associated with the development.

- 3.4 The application has not been subject of variation.
- 3.5 The application was advertised in the Dundee Courier as required by legislation.
- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to more than five individual objections.

4. RELEVANT PLANNING HISTORY

- 4.1 An observation was received by the Planning Service in November 2013 that works were being undertaken inside the listed building without the necessary consents. At that time it was identified that the previous owner of the building had removed pews and a number of other features.
- 4.2 A further observation was submitted to the Planning Service in October 2014 that internal works to convert the building to a dwellinghouse were being undertaken. At that time it was identified that internal works had been undertaken which involved the erection of partition walls, installation of full length glazed screens and the installation of a fitted kitchen. The applicant ceased works and an application for planning permission and a retrospective application for listed building consent were validated on 25 January 2016 (refs: 16/00046/FULL and 16/00047/LBC refer). An earlier application for listed building consent (ref: 15/00311/LBC) was submitted however this application could not be validated as it did not contain a sufficient level of detail.

5. APPLICANT'S CASE

- 5.1 A report from the Registers of Scotland in respect of the area of ground that the applicant proposes to utilise as garden ground has been submitted in support of the application by the applicant. This indicates that the area of ground to the north of the graveyard is not registered in the Land Register which is plan based. Therefore it remains in the older Sasine Register which is a register of deeds. There is no entry in the indexes which match the area however from an examination of the surrounding titles it would appear that the land may form part of a larger Sasine title described as the Church of the Parish Dunnichen (the Church of Scotland General Trustees have confirmed they do not own the land).
- 5.2 The applicant has submitted a response to points contained within the consultation responses as well as some of the points of objection. This indicates that the existing windows are to remain in situ and a secondary glazed system of timber framed single paned hermetically sealed units would be installed in the window openings. A passive ventilation system is to be provided which utilises the existing roof ventilation cowl. The pews were removed by the previous owners however the applicant will retain all other fixtures/fittings i.e. pulpit, internal joinery and wall plaques. The retention of these features has been discussed with Historic Environment Scotland in the context of its consultation response. The requirements of the Archaeological Service are noted and will be fully complied with.

- 5.3 The supporting information is available to view on the Council's Public Access system.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads (traffic)** – has not objected to the proposal in respect of traffic safety.
- 6.2 **Angus Council Parks & Burial Grounds** – has offered no objection to the proposal but has stressed that there should be no building materials stored within the churchyard and access to the graveyard is required at all times therefore the entrance must be kept clear.
- 6.3 **Aberdeenshire Council Archaeological Service** – has offered no objection to the proposal but has indicated if the application is approved conditions should be attached
- 6.4 **Letham & District Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

7.1 Six letters of objection have been received. The letters will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.

7.2 The following matters have been raised as objections to the application and are discussed under Planning Considerations below: -

- Is a dwellinghouse an appropriate use for the building;
- Can the building provide a satisfactory residential amenity for its occupants;
- Impacts on archaeological features;
- Impacts on listed features that the building possesses;
- Works have already been carried out to the building.

In addition the following matters have been raised: -

- **The area of ground which is subject of the change of use could be within the ownership of Dunnichen House** – the applicant has provided a report from the Registers of Scotland regarding the title to the land which is subject of the requested change of use. This information indicates the land is not registered in the Land Register and there is no entry in the indexes of the Sasine Register. No evidence has been provided to contradict that position and in any case the applicant is entitled to submit a planning application for development on land that is not in his ownership provided appropriate certification is undertaken.
- **The applicant has undertaken works within the graveyard** – the post box that has been inserted into the ground within the graveyard does not constitute operational development that would require planning permission. The planting of trees does not require planning permission.
- **The graveyard is now no longer an attractive place to visit** – there have been instances when materials have been stored out with the building however the Council's Parks & Burial Grounds Service has discussed this directly with the applicant. The applicant has confirmed that any building materials would be stored within the building or on the ground that is to be used as domestic garden ground.

8. PLANNING CONSIDERATIONS

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

8.2 Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.

8.3 As the application for planning permission also relates to subjects within a conservation area, namely the Dunnichen Conservation Area, Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in determining this application.

8.4 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Development Plan (Adopted 2016)

8.5 As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Development Plan form the main basis for the consideration of the proposal. The relevant policies of the Angus Local Development Plan are reproduced at Appendix 2.

- 8.6 The application site is not specifically allocated for development but is located within the defined Development Boundary. Policy DS1 is supportive of development within development boundaries which is of a scale and nature appropriate to its location. DS1 prioritises the redevelopment of brownfield land over greenfield land and indicates that development should not adversely impact on European designated sites. The Development Strategy seeks amongst other things to maintain the quality of cultural and natural heritage assets. In this case the application proposes the conversion of the former Dunnichen Parish Church to a dwellinghouse which is located within the Development Boundary of Dunnichen. It does not affect any European designated site. I will return to this policy having considered other relevant policy tests.
- 8.7 Policy TC8 of the ALDP deals with proposals for community facilities and indicates proposals resulting in the loss of existing public community facilities will only be supported where it can be demonstrated that the proposal would result in the provision of alternative facilities of equivalent community benefit and accessibility; or the loss of the facility would not have an adverse impact on the community; the existing use is surplus to requirements or no longer viable; or no suitable alternative community uses can be found for the buildings and land in question. The ecclesiastical use of the building ceased in 2011 with rationalisation of the church estate focusing on Letham Church. In this respect I am satisfied that the building is no longer required as a community facility. Accordingly, the principle of the building being used for an alternative use is considered to be acceptable subject to compliance with other relevant policies.
- 8.8 Policy TC2 deals with all residential development proposals and requires all proposals for new residential development, including the conversion of non-residential buildings to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to provide for affordable housing in accordance with Policy TC3 Affordable Housing. Within development boundaries proposals for new residential development will be supported where the site is not allocated or protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area.
- 8.9 The application site is not allocated or protected for another use. Assessment of the physical characteristics of the proposed development is discussed below in the context of Policy PV8. I am satisfied that a residential use at this location would be compatible with current and proposed land uses in the area. Whilst the building is located within an existing graveyard there are other examples of churches within or bound by existing graveyards that have been converted to housing. A new use for the building is preferable to a situation where the building sits vacant and unused and falls into a state of disrepair. The Parks and Burial Grounds Service has been consulted regarding the proximity of the graveyard to the church and has offered no objections to the proposal but has advised the graveyard is still visited by members of the public and maintained by the Council therefore access to the graveyard should be maintained and no building materials should be stored within the graveyard. Control of these matters falls out with the remit of the planning process however the applicant has confirmed that he would ensure that there were no unacceptable impacts on the graveyard as a result of his proposal. The existing building is large and would provide generous internal accommodation. External ground associated with the building is more limited but the application includes a proposal to incorporate an area of ground to the north of the building that is located out with the graveyard as an area of garden ground. The self-contained area of ground measures 285sqm and is overgrown. It is unclear who the owner of the land is and the applicant has taken reasonable steps to clarify ownership with the Registers of Scotland. Land Ownership is not a material planning consideration and I consider that this area of ground would provide an adequate level of garden ground to serve occupants of the house. In terms of impacts on the amenity of the neighbouring properties the neighbouring residential properties are located in excess of 70m from the building and I do not consider that the proposal would result in any significant detrimental impact on the amenity of nearby properties. The proposal does not give rise to any affordable housing requirement or result in any infrastructure impacts. Impacts on the built environment and access will be discussed below.
- 8.10 As a proposal that seeks to alter a listed building within a conservation area, Policy PV8 is relevant to the consideration of the proposal. In respect of works to a listed building Policy PV8 states that development proposal which affect a listed building will only be supported where the proposed development will not adversely affect the integrity of the site or the

reasons for which it was designated; any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and appropriate measures are provided to mitigate any identified adverse impacts. In respect of the works within a conservation area Policy PV8 states that development proposals that affect local historic environment sites will only be permitted where supporting information demonstrates that the integrity or historic environment value of the site will not be compromised or the economic and social benefits significantly outweigh the historic environment value of the site.

- 8.11 The proposal does not involve any significant alteration to the exterior of the building. The conservation area currently contains a number of residential properties and I am satisfied that the change of use of the building and the associated small area of land would not alter the character of the area. The setting of the church is derived largely from its location within the graveyard and the associated boundary walls. These features would not be affected by the proposed development. The change of use of the small area of land outwith the graveyard to garden ground would have little impact on the listed buildings setting but general tidying of the area would, if anything, be positive. The proposed reuse of the now redundant church as a dwelling would secure its long-term future and preservation. The internal alterations necessary to convert the building to a house would have a significant impact on the buildings character. However, the alterations would retain most of the church's essential features, and much of its original ecclesiastical character and the absence of any significant alteration to the external appearance of the building helps retain its character. Overall the proposal is considered to be in accordance relevant built heritage and design policies and also the legislative requirements to ensure the protection of the special interest of the listed building and the character and appearance of the conservation area. The consideration of the impact of the proposal on the listed building is considered further in the accompanying report in relation to application ref: 16/00047/LBC for listed building consent.
- 8.12 The Archaeological Service of Aberdeenshire Council has been consulted and has indicated the proposal affects an archaeological site where there is high potential for buried human remains. Although the works associated with the proposal are limited to the building the Archaeological Service has recommended that planning conditions are attached requiring a Programme of Archaeological Works and a Level 1 Standing Building Survey to be undertaken. Planning conditions are proposed to deal with these matters.
- 8.13 Policy DS4 in the ALDP relates to amenity and states that proposals must have full regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. It identifies a number of matters that will be considered. Impacts on the closest neighbouring residential properties in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing have been considered in the context of Policy TC2 and there is considered to be no unacceptable adverse impact as a result of the proposed development. In relation to provision of refuse collection, storage and recycling the submitted drawings do not identify where these facilities would be located. In order clarify these arrangements a condition is proposed in order that this aspect can be considered further. The Roads Service has indicated no objection noting that there is no dedicated off street car parking spaces proposed. The applicant only has a right of access to the building therefore cannot provide on-site parking but the previous use as a church would have generated significantly more traffic than a dwellinghouse. I do not consider that the absence of on-site car parking would adversely affect the amenity of the area, and on the basis of advice from the Roads Service, I am satisfied that there would not be any significant impact on road traffic or pedestrian safety. In these circumstances, and having regard to the desirability of seeing a listed building redeveloped, I do not consider that the absence of car parking would justify refusal of this application. The proposal does not give rise to any significant issues in terms of the remaining criteria of Policy DS4.
- 8.14 Policy PV15 deals with drainage infrastructure and indicates development proposals within Development Boundaries will be required to connect to the public sewer where available. It also indicates that all new development will be required to provide Sustainable Urban Drainage (SUDs) to accommodate surface water drainage. The submitted information indicates the development would utilise the existing foul and surface water drainage arrangements associated with the building.
- 8.15 In terms of potential for protected species, the proposal does not involve any external alterations to the building and therefore the risk of adversely impacting on protected species is

low. On that basis, I am satisfied that it is proportionate to determine the application without a protected species survey.

- 8.16 Overall the proposal does not give rise to any significant issues in terms of the relevant policies of the Local Development Plan and is of a scale and nature appropriate to its location. On that basis the proposal is compatible with Policy DS1.
- 8.17 There are a number of representations in objection to the proposal. The substantive issues and material planning considerations raised in those letters have been considered above. There are no material considerations raised in those letters that cannot be addressed by planning conditions or that justify refusal of the application contrary to the provisions of the development plan.
- 8.18 In conclusion, regard has been given to the Development Plan, to the information provided in relation to the application and comments received from third parties and consultees. Account has also been taken of all relevant material considerations. The proposed development would result in the reuse of a prominent listed building that is located within a conservation area. The building is no longer required for its former use as a Church and it is desirable to secure a new use in order to avoid its deterioration. The internal alterations to the building will affect its character but some alteration to the building is necessary in order to facilitate a new use. Consultees have raised no significant issues regarding the proposal and I consider that impacts associated with the conversion of the building could be controlled by the proposed planning conditions. The proposal is considered to accord with the development plan subject to appropriate planning conditions. There are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

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

Reason(s) for Approval:

The proposed development would see a listed building reused in a manner that would not have an unacceptable effect on the character and appearance of the conservation area or on the special interest of the listed building. The proposal is consistent with the relevant provisions of the development plan. There are no material considerations that justify refusal of the application.

Conditions:

1. That no further works shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the

developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

2. That no further works shall take place until a Level 1 archaeological standing building survey of the existing structure has been submitted to and approved in writing by the Planning Authority. The developer shall agree the archaeological organisation and the scope of the archaeological standing building survey with Aberdeenshire Council Archaeology Service on behalf of the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.

Reason: To record features of the historic environment of the structure. Please note an archaeological organisation is required to undertake this work.

3. That prior to the occupation of the dwelling hereby approved details of the location and specification of the bin storage area shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved bin storage area shall be formed in accordance with the approved details before the dwelling is occupied.

Reason: In order that the general amenity of the area shall not be affected and in order to ensure the timely provision of refuse storage facilities.

4. That notwithstanding the provisions of any Development Order, including the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fence, wall, other means of enclosure or any structure, including a deck or raised platform shall be erected within the area of ground hereby approved for use as garden ground unless otherwise first through the grant of planning permission following submission of an application for planning permission to the Planning Authority.

Reason: In order to allow the Planning Authority to consider the impact of any development of the nature described on the character and appearance of the conservation area and on the setting of the listed building.

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

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DATE: 19 DECEMBER 2016

APPENDIX 1: LOCATION PLAN
APPENDIX 2: DEVELOPMENT PLAN POLICIES

Appendix 1: Location Plan

Appendix 2 – Development Plan Policies

Angus Local Development Plan

Policy DS1: Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

Policy DS3: Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4: Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2: Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination
- or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or
- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites

- (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

Policy TC8: Community Facilities and Services

The Council will encourage the retention and improvement of public facilities and rural services.

Proposals resulting in the loss of existing public community facilities will only be supported where it can be demonstrated that:

- the proposal would result in the provision of alternative facilities of equivalent community benefit and accessibility; or
- the loss of the facility would not have an adverse impact on the community; or
- the existing use is surplus to requirements or no longer viable; and
- no suitable alternative community uses can be found for the buildings and land in question.

The Council will seek to safeguard rural services that serve a valuable local community function such as local convenience shops, hotels, public houses, restaurants and petrol stations. Proposals for alternative uses will only be acceptable where it can be demonstrated that:

- the existing business is no longer viable and has been actively marketed for sale as a going concern at a reasonable price/rent for a reasonable period of time;
- the building is incapable of being reused for its existing purpose or redeveloped for an appropriate local community or tourism use; or
- equivalent alternative facilities exist elsewhere in the local community.

New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

Policy PV5: Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV8: Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV15: Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

Policy PV18: Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

