

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE - 27 JANUARY 2015

**PLANNING APPLICATION - JOINERY WORKSHOP AND BUILDERS YARD DOUGLASTOWN
FORFAR DD8 1TL**

GRID REF: 341479 : 747262

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 14/00917/FULL for Full Planning Permission for Retrospective External Alterations to Building/Roof including Addition of Flue and Installation of Solar Panels and Use of Building for Storage of Biomass Plant, Equipment & Materials, for RS Hill Joiners & Building Contractors Ltd, Joinery Workshop And Builders Yard, Douglastown, Forfar. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that this planning application is approved for the reasons and subject to the conditions detailed at 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 Full planning permission is being sought retrospectively for external alterations to the buildings elevations and roof; including the addition of a metal flue on the north east facing roof plane of the larger store and the installation of a bank of solar panels on the south west plane of the smaller store. The alterations to the buildings involved the replacement roof and wall materials with a grey coloured profile metal sheeting; the application of drydash render on some lower walls; a profiled roof alteration to support the metal flue structure; and the area of the solar panel coverage is circa 70 square metres. Additionally permission is also sought for the change of use of the buildings from its known lawful use, agriculture, to a use for the storage of biomass plant, equipment and materials (for the larger store only). This aspect of the proposal is solely for a storage use of the equipment of the redundant (and previously unauthorised) biomass production facility that was housed in this store, and therefore is not for any recommencement of this facility. The application form indicates that this use is sought for a period of three years.
- 3.2 The application site is located west of Douglastown, over the Kerbet Water, within a complex of buildings on land adjacent to the applicant's own builders yard and other land in control of the applicant. The buildings and yard to the immediate south has known uses in the past of agriculture and an unauthorised biomass production facility and uses possibly related to material storage and a builders yard use.

- 3.3 The A94 Forfar to Perth road is located to the north of the application site and there is an existing access from this public road; with Forfar some 3 kilometres northeast along this road and similarly Glamis some 3 kilometres to the west. There is also an existing access and track to the south of the site, the gates of which are located directly opposite the building, which leads over the Kerbet Water into Douglstown. To the immediate north of the application site is an area and some incomplete buildings which form part of an authorised builders yard use. To the immediate west of that area is an area is use for materials and scaffold storage (which is the subject of a separate application for certificate of lawfulness). Immediately west, although not marked on the site plan, is a dwellinghouse known as Scroggerfield Cottage, which is in the ownership of the applicant and understood to be privately let. Land to the east is a mixture of land laid in hardcore (which is the subject of both a planning application for offices and a certificate of lawful development) and further to the south an undeveloped area presently not being farmed. This site, and the authorised builders yard use to the north, are connected the applicant's main joiners business offices and workshops located in The Row, Douglstown by an area of land near the A94 access and over an internal bridge over the Kerbet Water. Some of these uses described here are subject to separate planning applications and applications for certificates of lawful use or development.
- 3.4 The proposal has been advertised in the press as required by legislation.
- 3.5 This application requires to be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to more than five representations against the proposal.
- 3.6 The application has been subject of variation; the site area was increased to incorporate the east most part of the building - to include solar panels that have been installed on the roof of this building. Drawing title 'Site Plan: Briquette Store Location', number 105 / PL / 001-4, submitted with the application, was replaced and superseded by drawing number 105 / PL / 001-4 Rev A. Amendments also included clarifications on detail and correcting anomalies with plans and elevation drawings. Drawing title 'Existing Floor & Roof Plans', number 105 / PL / 005, submitted with the application, was replaced and superseded by drawing number 105 / PL / 005 Rev A. Drawing title 'Existing Briquette Store Elevations', submitted with the application, number 105 / PL / 008, was replaced and superseded by drawing number 105 / PL / 008 Rev A. All replacement drawings were submitted on 13 November 2014.

4. RELEVANT PLANNING HISTORY

- 4.1 The application site and the areas of land immediately adjacent have a complex planning history.
- 4.2 The use of land for setting down and uplifting of building materials and formation of vehicular accesses was approved conditionally on 19 March 1998 (application reference: 97/00485/FULL). This permission allowed for the change of use of land from agriculture to a builder's yard, the formation of an access onto the A94 and the formation of an access bridge over the Kerbet Water to the applicant's existing site. This application did not include any part of the site currently being considered. Further, the formation of a builders yard was approved on 2 November 1998 (application reference: 98/00363/FULL). Again, this application did not include any part of the site currently being considered.
- 4.3 Planning application 12/00856/FULL sought retrospective permission for a part change of use of land and buildings associated with builders yard to include a biomass production operation. The site area for this application included all of the land and buildings subject of this application and indeed extended to all land and buildings within the applicant's control west of the Kerbet Water (save Scoggerfield Cottage). This application was refused on 28 August 2013 and was subsequently dismissed at appeal by a Reporter on 7 January 2014.
- 4.4 Application 14/00914/CLU sought a certificate of lawfulness for existing use of land and buildings in conjunction with adjacent joiners and building use (which are referred to as Areas 1-4). Area 2 of this application forms part of the building that is subject of this application. The yard area that serves this building, identified as Area 3, is immediately to the south of the application site. This application was approved on 6 January 2015 and a certificate was granted for Areas 1 and 4 only

(the use of land for storage of two containers and the use of a building as a store for scaffolding). No certificate was issued for Areas 2 or 3.

- 4.5 Application 14/00915/CLU sought a certificate of lawfulness for the erection of a scaffolding store building. This application site does not include land subject of that application, being located to the north west of the current application site. That application was approved on 6 January 2015 and a certificate was granted for this structure.
- 4.6 Application 14/00916/CLU sought a certificate of lawfulness for the erection of a canopy. This application site does not include land subject of that application, being located north of the current application site. That application was refused on 6 January 2015 and no certificate was granted for this structure.
- 4.7 Two contemporary applications, neither of which shares application site areas, are also pending determination:
- 14/00764/PPPL for Proposed Offices (Two Storey), Stores and Car Park using existing access (all matters except access reserved); and
 - 14/00943/CLU for Existing engineering operational development comprising land-raising of area edged red by placing crushed rubble on the land completed more than four years ago.
- 4.8 A number of planning enforcement cases in relation to the site, and the wider areas in the ownership of the applicant, are also relevant to the planning history of the site:
- 12/00050/BREACH: This case concerned initially an enquiry in relation to planning conditions for the operating hours of a business. Through investigation however this case grew to reflect wider concerns about breaches of planning control, primarily over the operation of a biomass business on land and within buildings to the south of an authorised builders yard area to the west of the Kerbet Water. As part of this case a Planning Contravention notice (PCN) was served on the applicant in respect of enforcement case 12/00050/BREACH on 18 September 2013. The PCN sought to gather information on the use and development of the site. The PCN Response was received on 10 October 2013. Five notices in total were served covering the site under Section 33A of the Town and Country Planning (Scotland) Act 1997 (as amended). These notices required the submission of planning applications to address breaches of planning control. Some planning applications and applications for certificate of lawfulness (as described above) were submitted around this time.
 - 14/00026/UNUSE: This case concerned an observation about an advertisement located on a building adjacent to the applicant's main builders yard complex on The Row, Douglstown. It was identified that the advertisement was being displayed without the benefit of advertisement consent. However, this case was closed on 18 July 2014 on the basis that the advertisement would not give rise to significant amenity or public safety concerns and it was not considered expedient or in the public interest to pursue formal enforcement action.
 - 14/00197/UNDV: This case concerned an observation about the depositing of materials in an area and the subsequent raising of land in an area west of the Kerbet Water known as 'the paddock'. This case is currently pending consideration.

5. APPLICANT'S CASE

The applicant's agent has submitted the following in support of the application:

- In an email of 16 December 2014 the applicant, via the agent, advises that various statements have been made by objectors expressing concerns regarding re-using the biomass plant. That is not the applicant's intention; the use applied for is storage only to allow time until a permanent solution and location is found for the plant. In order to remove any concerns in this regard the applicant would be willing to demobilise the plant and encase the flue, which could be secured through planning condition.

6. CONSULTATIONS

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Angus Council - Roads** - Have raised no objection to the planning application.
- 6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.4 **Angus Council Environmental Health** - Have no objection to the proposal. The potential for the flue to be used in some capacity has been identified and in order to regulate its use a condition is recommended to prohibit its use unless otherwise agreed by the Planning Authority.

7. REPRESENTATIONS

Ten (10) letters of representation have been received from eight (8) properties. All of the submitted letters object 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. The main issue raised relate to:-

- Contrary to Development Plan - discussed under Section 8, Planning Considerations below.
- Contrary to Reporter's Decision - the planning history of the site is detailed in Section 4, Relevant Planning History above. While the site's planning history is a material consideration, and will be addressed where appropriate, this application must be determined on its own merits.
- Principle of Development Unacceptable - discussed under Section 8.
- Likelihood of Future Development - this application must be assessed on its own merits. Any other development proposals, other than those already submitted, will be considered at that time.
- Better Alternative Site Available - the acceptability of the site is discussed under Section 8.
- Inappropriate Site for the Proposal - the acceptability of the site is discussed under Section 8.
- Residents do not want the development - the nature of the representations submitted have been considered as a material consideration and referred to in Section 8 as appropriate.
- Noise Disturbance - discussed under Section 8.
- Out of Character - discussed under Section 8.
- The machinery should be removed and not stored - discussed under Section 8.
- Lack of detail in the application - the level of detail in the application is sufficient for both the purposes of validating the application and to enable a determination to be made.
- The site should be returned to non-industrial uses - the suitability of the site for the development proposed is discussed under Section 8.
- There is an intention to recommence the biomass production use - discussed under Section 8.
- Sufficient time has passed to allow the plant being store to be relocated - discussed under Section 8.
- The flue should be removed - addressed in Section 8.
- The application seeks to delay enforcement action and such action should be taken - the planning and enforcement history of the site is provided in detail within Section 4. The application was submitted to comply with a Notice served under Section 33A of The Town and Country Planning (Scotland) Act 1997 (as amended).

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 As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Plan Review form the basis for the consideration of the proposal. The relevant local plan policies are reproduced at Appendix 1.
- 8.4 The development plan policies relevant to consideration of this application are provided in Appendix 1 and have been taken into account in the preparation of 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 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.
- 8.6 Policy S1(b) indicates that proposals outwith development boundaries, in the Angus 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. Assessment of other relevant development plan policy will assist in establishing the appropriateness of the two aspects of the proposed development, and therefore an assessment in respect of this policy will be provided later in this Section.
- 8.7 For the physical alterations undertaken the main determining issues are considered to be design, amenity and specific considerations arising from the renewable energy (solar panels) proposal. In respect of design, Policy S3 of the Angus Local Plan Review is a key consideration. While located within a relatively close proximity to the settlement of Douglstown, the site is located within a rural area which is characterised by scattered development comprising farm buildings and dwellings. The proposed re-cladding and rendering of the building's roof and walls with profile metal sheeting and drydash render is commonplace on this type of building in such a setting. These alterations are not considered to have any adverse effect on the appearance or design of the building. Alterations to the roof structures are also proposed. The flue and associated box structure materially alter the appearance of the roof, however, these works are not considered to have any adverse visual effect on the character of the building or area.
- 8.8 The solar panels aspect of the development requires consideration against the criteria of ALPR Policy ER34. It is considered that the siting of the solar panels has minimal effect on the amenity of neighbours; the siting of the apparatus on the southwest roof plane, away from most residential properties, further minimise any impact and enhances operational efficiency. The proposal therefore raises no conflict with criterion (a). The siting of the panels results in a discrete location with minimal visual impact, without any adverse effect on the character of the area. The proposal therefore raises no conflict with criterion (b). The proposal has no unacceptable or detrimental effect on any designated site and therefore criterion (c) is met. There are no unacceptable environmental effects arising from the panels; satisfying the objectives of criterion (d). It is

considered that there would have been minimal access requirements for the installation of the panels and there would be minimal ongoing requirements to maintain the panels, thus there are no concerns with respect with criterion (e). Overall, the siting of the solar panels raises no issues with Policy ER34 and this aspect of the proposal is considered to be acceptable.

- 8.9 To establish compatibility of the proposed change of use in terms of whether this is of a scale and nature that is appropriate to this location the general considerations of Policy S6 and the associated Schedule 1 are relevant. This policy advises that proposals which would lead to any significant loss of amenity, result in roads or parking issues or which would have an unacceptable impact on any landscaping, open space or drainage/flooding considerations, would not be permitted.
- 8.10 The relevant amenity considerations for this proposal relate to possible impact on privacy, movement of vehicles and the associated noise. In terms of potential impact on residential amenity one dwelling, Scroggerfield Cottage, is located within a close proximity to the application site - sharing a mutual boundary to the south west. This boundary is separated by a wall/fence, a timber garage building and the building subject of the application. The next nearest dwellings are located in Douglstown, some 150 metres east of the site. The building presently has no lawful use, however, it is known to have originally used for agriculture and as such this use could recommence without permission. An agricultural use could involve the storage of plant and materials for the purposes of undertaking agricultural tasks. It is further noted that the site is adjacent to an existing yard associated with a joinery business. The use proposes the storage of plant only and no unacceptable noise impacts are predicted through such a use. The Environmental Health services do not object to the planning application and raise no concerns in respect of these issues. The Environmental Health Service, whilst noting what the application seeks permission for, notes that there is potential for the flue to be used in some form without the need for planning permission or control by other legislation. In order to ensure this does not occur it is recommended that a planning condition be attached to any permission to prohibit the use of the flue unless agreed by the Planning Authority. In respect of roads matters the proposed development is not predicted to increase traffic levels and as such there would be little measureable increase in this regard. The consultation response from the Roads Service does not raise any concerns or objections on vehicular movements. The level of traffic is considered unlikely to cause any noise concerns. It is concluded that no significant impact in respect of amenity would occur as a result of this proposal. Having regard to the Roads response, it is concluded that there will be no issues in respect of roads, parking or access issues.
- 8.11 In respect of other matters contained in Schedule 1, flood risk must be considered. It is noted from the Scottish Environment Protection Agency's flood maps that the site lies outwith any indicated extent of flood risk from the Kerbet Water. Furthermore, it is indicated in the Flood Risk Assessment submitted with another proposal from the applicant that this site lies outwith the functional flood plain of the Kerbet Water. On this basis the site is not considered to be at risk of flooding.
- 8.12 Overall no issues in respect of Policy S6 have been identified. The proposal is therefore considered to comply with Policy S6.
- 8.13 Policy ER16 advises that development proposals will only be permitted where they do not affect the setting of a listed and should avoid important features of such buildings. There are several listed buildings within a relatively close vicinity of the application site, located in Douglstown itself. It is not considered that the proposed development would have any adverse effect on the setting of these listed buildings owing to the nature of the proposal. There are therefore no conflicts with Policy ER16.
- 8.14 Returning to Policy S1(b), overall the physical alterations proposed to, and the change of use within, the building raise no issues in respect of design, amenity or any relevant technical considerations as a result of the development. The scale and nature of the proposal are therefore considered to be appropriate for this location. The proposal is therefore considered to comply with the objectives of Policy S1(b), and all other relevant policies.

- 8.15 Concern has been expressed within representation about several matters, as summarised above. In particular concern about the underlying use of or intentions with the building and the installed flue is clear. These concerns relate to the possible reestablishment of a biomass production facility that was previously a use in this building. In the above assessment it is noted that the flue was erected to serve the previously unauthorised and now ceased biomass production use. However, it is again highlighted that this application seeks permission only for the physical changes to the building and the storage of the machinery. Permission is not being sought here for any biomass production facility use at the site and any permission granted for this application would not permit the recommencement of this use. This matter therefore does not require consideration as part of this application. The applicant has indicated a willingness to demobilise the plant machinery and encase the flue to address these concerns. It is considered that satisfactory certainty over what development is authorised and appropriate control over the use of the building and flue, through the conditions proposed, are in place to address concerns in representation in this regard. Therefore no further controls are considered to be necessary. Concern is also expressed that the applicant has had sufficient time to remove the stored plant and equipment. It is highlighted through the site's planning history (Section 4) that the plant has been in situ for a period of time. This history also advises that notices under Section 33A of the Town and Country Planning (Scotland) Act 1997 (as amended) were served requiring the submission of planning applications; one of which concerned the use of the building - which this planning application addresses. The planning application must be assessed on its own merits and it is considered that the proposed use for a period of no more than 3 years is acceptable in this location.
- 8.16 Planning legislation indicates that planning decisions shall be made in accordance with the development plan unless material considerations indicate otherwise. The proposal is compatible with the relevant policy tests set out above, subject to planning conditions highlighted. The concerns raised by third parties in representation are recognised, however, the proposal has been found to be in compliance with relevant development plan policies and satisfactory controls through the planning conditions are in place. As with any permission, any breach of the terms of this permission, including planning conditions, can be pursued through enforcement action. There are no material considerations that would justify refusal of planning permission.

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 subject to conditions for the following reasons, and subject to the following condition(s):

Reason(s) for Approval:

1. That the proposed development complies with relevant policies of the development plan as the proposal is of an appropriate scale and nature to the location; raising no concerns in

respect of design, there is no unacceptable amenity impact and there will be no adverse impact on road safety. There are no material considerations that would justify refusal of the application.

Conditions:

1. That, for the avoidance of doubt, this permission relates solely to the physical alterations to the building and the use of the building for the storage of plant, equipment and materials only. This permission does not extend to any use of the machinery being stored within the building and any such use is expressly prohibited. This use of the building for this storage as described is approved for a period of no more than three years.

Reason: To clarify the extent and duration of the permission approved.

2. That the flue hereby approved shall not be brought in to use unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure adequate control over the use of the flue, so not to harm the amenity or environment in the vicinity.

3. All vehicular access shall be taken only from the existing accesses on the A94. For the avoidance of doubt, the access to the U362 shall not be used for vehicular access.

Reason: In the interest of road safety and the amenity of residents in Douglstown.

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 2015

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 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 ER34 : Renewable Energy Developments

Proposals for all forms of renewable energy developments will be supported in principle and will be assessed against the following criteria:

(a) the siting and appearance of apparatus have been chosen to minimise the impact on amenity, while respecting operational efficiency;

(b) there will be no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints;

(c) the development will have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons;

(d) no unacceptable environmental effects of transmission lines, within and beyond the site; and

(e) access for construction and maintenance traffic can be achieved without compromising road safety or

causing unacceptable permanent change to the environment and landscape, and
(f) that there will be no unacceptable impacts on the quantity or quality of groundwater or surface water resources during construction, operation and decommissioning of the energy plant.