

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 4 AUGUST 2015**

**PLANNING APPLICATION - SITE AT FORMER HM PRISON, NORANSIDE**

**GRID REF: 346993 : 760969**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 15/00412/MSCM for Approval of Matters Specified in Conditions for the conversion of the stable block to form 3 houses and the erection of 5 new dwellinghouses and garages on land at former HM Prison, Noranside for Tulloch Farms. This application is recommended for approval.

**1. RECOMMENDATION**

It is recommended that Committee approve the application for the reasons and subject to the conditions given at Section 10 below.

**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 approval of certain matters specified in conditions relevant to planning permission reference 13/00840/PPPM which is a planning permission in principle for conversion of former prison buildings to residential use (7 units) and redevelopment of former prison complex including the erection of new dwellinghouses providing 41 residential units including affordable housing (48 units in total) on land at Former HM Prison, Noranside.

3.2 The site is located to the north and east of the U412 at Noranside and measures approximately 10HA in area. The site contains the listed stable block and other agricultural buildings and hardstandings which occupies approximately 1.4HA of the site, with the majority of the remaining site area covered by woodland to the north, south and west of the farm buildings. The site slopes down north to south and is accessed via the existing access from the U412 to the south west of the site. The north, south and west boundaries of the site are formed by public roads, beyond which lies either agricultural land, woodland or housing. The remainder of the former prison estate lies to the north east of the site and agricultural land is located to the south east.

3.3 The application is for the approval of matters specified in conditions for the first phase and the applicant seeks approval for the below matters included in condition 1 of planning permission in principle ref: 13/00840/PPPM. These relate to:

- (i) the location of house plots and the siting of the new building(s) for Phase 1;

- (ii) the design and external appearance of the new and extended building(s) for Phase 1;
- (iii) the means of drainage for the development for Phase 1;
- (iv) the means of site enclosure for Phase 1;
- (v) the existing and proposed ground levels and floor levels relative to a fixed ordnance datum for Phase 1;
- (vi) the layout of the site including access, roads, car parking, turning space, and landscaping including an indication of all existing trees and hedgerows on the land and details of those to be retained and cleared, together with the measures for their protection in the course of development for Phase 1;
- (vii) a detailed phasing scheme for the site including details of the timing that the listed buildings will be fully converted and restored to habitable condition in accordance with the submitted plans; the timing of all previously developed land within the site being restored; and the phased release of new house plots linked to completion of those matters;
- (viii) full details of the arrangements for the provision, location and future maintenance of open spaces and path networks within the site for Phase 1;

Information has also been submitted in connection with conditions 2 to 5 of the planning permission in principle which relates to archaeological recording, contaminated land and bats.

- 3.4 The layout of the proposed houses in phase 1 is similar to the layout shown in the masterplan considered through the planning permission in principle. The existing access to the site would be improved with a widened bell mouth junction with an improved visibility splay. The listed steading would be altered and extended to allow for three houses to be formed, with the adjacent stone steading to the immediate west altered and extended to form garaging. Four new single storey three bedroom houses are proposed further west, three of which are arranged in a U shape. The remaining plot to the south west of the listed steading proposes one 3 bedroom property with detached double garage. The plans detail parking and access arrangements and boundary enclosures for each of the proposed houses. Site levels information is provided through a series of proposed sections. A Phasing plan is proposed which identifies the current application site as the first phase with the development, with subsequent phases progressing in an easterly direction. Landscaping and woodland information has been submitted including proposals for woodland management including tree felling and replanting. Drainage, archaeology and contaminated land information has also been submitted and discharge of the conditions is also sought for those matters.
- 3.5 The current proposal has been advertised in the local press as required by legislation.
- 3.6 The proposal constitutes a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Whilst the proposal is a major development it can be considered by the Development Standards Committee as it is not significantly contrary to the development plan.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Application No. 13/00840/PPPM for conversion of former prison buildings to residential use (7 units) and redevelopment of former prison complex including the erection of new dwellinghouses providing 41 residential units including affordable housing (48 units in total) at Noranside Prison, Fern, Forfar was approved subject to conditions by the Development Standards Committee on 5 August 2014 (Report 310/14 refers). A copy of the conditions attached to that permission are provided as Appendix 2.
- 4.2 Listed building consent application (14/00187/LBC) for the conversion of Noranside House to form three residential dwellings including alterations and removal of later extensions; alterations

and extensions of the Gardener's Cottage to form one residential dwelling; conversion and alteration of Stable Block to form three residential dwellings; and alterations and restoration of Walled Garden. The demolition of 'curtilage listed' buildings including Edzell House, A/B Wing, Boiler House and Visitors Room was also approved by that committee.

- 4.3 A parallel listed building consent application (15/00438/LBC) is pending consideration. That application proposes the conversion and alteration of the Stable Block to form three residential dwellings.

## **5. APPLICANT'S CASE**

- 5.1 The following information has been submitted in support of the application:

- Bat Survey
- Contaminated Land Report
- Drainage Impact Assessment
- Tree Management Proposal
- Squirrel, Badger and Bat Survey of Woodland
- Tree Survey & Plan
- Archaeological Standing Buildings Survey and Photographic Survey

- 5.2 The Bat Survey was undertaken which discovered a roost of 16 soprano pipistrelle bats in the stable block and one individual roosting soprano pipistrelle. The 16 bat roost was considered to be the formation of a maternity roost. The survey indicates that as a result of this a licence will be required from SNH prior to any construction work being undertaken. The survey suggests that permanent loss of roost resource and permanent disturbance of bat habitats will be avoided and minimised by implementing a developer agreed mitigation plan. Mitigation is proposed in Section 5 of the survey and includes restricting the timing of works to late summer when young bats have dispersed and remaining bats are healthy and likely to survive disturbance (mid August to October); installation of a bat box in an adjacent tree; utilisation of an Ecological Clerk or Works during demolition or renovation works to relocate any remaining bats; the installation of 4 bat slates in the roof structure of the resulting building(s); a replacement maternity roost in the converted steading; and bat friendly external lighting to reduce impacts on commuting and foraging bats.

- 5.3 The Contaminated Land Desk Study provides information on the ground conditions and to assess any likely geochemical contamination of the wider Noranside site (including all phases and land outwith the current application site). It provides an assessment of risk from various sources of potential ground contaminants and the potential risks are assessed as low or low/medium in general and medium in respect of hydrocarbons. The study provides various recommendations including a requirement for further site testing.

- 5.4 The Drainage Impact Assessment gives a general site description and describes the drainage proposal for Phase 1 of the development. The assessment describes existing drainage arrangements and proposed drainage arrangements and calculations. The assessment indicates that the development will connect to the existing public foul drainage network. Each plot would contain a surface water drainage scheme (soakaway) and road water will discharge to a roadside filter trench. In terms of maintenance the report suggests that the maintenance for all of the individual plot surface water drainage systems will remain the responsibility of the home owner; the combined surface water sewer pipes and infiltration trenches will remain the joint responsibility of the home owners; the foul disconnection chambers and foul water sewer pipes will be offered to Scottish Water for adoption; and the roadside infiltration trenches, gullies and surface water pipes will be offered to the Council's Roads Service along with the roads.

- 5.5 The Tree Management Proposal divides the areas within Phase 1 of the development into 7 woodland areas. It indicates that the proposal to build 8 houses in the area of the steadings, agricultural sheds, silage pit and old farm buildings has few implications on the mature trees. It indicates that areas 1, 2 and 4 are registered on the Ancient Woodland Inventory Plantation

Origin 1860. The detailed proposals for various woodland areas within the tree management proposal are detailed below:-

- Area 1 is the largest area of woodland and lies between the steading and the public road extending south and west, and to the west of the site access road. The survey indicates that the ground flora in Area 1 is being rapidly suppressed and outcompeted by the sycamore that is now seeding into and growing in the area. The young and semi-mature sycamore trees will be felled or pulled out and 50% of mature sycamore trees will be marked and a number felled in agreement with the Council tree officer. This will remove the rapidly developing sycamore canopies from the forest floor, retaining the woodland flora. The areas of mature sycamore felled will give space for replacement planting outwith competition from the mature beech, oak and other trees.
- Area 2 is an area of commercial larch, in the area of Ancient Woodland north west of the steading. There are no remnants of the ancient tree flora in this area. The larch in this area will have a 30% thinning to create space for new planting of indigenous trees and shrubs. Establishing indigenous shrubs in this area will increase biodiversity. Trees and shrubs will also be chosen to increase foraging for red squirrels.
- Area 3 is a shelter belt along the north western periphery of the site and adjoining the C30 public road. This area has beech, Scots pine, Sitka spruce and lodgepole pine, with the occasional rowan and willow. The Scots pine and beech will be retained and 15% of the Sitka spruce will be felled.
- Area 4 is located north of the steading and contains a Semi-mature Sitka spruce plantation, some 11 – 14 m in height. This dense woodland plantation has a closed canopy and no understory flora. It is proposed to fell the spruce trees within 25m of the proposed Unit 2. The remainder of Area 4 will be thinned by 30%. Areas of spruce will be felled to give space for new woodland planting of indigenous tree and shrub types, including types preferred by red squirrels.
- Area 5 is a small area to the north east of the steading and is an area of mature Norway spruce, with edge grand fir trees. This area is used by many crows to nest and the trees will be left as nesting platforms for these birds and a cone source of good red squirrel foraging.
- Area 6 wraps around the north and east boundary of the farm building complex is an open area of amenity ground with mature deciduous trees found to the north and east of the old steadings and west of the prison buildings to the east. The driveway running through Area 1 also has semi-mature manna ash, lime and blackthorn as an avenue on the east side of the field in which Plot 8 is to be constructed (Trees 7 – 27). These Sitka spruce will be removed and replaced with indigenous trees and shrubs. Sycamore 125 will be felled for the proposed renovation of Unit 7 and its car parking.
- Area 7 lies to the south east of the site adjacent to the waste water treatment plant. This is an area of edge spruce trees with grass in the centre. Young Sitka spruce have been planted in this central area. The young Sitka spruce will be removed and the tussocky grassland retained as vole habitat for use by barn owls. A small number of trees and shrubs will be planted as copses in this area which can eventually replace the spruce with indigenous types.

The Tree Management Proposal provides specific details of replacement planting in areas 1, 2, 3, 4, 6 and 7 which would result in biodiversity improvements to the overall woodland resource.

- 5.6 A Red Squirrel, Badger and Bat Survey of the Woodland was submitted. It indicates that a red squirrel drey was found in area 4 and red squirrels were also observed in areas 1, 2 and 3. Mitigation is proposed including the cordoning off of the known dreys from any thinning works and this will ensure canopy continuity and felling would be limited to October to February when there would be not young in the dreys. Replacement planting is proposed which will provide good foraging for red squirrels. The badger survey found no setts or signs of badger in the area of Phase 1 or in the wider Noranside Estate. The Bat Survey of the woodland involved an examination of the trees which are proposed to be felled. Those which were found to have roost potential were climbed and examined and no bat roosts were discovered in trees to be felled. The survey recommends that sycamore tree 125 has a large cavity and should be inspected and felled within 24 hours of inspection, assuming no bats are found on resurvey.

- 5.7 The Tree Survey and Plan indicates that Phase 1 is an area of old steadings and agricultural buildings, surrounded by mature deciduous woodlands, semi-mature coniferous woodlands, and large mature deciduous and coniferous trees as part of the countryhouse landscaping of Noranside. The proposed eight units are to be built into the clearing, which at present is mainly hard standing and built structures. There is very little impact of the proposal on the surrounding trees. The survey indicates that 11 trees would be felled to accommodate the development, the majority of which are poor quality C class trees, often with one sided and suppressed canopies. The trees on the site have not had management carried out on them for some years and remedial tree surgery and felling of 57 trees is recommended to maintain the woodlands in the area. The bellmouth junction at the entrance to the Noranside Estate would be positioned 2m further south to protect the veteran sweet chestnut but no felling is required to provide the required visibility sightlines. Pavements would be provided along the driveway using the no dig technique and the same technique would be employed to provide woodland paths. Tree protection measures are provided within the survey as well as general construction management practices to restrict the impact of the development on the woodland.
- 5.8 The Archaeological Standing Buildings Survey and Photographic Survey was submitted providing documentary evidence of the condition of the buildings prior to any works taking place.
- 6. CONSULTATIONS**
- 6.1 **Angus Council - Flood Prevention** – has viewed the amended Drainage Impact Assessment and has no objections to the proposal.
- 6.2 **Aberdeenshire Council Archaeology Service** – confirm receipt of the Standing Building Surveys and Photographic survey of the above property, as per the Conditions requested by the Archaeology Service (Conditions 2 and 3), and can advise that the conditions can now be discharged.
- 6.3 **Angus Council Environmental Health** – has reviewed the desk study dated April 2015 and submitted in support of all phases of development at Noranside. Environmental Health accepts the conclusions and is satisfied for the further intrusive investigations to proceed. Therefore, they have no objections in principle to the above application subject to further work being undertaken.
- 6.4 **Community Council** - there was no response from this consultee at the time of report preparation.
- 6.5 **Angus Council - Roads** – has no objection to the proposal provided conditions are attached requiring visibility splays at the junction of the site with the public road and within the site.
- 6.6 **Scottish Water** - there was no response from this consultee at the time of report preparation.
- 6.7 **Forestry Commission Scotland** - there was no response from this consultee at the time of report preparation.
- 6.8 **Angus Council Natural and Built Environment** – has considered the woodland management proposal submitted and has commented that the management proposed for area 1 will generally not affect trees along the edge of the woodland and the woodland will appear similar in the landscape to its appearance at present. The woodland area contains a mixture of beech, oak, larch and sycamore. The sycamore trees in the woodland which are self-seeding and will, if left unmanaged, adversely affect the ground flora and conservation interest of the long established woodland site. Therefore it is proposed to remove a proportion of the larger sycamore trees within the core of the woodland to both reduce the sycamore seed source and to create gaps suitable for replanting of predominantly native tree species. Additionally, young sycamore trees are proposed to be removed which would also increase the biodiversity interest of the woodland. It is noted that the proposal promotes further dialogue this service in selecting the trees to be felled and this is welcomed. On that basis, I have no objection to the proposal and I am satisfied that it would result in an improvement to the biodiversity of woodland area 1. The management of other woodland areas will principally involve the thinning of existing conifer plantations which will be good silvicultural practice but also increase the biodiversity interests of the woodland. Again it

is not anticipated that these tree works would significantly alter the appearance of the woodland areas in the landscape.

The tree survey is in accordance with best practice and provides a reliable basis for the management of individual trees in the vicinity of the development. It is noted that retained trees will be protected during the course of development and that works within the root protection zones would incorporate the use of specifications which would avoid damage to tree roots. Tree protection is in accordance with BS5837:2012.

## **7. REPRESENTATIONS**

7.1 Letters of representation were received from 2 households, with 2 objecting to the proposal. The letters of representation 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 main points of concern were as follows:

- Impact on woodland;
- Impact on red squirrels
- Concern that the requisite affordable housing will not be provided if the developer only develops the first phase of the proposal;
- Inadequate neighbour notification;

**Response:** additional notification of neighbours took place in response to the comments received and neighbour notification has been undertaken in accordance with the regulations. A condition attached to the planning permission in principle seeks the provision of a legally binding scheme for the provision of affordable housing before any development commences. A legally binding scheme has not yet been provided and approval for this matter is not sought through this application.

7.3 The other points of concern are discussed in Section 8 below.

## **8. PLANNING CONSIDERATIONS**

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

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.3 The relevant policies as detailed below are reproduced in Appendix 3.

8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate

use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

- 8.5 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.
- 8.6 The application is for the approval of matters specified in conditions and the applicant seeks approval for matters included in condition 1 of planning permission in principle ref: 13/00840/PPPM. These relate to:

- (i) the location of house plots and the siting of the new building(s) for Phase 1;
- (ii) the design and external appearance of the new and extended building(s) for Phase 1;
- (iii) the means of drainage for the development for Phase 1;
- (iv) the means of site enclosure for Phase 1;
- (v) the existing and proposed ground levels and floor levels relative to a fixed ordnance datum for Phase 1;
- (vi) the layout of the site including access, roads, car parking, turning space, and landscaping including an indication of all existing trees and hedgerows on the land and details of those to be retained and cleared, together with the measures for their protection in the course of development for Phase 1;
- (vii) a detailed phasing scheme for the site including details of the timing that the listed buildings will be fully converted and restored to habitable condition in accordance with the submitted plans; the timing of all previously developed land within the site being restored; and the phased release of new house plots linked to competitions of those matters;
- (viii) full details of the arrangements for the provision, location and future maintenance of open spaces and path networks within the site for Phase 1;

Information has also been submitted in connection with conditions 2 to 5 of the planning permission in principle which relates to archaeological recording, contaminated land and bats.

- 8.7 For clarification purposes, as an application for the approval of matters specified in condition of planning permission reference 13/00840/PPPM, the principle of development on the site has already been established by that planning permission as approved at the meeting of 5 August 2014 (Report No 310/14 refers). The application for the approval of matters specified in conditions has been submitted timeously in accordance with the relevant timescales laid down in the Town and Country Planning (Scotland) Act 1997 (as amended). As such, the consideration of the application is limited solely to the consideration of the detail of the matters specified as given in paragraph 8.6 above.

#### **Siting, Layout, Design and External Appearance, Access, Site Enclosure and Levels**

- 8.8 Condition 1(vi) of the planning permission requires the layout of the site to be generally in accordance with the masterplan submitted in support of that application. The layout proposed for Phase 1 of the development is generally in accordance with that masterplan in that four new house plots are proposed to the west of the converted steading and one new house plot is located south west of the steading. The means of vehicular access for the development remains at the existing main access to the site to the south west and a footpath/cycle path connection runs

to the south of the stable block in a westerly direction towards Noranside Cottages. A footpath also runs to the south of the site and to the rear of the existing properties in Oliver Avenue. The layout of the site allows the listed stable block to retain its dominant appearance on the main approach into the Noranside estate and the houses would not be developed in the existing areas of mature woodland.

- 8.9 The proposed siting of the four new houses within their plots appears to be well considered. Unit 4 addresses the footpath running towards Noranside Cottages and provides a degree of surveillance over that footpath with the house positioned towards the front of the plot, in turn affording ample garden ground to the rear. Units 1, 2 and 3 are arranged in a U shape which creates a more rural layout to that part of the development and the U shaped arrangement provides a reference to the adjacent listed steading. The houses are positioned to allow the provision of private amenity ground for each plot. The house proposed at Unit 8 and positioned south west of the steading is also sited acceptably. It is positioned with a southerly orientation towards the main approach into the Noranside Estate and is afforded ample amenity space. The houses are located in areas of the estate which currently house either disused buildings or previously developed land and their positioning would respect the setting of the listed steading building. The new build housing is considered to be acceptable in the context of the Council's duties under Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of its impact on the setting of the listed building. Units 5, 6 and 7 would be formed by converting the listed stable block. Limited garden ground is available for unit 6, but ample areas are shown for units 5 and 7. The siting of the new buildings within Phase 1 are well considered and located on previously developed land to the west and south west of the steading and outwith the mature woodland.
- 8.10 The new houses are all designed in a manner which reflects the rural vernacular. The houses are generally narrow plan with a wide frontage. The proposed material finishes include slate roofs and either vertical timber linings or wet harl. The converted and extended listed steading has been carefully detailed to maximise the use of existing openings. The south and principal elevation retains the three pavilions and replacement stable doors would be installed with glazed panels concealed behind them. The steading has been altered in the past to remove the pavilion in the north west corner and the proposal seeks to reintroduce that pavilion in the proposed unit 5. The pavilion in the north east corner of the steading (unit 7) has historically been altered and extended to increase its size. The proposal also seeks to alter that pavilion back to match the pavilion introduced in the north west corner. Both of these pavilions would be sensitively extended inside of the courtyard to allow more accommodation. Some limited new openings are also proposed in the east and west external elevations of the steading. The drawings suggest that the windows and doors to be installed would be timber but no detail of the method of openings, ventilation etc. of the windows has been provided and a condition is proposed requiring the detail of this to be agreed prior to their installation. The drawings indicate that the dressed stonework (located on the south elevation of the southerly most pavilions) would be repointed and repaired as necessary with other stonework cleaned and a lime-based wet harl applied which would be acceptable subject to precise details of colour and specification of the lime-based wet harl. The internal elevations of the steading would be subject of limited interventions. Internally, limited original features of the steading remain but the semi-circular horse feed recesses in the southern flank of the steading would be retained in Unit 6. The steading conversion is considered to be acceptable in the context of the Council's duties under Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of impacts on the listed building.
- 8.11 Site levels information has been provided through a number of existing and proposed site sections. The proposed site sections show that the completed new build houses west and south west of the steading would all sit below the height of the steading which would contribute to maintaining the dominance of its setting within the Phase 1 cluster. The drawings indicate that boundary enclosures for each of the proposed houses would be achieved through beech hedging supported by a post and wire fence which is suitable for a countryside location. The site access arrangements reflect what was submitted for the planning permission in principle. The existing main access to the Noranside Estate would be utilised and an improved bellmouth junction provided where the access meets the U412 public road. This has been designed to minimise impacts on trees and the Roads Service has no objection to the proposed means of access.



## **Means of drainage for the development**

- 8.12 The drainage impact assessment submitted with the proposal provides details of the foul and surface water drainage arrangement for house, car parking areas and roads within phase 1. It also provides details of the ongoing maintenance responsibilities relating to drainage. The foul sewer would manage foul drainage and surface water would be managed via sustainable drainage methods. The Roads Service has reviewed the drainage impact assessment submitted and is satisfied that the proposed drainage arrangements for Phase 1 are acceptable.

## **Impact on woodland, landscaping and open space provision and maintenance**

- 8.13 Specified matter (vi) covers landscaping and details of impacts on trees including those to be retained and cleared as well as measures for their protection during the course of the development; and specified matter (viii) requires details for the provision, location and future maintenance of open spaces and path networks within the site. Approval is sought for Phase 1 of the development only.
- 8.14 The application is supported by a detailed tree survey, woodland management proposal and bat, red squirrel and badger survey of the woodland. That information indicates that eleven trees would be removed to accommodate the development. Nine of these are located in the north western periphery of the housing area adjacent to Units 1 and 2, one in the parking area east of Unit 7 and one adjacent to the proposed Unit 8. The Tree Survey indicates that many of these trees are poor quality C class trees, often with one-sided and suppressed canopies. Trees 82 – 90 are a small group of trees behind the proposals and their felling will have no impact on the visual amenity of the area. A further 58 of the surveyed trees are proposed to be felled for reasons of health and safety and woodland management with additional areas of sycamore, larch and sitka spruce in the unsurveyed areas removed to create areas for native woodland replanting. This woodland management proposal indicates that the additional felling would be undertaken as a result of dialogue with the Council's woodland advisor. The Tree Survey indicates 'the trees on the site have not had management carried out on them for some years and remedial tree surgery and felling is recommended to maintain the woodlands in the area'. The majority of these trees are Sycamore or Larch. The survey and tree management information proposes tree protection measures for the significant remaining woodland areas including construction exclusion zones. Replacement planting is proposed in six of the seven woodland areas and the information specifies the planting of native species in those areas. The Red Squirrel, Badger and Bat Survey of the woodland indicates that a red squirrel drey was found in area 4 and red squirrels were also observed in areas 1, 2 and 3 of the woodland. Mitigations measures are proposed so that the drey is unaffected by the proposal and the replacement planting proposed as part of the woodland management plan should result in an improved foraging resource for red squirrels. No evidence of bat roosts or badger setts was found in the survey of the woodland.
- 8.15 The Forestry Commission has been consulted on the woodland management proposal and tree survey information and has raised no objection. The Natural and Built Environment Team has considered the woodland management proposal submitted and has commented that the management proposed for area 1 will generally not affect trees along the edge of the woodland and the woodland will appear similar in the landscape to its appearance at present. The woodland area contains a mixture of beech, oak, larch and sycamore. The sycamore trees in the woodland which are self-seeding and will, if left unmanaged, adversely affect the ground flora and conservation interest of the long established woodland site. Therefore it is proposed to remove a proportion of the larger sycamore trees within the core of the woodland to both reduce the sycamore seed source and to create gaps suitable for replanting of predominantly native tree species. Additionally, young sycamore trees are proposed to be removed which would also increase the biodiversity interest of the woodland. The management of other woodland areas will principally involve the thinning of existing conifer plantations which will be good silvicultural practice but also increase the biodiversity interests of the woodland. Again it is not anticipated that these tree works would significantly alter the appearance of the woodland areas in the landscape. It is noted that the proposal promotes further dialogue with this service in selecting the trees to be felled and this is welcomed. On that basis, I have no objection to the proposal and I am satisfied that it would result in an improvement to the biodiversity of the woodland.

- 8.16 The tree survey is in accordance with best practice and provides a reliable basis for the management of individual trees in the vicinity of the development. It is noted that retained trees will be protected during the course of development and that works within the root protection zones would incorporate the use of specifications which would avoid damage to tree roots. Tree protection is in accordance with BS5837:2012. Subject to a planning condition requiring specific details of the timing of replanting and other woodland management works (including the measures for red squirrel protection), I consider the impact on woodland and the protected species within the woodland to be acceptable and I welcome the tree management arrangements which should result in an increase in the biodiversity value of the woodland. These works would also ensure that the site benefits from a satisfactory landscape context.
- 8.17 The information submitted identifies that open space would be available to the south east of the access road and beyond the footway which lies to the north of the proposed houses and steading. The tree management proposal includes the provision of paths through the site to enhance the accessibility to the open spaces and woodland resource. Significant areas of woodland also provide open space areas. Specific details of maintenance arrangements for the open space areas (including the woodland) have not been submitted and a condition is considered to be necessary and expedient in order to clarify matters in relation to ongoing maintenance.

### **Phasing**

- 8.18 Specified matter 1 (vii) relates to phasing of the development including a detailed phasing scheme for the site which shall include details of the timing that the listed buildings will be fully converted and restored to habitable condition in accordance with the submitted plans; the timing of all previously developed land within the site being restored; and the phased release of new house plots linked to completion of those matters. The applicant has provided a phasing plan which indicates four phases of development. The first phase (for which detailed approval is currently sought) incorporates the listed stables and 5 new build houses; the second phase includes demolition of the former prison buildings, conversion of the listed Noranside House to three dwellings and the erection of 18 new houses; the third phase includes the demolition of existing structures east of the walled garden, the erection of 15 new houses and the restoration of the listed Gardner's Cottage; with the fourth phase including restoration of the listed walled garden and the erection of 3 new houses. The phasing information does not contain specific information regarding the timing of different aspects of the development within each scheme e.g. the point at which the listed buildings would be completed relative to the completion of the new build dwellings which is important to ensure that the works to the listed buildings are carried out in a timely fashion. While the phasing scheme is acceptable in principle, further timing information relating to each individual phase is required prior to any development commencing. A condition is considered to be necessary and expedient in order to clarify matters in relation to site phasing but otherwise the proposal is acceptable to enable specified matter 1 (vii) to be discharged.

### **Other information submitted to discharge conditions**

- 8.19 An archaeological standing building survey and a photographic survey has been submitted to the archaeology service who has indicated that the information is sufficient to discharge conditions 2 and 3 of the planning permission in principle.
- 8.20 The Contaminated Land Desk Study has been submitted to assess ground conditions and any likely geochemical contamination of the wider Noranside site (including all phases and land outwith the current application site). The study provides various recommendations including a requirement for further site testing. Environmental Health has viewed this information and agrees that additional survey work is required. While the first aspect of the contaminated land condition has been carried out, further work is required before that condition can be discharged for Phase 1 and other subsequent phases.
- 8.21 Policy ER4 indicates that the Council will not normally grant planning permission for development that would have a significant adverse impact on protected species or habitats and requires developments which affect such species or habitats to include evidence that an assessment of nature conservation interest has been taken into account. The Council also has duties under the Habitats Directive where a development impacts on bats and the Council as competent authority

must consider whether that development is likely to obtain a license under three relevant tests of the Directive (licensable purpose; no satisfactory alternative; and no detrimental impact on the favourable conservation status of the affected species in their natural range). The Bat Survey submitted indicates that the proposed development would impact on bats including what appears to be maternity roost located within the listed steading roof structure. This would be directly affected by reroofing works to the steading. The Bat Survey proposes mitigation both during construction and following completion of the development and a replacement roost for maternity purposes would be provided in the roof structure of the steading in a similar position to the existing roost following completion of the development. SNH commented on the planning permission in principle application in the context of Bats and at that time considered that the licensing tests would be met by the proposal. I consider that, subject to the mitigation proposed in Section 5 of the submitted Bat Survey, the proposal would meet the tests for obtaining a license under the Habitats Directive and would not adversely impact on the favourable conservation status of Bats. A license is required from SNH and may result in modified or additional mitigation measures to protect the favourable conservation status of Bats.

- 8.22 From the foregoing discussion, it has been determined that subject to the additional conditions identified as being necessary, the submitted information is considered to be sufficient to address the matters for which approval is sought that were specified for further consideration at the time of the approval of planning permission in principle ref: 13/00840/PPPM. Furthermore, the submitted supporting information meets the requirements of condition 2 and 3 of the permission relating to archaeology and the pre-commencement terms of condition 5 relating to bats. The contaminated land condition requires further site testing and is an ongoing matter and that clause cannot be fully discharge at this time.
- 8.23 Having considered the submitted information in terms of the development plan, other material considerations also need to be taken into account. In that respect there have been representations submitted as detailed at Section 7 above. In terms of matters relating to affordable housing, approval of that specified matter is not sought at this time. No development can commence until this matter has been discharged but I note the comments in the representation that the legal binding scheme for the provision of affordable housing will have to be worded carefully to ensure that the requisite affordable housing is provided within the site taking account of the phased nature of the development. Impact on woodland and red squirrels is discussed above and I consider the development should result in a net benefit to the woodland resource and (in time) the foraging resource available to red squirrels.
- 8.24 In summary, the principle of housing development in this area is already established and this application is for the approval of matters specified in conditions attached to the planning permission in principle. The details submitted with the application provide for an acceptable layout and design in a manner that is consistent with relevant provisions of the development plan. Approval is sought for the first phase of the development only at this time and the three subsequent phases will be assessed when applications for those areas are submitted. The information and details submitted are acceptable to purify the specified matters for which approval is sought subject to the planning conditions attached and there are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, 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 decision 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 reasons, and subject to the following condition(s):

#### **Reason(s) for Approval:**

The design and general layout of the proposal is considered to be acceptable and the level of supporting information is sufficient to meet with the requirements for which approval is sought of the planning permission in principle in a manner that is compatible with relevant development plan policy. There are no material considerations that justify refusal of the specified matters.

#### **Conditions:**

1. That notwithstanding the phasing information submitted with the application, no development associated with this permission shall be undertaken until phase specific detailed information has been submitted to demonstrate the timing that the listed buildings will be fully converted and restored to habitable condition in accordance with the submitted plans; the timing of all previously developed land within the site being restored; and the phased release of new house plots linked to completion of those matters.

*Reason: In order to ensure that the listed buildings and previously developed land is restored in a timely manner in the interests of the historic environment.*

2. That prior to commencement of development a sample title deed that demonstrates a binding obligation on the occupants of the site to contribute to the maintenance and upkeep of all open space (including woodland) and unadopted infrastructure within the site shall be submitted to and approved in writing by the planning authority. Thereafter the title deeds for the properties shall contain the specific clauses relating to maintenance and upkeep as approved.

*Reason: In order to ensure that adequate provision is in place for the maintenance and upkeep of all unadopted infrastructure and open space (including woodland) within the site in the interests of the amenity of the area.*

3. That, prior to the commencement of development, full details of the timing of all woodland management works (including any tree felling and subsequent replanting) shall be submitted for the advance written approval of the planning authority. For the avoidance of doubt, the woodland management works hereby approved shall be undertaken in accordance with the Noranside Tree Survey by Astell Associates dated 18 June 2015 (ref: NFF-1506-TR), Noranside Tree Management Proposal by Astell Associates dated 17 June 2015 (ref: NFF-1506-TR), the Noranside Tree Management and Protection Plan by Astell Associates dated 18 June 2015 (Drawing ref: NFF-1506-TP) and the Noranside Red Squirrel, Badger and Bat Survey by Astell Associates dated 16 June 2015 (ref: NFF-1506-BSS). The woodland management works shall thereafter be carried out in accordance with the approved timings prior to the occupation of the final unit to be completed in Phase 1, unless otherwise agreed in writing by the planning authority.

*Reason: In order to ensure that the landscaping and woodland management measures are undertaken in a timely and appropriate fashion.*

4. The development shall be undertaken in accordance with the mitigation measures identified in Section 5 of the EnviroCentre Former Noranside Prison Phase 1 Bat Survey (April 2015) unless otherwise modified by a European Protected Species license.

*Reason: In order to ensure that the development does not result in unacceptable effects on bats.*

5. That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with U412 Noran Park Road giving a minimum sight distance of 215 metres in each direction at a point 2.4 metres from the nearside channel line of Noran Park Road.

*Reason: To ensure a safe and suitable access, in the interests of road safety.*

6. That, prior to the commencement of development, visibility splays shall be provided at all the junction of the minor road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of the major access road.

*Reason: To ensure a safe and suitable access, in the interests of road safety.*

7. Prior to the commencement of works to the steading building, the following shall be submitted to and approved in writing by the planning authority:-
  - (i) details of proposed windows and doors to be used in the steading building including method of opening and astragal specifications (where appropriate);
  - (ii) details of external finishing materials and repairs to the steading building including specifications of any external renders or mortars to be used;
  - (iii) details of any ventilation or extraction to be installed in the steading building;
  - (iv) details of any services and aerials/satellite dishes to be installed on or in the steading building; and
  - (v) details of the finish of the retained horse feed recesses in the southern flank of the building.

Thereafter the works shall be undertaken in full accordance with the details as approved by the planning authority prior to the occupation of any of the steading (units 5, 6 & 7 inclusive).

*Reason: In order to ensure that the works required and materials to be used safeguard the historic interest of the 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.

**REPORT AUTHOR: VIVIEN SMITH HEAD OF PLANNING AND PLACE**

**E-mail: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**APPENDIX 1 - LOCATION PLAN**

**APPENDIX 2 – CONDITIONS ATTACHED TO PLANNING PERMISSION IN PRINCIPLE**

**APPENDIX 3 – RELEVANT POLICY EXTRACTS**



## CONDITIONS ATTACHED TO PLANNING PERMISSION IN PRINCIPLE

## ANGUS COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS  
2008**



**PLANNING PERMISSION IN PRINCIPLE APPROVAL  
REFERENCE 13/00840/PPPM**

To: **Mr Martin Gilbert  
c/o William Lippe Architects Ltd  
FAO Ms Claire Bonner  
4 St James Place  
Inverurie  
Aberdeenshire  
AB51 3UD**

With reference to your application dated **12 September 2013** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

**Conversion of former prison buildings to residential use (7 units) and redevelopment of former prison complex including the erection of new dwellinghouses providing 41 residential units including affordable housing (48 units in total) at Former HM Prison Noranside Fern Forfar DD8 3RB for Mr Martin Gilbert**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission in Principle (Committee Decision)** for the said development in accordance with the particulars given in the application and plans docquetted as relative hereto in paper or identified as approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given and the development shall be carried out in accordance with that approval. The matters are:
  - (i) the location of house plots and the siting of the new building(s);
  - (ii) the design and external appearance of the new and extended building(s);
  - (iii) the means of drainage for the development;
  - (iv) the means of site enclosure;
  - (v) the existing and proposed ground levels and floor levels relative to a fixed ordnance datum;
  - (vi) the layout of the site (which shall be generally in accordance with the Noranside Master Plan Layout by W Lippe Architects Ltd dated 10/01/13 (drawing ref: 4797/02F)), including access, roads, car parking, turning space, and landscaping including an indication of all existing trees and hedgerows on the land and details of those to be

retained and cleared, together with the measures for their protection in the course of development;

(vii) a detailed phasing scheme for the site which shall include details of the timing that the listed buildings will be fully converted and restored to habitable condition in accordance with the submitted plans; the timing of all previously developed land within the site being restored; and the phased release of new house plots linked to competitions of those matters;

(viii) full details of the arrangements for the provision, location and future maintenance of open spaces and path networks within the site;

(ix) a legally binding scheme for the provision of 15% affordable housing or suitable alternative provision in accordance with Policy SC9 of the Angus Local Plan Review and Angus Council Affordable Housing Implementation Guide or any subsequent policy or guidance that replaces it;

(x) a scheme for the future maintenance of the walled garden;

- 2 Prior to any works commencing, the developer shall secure the implementation of a Level 1 archaeological standing building survey of the extant structures at the stable block, farmstead and Noranside House to be carried out by an archaeological organisation acceptable to the planning authority. The scope of the archaeological standing building survey will be set by the 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
- 3 No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority of the Walled Garden and Gardener's Cottage. 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 on CD, either jpegs or tiffs, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Records.
- 4 That, prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted for the written approval of the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites - Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. That where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority.
- 5 Development shall not commence until full details of the mitigation measures and associated methodology as outlined in Sections 1.1 and 4.2 of the EnviroCentre 'Former Noranside Prison Bat Activity Survey: Planning in Principle' report dated July 2014, or any alternative or additional measures that may be required by a European Protected Species License have been submitted to and approved in writing by the planning



authority. The approved methodology shall thereafter be implemented during the development of the site.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 to record features of the historic environment of the structure.
- 3 to ensure a historic record of the buildings.
- 4 To ensure that land contamination is investigated and remediated to ensure that the site is suitable for human habitation.
- 5 To ensure that the proposal incorporates satisfactory mitigation for Bats.

The reason(s) for the foregoing decision by the Council are as follows:-

1. That the development would bring significant conversation benefits through the restoration of listed buildings and redevelopment of a large vacant and derelict brownfield.

Dated this **15 August 2014**

Iain Mitchell - Service Manager  
Angus Council  
Communities  
Planning  
County Buildings  
Market Street  
FORFAR  
DD8 3LG

## **APPENDIX 3**

### **RELEVANT POLICY EXTRACTS**

#### **Angus Local Plan Review 2009**

##### **Policy S1 : Development Boundaries**

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

##### **Policy S3 : Design Quality**

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

##### **Policy S6 : Development Principles (Schedule 1)**

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

##### **Schedule 1 : Development Principles**

###### **Amenity**

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

###### **Roads/Parking/Access**

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

#### Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

#### Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

#### Supporting Information

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### **Policy SC5 : Countryside Housing Conversion of Non-Residential Buildings**

Conversion of stand alone, redundant, stone-built, non-residential buildings and other non-residential buildings of visual, architectural or historic merit will be supported where proposals:-

- retain or enhance the existing architectural style of the building,
- utilise the whole building or demonstrate that a satisfactory residential environment can be created,
- do not provide an excessive number of small housing units, and
- meet Schedule 2 : Countryside Housing Criteria as appropriate.

Proposals for sensitively designed extensions to such buildings will also be supported.

Proposals for conversion of appropriate buildings which sit within a larger site will only be permitted where the whole site is redundant, and the improvement of the environment of the area is provided for. Any additional new build housing within the building group will be considered under Policy SC6.

Where such a building is demonstrated by a suitably qualified professional to be structurally incapable of conversion, demolition and reconstruction of it for residential use may be supported where the new building is in keeping with the scale, form and character of the original.

#### **Policy SC32 : Open Space Protection**

There is a general presumption against development of open spaces of sporting, recreational, amenity or nature conservation value including those shown on the Proposals Maps, for other forms of development.

The loss of open space will only be considered acceptable where:

- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or nature conservation value or compromise its setting; or
- replacement open space of the same type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area; or
- it is demonstrated through an open space audit that there is an identified excess of open space provision in the local area to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.

#### **Policy ER4 : Wider Natural Heritage and Biodiversity**

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

#### **Policy ER7 : Trees on Development Sites**

Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:

- (a) provide a full tree survey in order to identify the condition of those trees on site;
- (b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;
- (c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.

In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.

#### **Policy ER6 : Trees, Woodlands and Hedgerows**

Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.

#### **Policy ER15 : Change of Use, Alterations and Extensions to Listed Buildings**

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.

#### **Policy ER16 : Development Affecting the Setting of a Listed Building**

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

#### **Policy ER19 : Archaeological Sites of Local Importance**

Where development proposals affect unscheduled 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 when 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 ER22 : Public Drainage Systems**

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

## **TAYplan Strategic Development plan**

### **Policy 2: Shaping better quality places**

To deliver better quality development and places which respond to climate change, Local Development Plans, masterplans and development proposals should:

A. Ensure that climate change resilience is built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
- ii. reducing surface runoff including through use of sustainable drainage systems;
- iii. protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
- iv. Identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.

B. Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.

C. Ensure the integration of transport and land use to: reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.

D. Ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

E. Ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low/zero carbon energy generation technologies to reduce carbon emissions and energy consumption to meet or exceed Scottish Government's standards.

F. Ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets\*, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's *Designing Places and Designing Streets*, and provide additional green infrastructure where necessary.

- **Outside – In:** *Understanding the environmental context of a site, how a site works in its wider location and how that shapes what happens within is essential to integrating new development.*
- **Inside – Out:** *Conversely, considering how the site connects from the inside-out and builds on existing features, networks and infrastructure, enhancing these through new development.*

- ***Integrate Networks:*** *Making it easy, safe and desirable to walk and cycle within and between neighbourhoods utilising existing green space and water networks and enhance these areas to deliver a better quality of place and life.*
- ***Work with the grain of the place:*** *Respecting and working with the grain of a place. This approach will help determine the size, shape and form of development and how it can respond to adaptation to help achieve future-proofing our new communities and facilities.*

\*Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).