

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 26 JANUARY 2016**

**PLANNING APPLICATION – SITE OF FORMER BUILDERS YARD, PARK ROAD, BRECHIN**

**GRID REF: 360275 : 760229**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No 15/00423/FULL for planning permission under Section 42 for the variation of condition 1 on permission 09/00622/FUL to extend the time limit restriction to allow a further three years for the Erection of Eight Dwellinghouses at Site Of Former Builders Yard, Park Road, Brechin. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons 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 Planning permission is sought to vary conditions attached to planning permission 09/00622/FUL (Erection of Eight Dwellinghouses) to extend the time limit for implementation of this planning permission at Site Of Former Builders Yard, Park Road, Brechin for Carberry Developments.

3.2 The application site is located within the Brechin Development Boundary and amounts to approximately 0.4ha in area. Application 09/00622/FUL approved the erection of 8 new houses on the site, taking access directly from Park Road. The site is surrounded by residential uses to the north, east and west and the Brechin Caledonian Railway to the south.

3.3 The time limit sought would allow for a further three year period for the development to be commenced.

3.4 The application has not been subject to variation.

3.5 The application was subject of statutory neighbour notification and advertised as affecting the setting of a listed building.

3.6 The application must be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to more than five objections.

**4. RELEVANT PLANNING HISTORY**

4.1 There are a number of planning applications that relate to the site. However, application

08/00833/FUL which proposed the erection of eight houses on the site is particularly relevant. That application was subject of an appeal to the Directorate for Planning and Environmental Appeals in respect of deemed refusal of the application in 2008. The Reporter dismissed that appeal due to unresolved issues in relation to the quality of the residential environment that would be created given the proximity to the locomotives standing in the station. However, in his decision letter the Reporter noted that the principle of redeveloping the site for residential purposes was acceptable.

- 4.2 Subsequently, in 2009, a further application (09/00622/FUL) for the erection of eight houses (Re-application on the site) was submitted. That application addressed issues regarding the impact of locomotives on the amenity of the proposed houses to the satisfaction of the Council and was approved subject to conditions and completion of a legal agreement. It should be noted that on 12 November 2012 the Development Management Review Committee granted consent for the deletion of 'grey slate' from Condition 9 of the permission.

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

- 5.1 Following a request from the planning department on 04 June 2015, a letter dated 03 September 2015 was submitted relating to the bat survey and following this a preliminary roost assessment dated 20 November 2015 was submitted. These submissions are summarised as follows:-

- Letter Regarding Bat Survey from Countrywise– Indicated that there was no safe access to the building on the site and that two surveyors carried out activity surveys on Saturday 20 August 2015. During the survey 2 common Pipistrelle bat passes were recorded but no other activity was recorded. Concluded that the buildings on the site are in poor condition and this together with the lack of bat activity in the area indicated that there is low potential for roosting bats on the site.
- Preliminary Roost Assessment – Indicated a survey was carried out to establish the suitability of the building to provide roosting spaces for bats. The survey noted that there were limitations to the survey and that there was no access to the building because of its condition so a full survey could not be carried out. It concluded that the carrying out of a summer survey would be preferable but the site is dangerous and access issues limit opportunities to fully survey the building. On balance it is recommended that further surveys are not carried out and that if work proceeds that the workforce must be briefed on action to take if bats are found during development.

## **6. CONSULTATIONS**

- 6.1 The Roads Service has been consulted and offered no objections.
- 6.2 Network Rail has been consulted on the proposals and indicated that they have no land ownership in proximity to the proposals and therefore has no comments / objections to this development.
- 6.3 Scottish Water has made no comments on the proposals.
- 6.4 The Environmental Health Service advised that the criteria used to assess such an application has not altered and also they are not aware of any significant changes in the operation of the railway which would invalidate the previous decision. That being the case Environmental Health would not object subject to the previous conditions being applied.
- 6.5 SNH has been consulted on the 'Preliminary Roost Assessment' and agrees that the building has a low potential as a maternity roost and that a further summer survey is not required. SNH advised that the building does offer the potential to be used as a day roost for solitary male bats, however on balance further surveys (i.e. an emergence / activity survey) are not considered necessary for transient bats that may or may not use the building on any given day to roost. However SNH recommended that demolition take place within the period March – October and also that contractors on site should be made aware of their responsibilities and the law when it

comes to bats. In the unlikely event that bats are discovered works should cease and SNH should be contacted.

## 7. REPRESENTATIONS

129 letters of representation have been received in relation to the proposal. 128 of the submitted letters are objecting to the proposal with 1 letter in support. 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. The main issues raised relate to:

Objections to Proposals:

- **Concerns regarding the length of time with no development taking place** – there are many housing sites throughout Angus that have not been developed within the timescale approved by the planning permission. It is recognised that this is likely to be a consequence of the financial climate and it is appropriate to have regard to that in the decision making process.
- **Concerns regarding loss of traditional building** – Historic Scotland has previously confirmed that the grain store building does not merit designation as a listed building in its own right. Other buildings on the site have been removed and the Council has granted permission for a housing development on this site. The applicant proposes to retain much of the frontage of the building and utilise it as an acoustic barrier.
- **Concerns regarding compatibility with neighbouring use / railway line and impacts on railway operation** – This proposal has previously received planning permission. At that time all Council services were satisfied that issues regarding the compatibility of neighbouring land uses and the quality of residential environment that would be created had been satisfactorily resolved.
- **Already enough housing sites in Brechin** – the land is identified as an existing housing site in the Proposed Angus Local Development Plan. It is relevant to note that the Council's current local plan policies allow windfall and opportunity sites in addition to the identified supply where they meet relevant criteria. This is discussed in more detail below.
- **Concerns regarding sightlines and impacts on road traffic, pedestrian safety and flooding on the road** – the Council's Roads Service has offered no objection to the application subject to appropriate planning conditions.
- **Concerns that the site would be at risk of flooding** – the Council's Roads Service has offered no objection.
- **Concern regarding impacts on tourism** – the Council has previously determined that the proposed layout and design was acceptable. I am satisfied that an appropriate redevelopment of the site in accordance with planning policy should not have a significant impact on tourism.
- **Concern regarding current overgrown unmanaged state of site** – the current condition of the site is noted. Granting the current planning permission may assist in allowing its redevelopment.

Support of Proposals:

- **That the building of houses would improve amenity as the existing railway buildings are in a derelict state** – the Council's planning policies seek to allow housing development on appropriate sites where redevelopment would make a significant contribution towards regeneration and renewal.

## **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, 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 Plan Review (Adopted 2009)

The application is not strategically significant and therefore the policies of TAYplan are not referenced. The relevant policies of the Angus Local Plan Review are reproduced at Appendix 2 to this report.

- 8.5 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 Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The 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 represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is 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 policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.
- 8.6 The current application is made under Section 42 of the above Act as it constitutes an application to develop land without compliance with conditions previously attached to planning permission 09/00622/FUL. In this case the application proposes to vary the time condition attached to the previous application to allow more time for the development to commence. Planning application 09/00622/FUL was approved following the completion of a Section 75 legal agreement on 13 July 2012. At the time of submission of the current Section 42 application the previous application 09/00622/FUL was still extant. For this type of application, the legislation (S42) indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application (Section 42(2)(b)). If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly (Section 42(2)(a)).

- 8.7 Circular 3/2013 'Development Management Procedures' indicates that planning authorities should consider carefully the nature of the development and issues such as the prevailing economic climate and reach a view whether the statutory default time limits are appropriate in the circumstances of the case or whether they should specify a more suitable period.
- 8.8 In this case it has previously been determined that the proposed development complies with policies set out in the Angus Local Plan Review 2009. The Angus Local Plan Review remains the adopted local plan for the area and the policies it contains continue to provide the primary development plan basis for consideration of the application. It is appropriate to consider the application in the context of those policies to identify if there has been any material change in circumstance or any change in material considerations that would lead to a different decision.
- 8.9 Policy SC3 of the Angus Local Plan Review deals with sites that have potential to accommodate five or more dwellings but which are not allocated or otherwise identified in the Local Plan or Housing Land Audit. The policy indicates that the Council will support proposals for residential development on windfall sites within development boundaries in addition to the identified supply where relevant criteria are met. In that respect this site is located within a development boundary and has previously been developed. The site previously contained a number of buildings that have since been demolished, with the exception of the disused granary building in the southeast corner. The site has very evident brownfield characteristics and its redevelopment would result in a significant contribution to regeneration and renewal. It is relevant to note that the Appeal Reporter stated that *'I accept that the proposed development would benefit the environment of the area by eliminating an unsightly derelict site, but the principle of development is not at issue.'*
- 8.10 Policy SC3 also requires the proposed development to be compatible with land uses in the surrounding area. Clearly the surrounding residential uses to the north, east and west raise no issues in that respect. However, the existing railway and the proximity to the station give rise to potential issues. The Reporter that determined the appeal relating to application 08/00833/FUL raised concerns regarding residential amenity for the occupants of Plot 4 in particular. The reporter stated *'The noise, steam and fumes emitted so near to the house on plot 4 would in my view seriously damage the residential amenity of its occupants, who would thereby be deprived of a good residential environment.'* He went on to state *'Although the problem might be overcome, at least in part, by the erection of a screen wall, it would in my opinion have to be so high as to be overbearing; and as it would lie to the south of the house, it would also overshadow the garden.'* The subsequent application for the site amended the design of the house on this plot, removing dormer windows in the roofspace and altering the internal layout. Comprehensive noise assessments were carried out and reviewed by the Environmental Health Service. That Service subsequently indicated that it was satisfied with the revised layout subject to the provision of a noise screen. That noise screen would be 4.75m high on the south (railway) side but would be a maximum of 2m high in the rear garden of plot 4 due to the difference in ground levels. A 2m high wall in a rear garden is not uncommon and is not considered to be so overbearing as to have a significant impact on residential amenity. The applicant has indicated that the frontage of the existing grain store building would be retained in order to provide the acoustic barrier and this would minimise any adverse impact on the setting of the station from the provision of a barrier. Current permitted development rights would potentially allow for works to the houses that could give rise to subsequent amenity issues and in this respect it is appropriate to remove those rights for the houses closest to the railway line and again this can be done by planning condition.
- 8.11 The layout of the site and the design of the dwellings has previously been considered acceptable in terms of current planning policy. The Appeal Reporter that dismissed the planning appeal relating to the site raised no concern regarding this matter other than in relation to particular amenity impacts on Plot 4 as noted above. There are a variety of house styles in the surrounding area and the site layout and house types proposed remain acceptable in that context. All of the plot sizes are compatible with those in the surrounding area and allow for the provision of 100sqm of private useable garden ground. The final materials for the houses can be addressed by planning condition. The site is close to the St Ninians Square Conservation Area and the listed buildings associated with the railway station. However, the site is currently derelict and I am satisfied that the proposed development will improve the setting of both. The retention of the façade of the grain store at the southern extent of the site will assist in mitigating any adverse impact.

- 8.12 Policy S6 identifies a number of principles to aid assessment of development proposals. In that respect, and as noted above, it has previously been determined that the proposal would provide an acceptable residential environment and would not adversely affect the amenity of other properties subject to appropriate planning conditions. I am satisfied that there have been no material change in circumstances that would lead me to alter that conclusion. The Roads Service has indicated that the proposal is acceptable again subject to appropriate planning conditions and a planning obligation regarding the provision of a visibility splay. Full details of landscaping and boundary enclosures can be required by condition. Information regarding bats has been submitted in support of the application and appropriate consultation has been undertaken with SNH. As noted above no objection has been offered in relation to this matter and a condition is proposed to deal with the timing of any demolition works. Scottish Water has offered no objection in relation to drainage although a planning condition would be appropriate to require final details of the surface water disposal system and its future maintenance. The site is not in an area identified as being at risk from pluvial or fluvial flooding. Further information to demonstrate that appropriate remediation of contaminated land has been undertaken can be required by condition. The proposal does not give rise to any significant issues in terms of the remaining development principles.
- 8.13 Accordingly, the proposal for housing development on the site is compliant with the adopted local plan as established previously by the approval of application 09/00622/FUL subject to the planning conditions proposed.
- 8.14 In relation to other material considerations, it is relevant to note that Angus Council has published the Proposed Angus Local Development Plan. The application site is identified as an existing housing site in that Plan. Policy DS1 of that Plan states amongst other things, that *'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 provision of a range of sites to meet the development needs of the plan area.'* In addition, Policy TC1 states amongst other things that *'To ensure that a 7 year effective land supply is maintained at all times, land identified for residential development will be safeguarded from development for other uses.'* Accordingly the Council's emerging policy seeks to safeguard the application site for residential development.
- 8.15 There have been a significant number of objections to the planning application. However, it must be recognised that planning permission has previously been granted for this development at this site. The primary policy basis for consideration of applications provided through the Angus Local Plan Review has not changed in the intervening period. The Council's emerging policy framework as provided by the Angus Local Development Plan identifies the application site as a housing site and seeks to safeguard the land for that use. The concerns regarding the potential impact on the Caledonian Railway are noted but the concerns are addressed above. As indicated, the Council's Environmental Health Service is satisfied that adverse amenity impacts associated with the proximity of the proposed houses to the railway line and station have been appropriately addressed. That is consistent with the decision taken in 2009. The letters of objection do not raise any additional material considerations that would justify refusal of the application contrary to the provisions of the development plan.
- 8.16 The proposal will provide for the redevelopment of a derelict brownfield site in a manner that complies with relevant policies of the local plan. Planning permission has previously been granted for this development on the site and there has been no significant material change in circumstances in the intervening period. The Council's emerging Local Development Plan identifies this as a housing site and the policies of that plan seek to safeguard the land for housing development. The layout and design of the development has previously been considered acceptable and concerns regarding potential impact on amenity from the operation of the adjacent railway have been addressed. Again, there is no reason to reach a different conclusion at this time. The proposal complies with development plan policy 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 reason and subject to the following conditions.

### Reason(s) for Approval:

The application would provide for a new housing development within a development boundary in a manner that complies with relevant policies of the development plan subject to appropriate planning conditions and conclusion of a planning obligation. There are no material considerations that justify refusal of the application.

### Conditions:

1. That prior to the commencement of development, a visibility sightline of 3.5 metres by 60 metres shall be provided on the east side of the proposed access at its junction with the Park Road in accordance with a specification approved in writing by the planning authority.

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

2. That within the above splay nothing shall be erected or planting permitted to grow to a height in excess of 1050 mm above the adjacent road channel.

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

3. That prior to the occupation of any of the dwellings hereby approved, an acoustic barrier screen shall be formed on the south boundary of the site in accordance with details that have been approved in writing by the planning authority. Such a screen shall include the retention of the façade of the existing granary building and the erection of a new wall to a height of 50.5m above Ordnance datum all as shown on drawing titled 'Site Section & Elevation' dated September 2009 hereby approved.

*Reason: In the interests of residential amenity and in order that the planning authority can verify the acceptability of the barrier in the interests of visual amenity.*

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: 2001). The report must include a site-specific risk assessment of all

relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. 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 to and approved in writing by the planning authority.

*Reason: In order to ensure that the site is fully decontaminated in the interests of residential amenity.*

5. That prior to the commencement of the development, details of the means of site enclosure and boundary treatment to each of the proposed residential shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved means of site enclosure and boundary treatment for each dwelling shall be provided before occupation of the dwelling.

*Reason: In order that the planning authority can verify the acceptability of the materials in the interests of visual amenity.*

6. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. These details shall include car parking layouts; other vehicle and pedestrian access, hard surfacing materials; structures (e.g. refuse or other storage units, signs, lighting etc.); Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

*Reason: In order that the planning authority can verify the acceptability of the materials in the interests of visual amenity.*

7. That prior to the commencement of development detailed plans showing existing and proposed ground levels and proposed floor levels relative to neighbouring land/properties and a fixed ordnance datum shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

*Reason: In order that the planning authority may verify and control the ground and floor levels in the interests of the amenity of the area.*

8. That prior to the commencement of the development hereby approved, details of the phasing of the site, including proposals for the implementation of the acoustic noise screen, shall be submitted to and approved in writing by the planning authority. The development shall thereafter be fully implemented in accordance with the approved details.

*Reason: In order that the planning authority can verify the acceptability of the phasing of the development in the interests of visual amenity.*

9. That prior to the commencement of development details of all external finishing materials shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details and the houses shall be finished with the approved materials prior to occupation.

*Reason: In order that the planning authority can verify the acceptability of the materials in the interests of visual amenity.*



10. That demolition of any buildings on the site shall only take place between the period of March to October in any year.

*Reason: In order to minimise potential impact / disturbance on bats using the site.*

11. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will secure the provision and maintenance in perpetuity of a visibility splay of 3.5 x 60m to the west at the junction of the proposed access with Park Road.

*Reason: To ensure that adequate visibility splays are provided and maintained in the interests of road safety.*

12. That prior to the commencement of development full details of the proposed arrangements for the disposal of surface water from the site, including details for their future management and maintenance shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt, the disposal of surface water shall be by means of a sustainable urban drainage system and the approved scheme shall be implemented and operational prior to the occupation of any house hereby approved and shall be managed and maintained in accordance with the approved details thereafter.

*Reason: To ensure the provision and subsequent maintenance of an appropriate surface water drainage system in the interests of the amenity of the area.*

13. That notwithstanding the provisions of any Development Order, the houses on Plots 3, 4 and 5 shall not be extended to the south and shall not have additional openings formed above ground floor level in any south facing elevation unless an application for planning permission has been submitted to and subsequently granted by the planning authority.

*Reason: In order that the planning authority may consider the impact of any such development on the amenity of the occupants and the operation of the adjacent railway.*

**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: 15 January 2016**

**Appendix 1 : Location Plan**  
**Appendix 2 : Relevant Development Plan Policies**



## **Appendix 2 : Relevant Development Plan Policies**

### **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 SC3 : Windfall Sites**

Angus Council will support proposals for residential development of 5 or more dwellings on windfall sites within development boundaries in addition to the identified supply where they:

- will make a significant contribution towards regeneration and renewal;
- are compatible with established and proposed land uses in the surrounding area;
- include affordable housing in accordance with Policy SC9; and
- take account of the provisions of Policy S6 : Development Principles.

#### **Policy ER12 : Development Affecting Conservation Areas**

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

- (a) respect the character and appearance of the area in terms of:
  - density, scale, proportion and massing;
  - layout, grouping and setting;
  - design, materials and finish;

- (b) contribute positively to the setting of the area and maintain important views within, into or out of the area;
- (c) retain particular features which contribute to the character and appearance of the area:
  - open spaces;
  - walls and other means of enclosure;
  - ground surfaces;
  - natural features such as trees and hedgerows;
  - accord with the Character Statement for the area.

#### **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 ER11 : Noise Pollution**

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

#### **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 ER40 : Contaminated Land**

Development on land known or suspected to be unstable or contaminated will only be permitted where it can be demonstrated to the satisfaction of Angus Council that any actual or potential risk to the proposed use can be overcome.

Development proposals on such land will require to be supported by an appropriate site investigation (detailing the extent and nature of ground instability and/or contamination), risk assessment and details of any remediation measures necessary to make the site suitable for the intended use. Where appropriate Angus Council will require necessary remedial measures to be undertaken prior to the commencement of development.

#### **Proposed 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.

\*Sharing an edge or boundary, neighbouring or adjacent

### **Policy TC1 - Housing Land Supply / Release**

The Angus Local Development Plan allocates land to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. Where appropriate, sites are released over two phases of the plan: 2016 – 21 and 2021 – 26. The scale and distribution of housing land release across the four Angus Housing Market Areas is set out in Table 1 (below). A schedule of all sites identified by the Angus Local Development Plan which contribute to meeting the housing requirements set out in TAYplan Strategic Development Plan is included in Appendix 3.

To support delivery of a generous supply of effective housing sites and introduce additional flexibility Angus Council will support proposed residential development on appropriate sites as set out in Policy TC2 Residential Development Principles.

To ensure that a 7 year effective land supply is maintained at all times, land identified for residential development will be safeguarded from development for other uses. The continued effectiveness of sites will be monitored through the annual Housing Land Audit process.

Where necessary to maintain a 7 year effective housing land supply additional housing land will be allowed to come forward from:

- early release of sites/houses planned for later phases of the plan; and/or
- currently constrained/non-effective sites identified in the Angus Housing Land Audit.