

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 FEBRUARY 2017

PLANNING APPLICATION – LETHAM HOTEL, 12 THE SQUARE, LETHAM, FORFAR

GRID REF: 352898 : 748880

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 16/00567/FULL for the Demolition of Function Suite, Change of Use, Alterations and Extension of Part of Existing Building to Residential for the Formation of Two Flats and Alterations to Public House for Mr David Herring at Letham Hotel, 12 The Square, Letham, Forfar. This application is recommended for conditional approval.

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

- 3.1 The applicant seeks full planning permission for the demolition of a function suite, change of use of part of an existing building to residential for the formation of two flats and internal alterations to a public house.
- 3.2 The terraced application property is located to the north of The Square some 18m to the east of its junction with Auldbar Road, West Hemming Street and Gardyne Street. The 2½ storey building occupies a plot measuring approximately 1523sqm. It is of traditional construction with a slate roof and white rendered external walls and is substantially altered. The ground floor contains a public house, family lounge, function suite, pool room, kitchen, w/c's and storage areas. The first floor consists of the owner's accommodation, 5 hotel bedrooms and an office whilst the second floor comprises the remainder of the owner's accommodation.
- 3.3 The proposal provides for the demolition of an area in the region of 240sqm which includes the function suite building, kitchen, pool room and storage areas. The building would be divided vertically through the introduction of a new partition wall with the east portion of the building accommodating the public bar and hotel uses, and the proposed flats accommodated in the west portion of the building. The ground floor flat would consist of a living room, kitchen, 2 bedrooms and bathroom. The second flat would encompass the first and second floors with the accommodation consisting of a lounge, kitchen/dining area, 3 bedrooms and bathroom. The alterations to the west portion of the building include the provision of a single storey lean to extension that would form the north gable wall of the ground floor, two new window openings and the conversion of an existing window opening to a door at the first floor of the north elevation. An external access stair would be associated with the door to be formed at first floor level to permit access to the garden associated with the upper floor flat. Two dormer windows would be formed in the north facing roof slope in place of 2 existing roof lights. At the south elevation an existing window opening would be converted to a door to provide access

to the ground floor flat. A garden area of 270sqm would be associated with the proposed flats at the rear of the property. The east portion of the building would accommodate a public house, family lounge, pool area, staff room, w/c's and beer store. The internal alterations to the layout of the public house do not require the benefit of planning permission. There would be no changes to the internal layout of the first floor of the east portion of the building. The external alterations to the east section of the building include the erection of a new section of wall to form the rear wall of the pool area, the infilling of 2 door openings, the formation of a new fire exit and a new window opening to serve the disabled w/c. An existing door opening at the south elevation would be infilled with an existing door at the south elevation serving the ground floor. A new boundary enclosure consisting of a 1.8m high timber fence with additional planting would be formed at the west boundary of the site. Parking for the proposed flats would be located in the car park to the rear of the property.

3.4 The application was varied on 11 January 2017. The variation removed a balcony associated with the first floor flat and confirmed the extent of the land within the ownership of the applicant.

3.5 The application was advertised in the Dundee Courier as required by legislation.

4. RELEVANT PLANNING HISTORY

There have been a number of planning applications relating to the site. However, none is directly relevant to the determination of this application.

5. APPLICANT'S CASE

5.1 The following documents have been submitted in support of the application:

- Airborne and Impact Sound Insulation Report;
- Bat Survey;
- Information relating to the use of the function suite.

5.2 The supporting information is available to view on the Council's Public Access system and is summarised at Appendix 2 below.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – has not objected to the proposal in respect of roads, parking and access matters.

6.2 **Angus Council – Environmental Health** – has not objected to the proposal subject to conditions requiring the sound insulation of the proposed flats being in accordance with the conclusions of the submitted report.

6.3 **Letham & District Community Council** – has objected to the application as it is concerned that the loss of the function suite facility would be disadvantageous to the community. *The full representation from the community council will be circulated to members of the Development Standards Committee and is available to view on the council's Public Access website.*

6.4 **Scottish Water** – has offered no comment in relation to the application.

7. REPRESENTATIONS

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

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

- Adverse impacts on residential amenity;
- Compatibility with neighbouring land uses.

7.3 In addition, the following matters have been raised: -

- **Access to the Hotel car park from Auldbar Road is by agreement with the Letham Feuars Committee which is for parking associated with the existing uses in the building not residential properties** – this is not a material planning consideration but is a legal matter between the applicant and the Letham Feuars Committee.
- **Neighbour notification process and period for comment inadequate** – Angus Council has undertaken the neighbour notification process in accordance with the requirements of relevant Regulations. The application has also been subject of advertisement in the local press, it has been advertised online, and details have been circulated to Community Councils.

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 Development Plan (Adopted 2016)
- 8.3 As the application is not of strategic importance the policies of TAYplan are not referred to in this report. The policies of the Angus Local Development Plan (ALDP) that are relevant to the determination of this application are reproduced at Appendix 3.
- 8.4 Policy DS1 of the ALDP states amongst other things that 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 other relevant policies. The application site is not specifically allocated or otherwise identified for development and it is located within the Letham Development Boundary. Accordingly the policy is supportive of the proposal provided it is of an appropriate scale and nature and is compatible with other policies. These matters are discussed below.
- 8.5 Policy TC8 of the ALDP deals with proposals that affect community facilities and services. Amongst other things the policy seeks to safeguard rural services that serve a valuable local community function such as local convenience shops, hotels, public houses, restaurants and petrol stations. It suggests that proposals for alternative uses will only be acceptable where specific criteria are met. In this case there is no compelling information to demonstrate that the existing business is unviable or that the function suite is incapable of being reused. However, the policy indicates proposals for alternative uses will be acceptable where it can be demonstrated that equivalent alternative facilities exist elsewhere in the local community and it is relevant to note that whilst the proposal is for the demolition of the function suite, it provides for the retention of the hotel and public houses elements of the business. The concerns raised by the Community Council are noted but the substantive element of the business is retained. Letham benefits from other facilities and services such as shops, a village hall, a primary school, a public house, and a bowling club as well as the hotel and public house that would remain following this development. This range of facilities is reasonably broad and helps maintain the wellbeing of the local community. It is understood that the village hall is available for functions and is well located to serve the community. In these circumstances it is considered that there are equivalent alternative facilities and that loss of the function suite would not have a significant adverse impact on the wellbeing of the community. It is relevant to note that the function suite is close to the boundaries of residential properties in the area and its lawful operation could have some adverse impact on the amenity of occupants of those properties. The demolition of the building and the cessation of that use may provide some improvement to the amenity of those occupants.
- 8.6 Policy TC2 deals with proposals for residential development, including the conversion of non-residential buildings and requires that they are compatible in terms of land use; provide a satisfactory residential environment; do not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to provide for affordable housing in accordance with Policy TC3 Affordable Housing. Within development boundaries proposals for new residential development will be supported where the site is not allocated or protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. These matters are discussed below.

- 8.7 In terms of Policy TC2 the site is not allocated for another use. Issues regarding any protection the current use of the site enjoys under Policy TC8 have been discussed above. Residential use is not uncommon within The Square and there are residential properties adjoining the existing public house/ hotel, and the public house located to the south of The Square. Notwithstanding this, the proximity of the proposed flats to the public house/ hotel could affect the amenity of any future occupants. Information regarding potential noise transmission has been submitted and this has been reviewed by the Environmental Health Service. That Service is satisfied that appropriate noise mitigation could be provided which would ensure suitable protection for future occupants of the flats and this matter can be addressed by planning condition. The proposed garden areas associated with the flats would be close to the public house/ hotel but that is the case for the existing dwellings that share a boundary with the property and its function suite. Given the existing situation this relationship is not considered unacceptable. The flats would be reasonably sizeable and subject to conditions requiring provision of suitable sound insulation they would provide a reasonable residential environment.
- 8.8 In terms of impacts on the built and natural environment, the proposal provides for the reuse of an existing building to provide two flats. It also makes provision for the removal of fairly utilitarian structures that add little to the overall appearance of the building. The addition of two dormer windows in the north elevation of the building is acceptable in the context of the wider area and the works to other elevations are relatively minor and do not adversely affect the building or the wider area. They do not give rise to any issues in terms of Policy DS3. As noted above a bat survey was submitted in support of the application. That survey indicated that the building has very limited potential to provide any roosting sites for bats and concluded that the development would not have an adverse impact on protected species. On this basis the proposal does not give rise to any issues in terms of Policy PV5.
- 8.9 In terms of impacts on the amenity of occupants of neighbouring properties, Policy DS4 states that proposals must have full regard to opportunities for maintaining and improving environmental quality. In this respect it is relevant to note that the proposal provides for the removal of the existing function suite which is close to neighbouring residential properties to the west. Whilst the applicant has not been using the function suite in recent times its use could resume without the requirement for a further planning permission with potential for impact on the amenity of neighbours. The removal of the function suite may be considered advantageous to the overall amenity of the area. The proposal utilises existing window openings and provides for the formation of a number of new windows, including dormer windows in the north elevation. However, neighbouring properties have first floor windows that provide a degree of overlooking of rear garden areas. The proposal originally involved the formation of a sizeable balcony at first floor level on the north elevation and that attracted specific objection from neighbours. Officers have discussed that matter with the applicant and the scheme has been amended to significantly reduce its size. Third parties have been made aware of that revision and no further comment has been received. The removal of the function suite is considered to provide opportunity for an improvement in the amenity of the area and the proposed alterations to the building are not considered to give rise to any significant impact on the amenity of neighbours.
- 8.10 Third parties have raised concern regarding the applicants legal entitlement to take access to the parking spaces proposed for the flats. However, that is a civil matter between the relevant parties. The Roads Service has offered no objection to the application and the formation of two flats is unlikely to give rise to any significant road traffic safety or amenity issues by virtue of additional traffic. The proposal relates to conversion of an existing building and Scottish Water has not offered any objection in relation to the impact of the development on its infrastructure. The proposal does not give rise to any other significant impacts on infrastructure, there is space for refuse collection, storage and recycling within the curtilage of the buildings, and the proposal does not give rise to any requirement for the provision of affordable housing.
- 8.11 Overall the proposal does not give rise to any significant issues in terms of the relevant policies of the Local Development Plan and is of a scale and nature appropriate to its location.
- 8.12 The matters raised by third parties are noted and have been addressed in the above assessment. None of the issues raised justify refusal of the application.

- 8.13 In conclusion, the proposal provides for the reuse of an existing building in a manner and for a purpose that is compatible with development plan policy. Whilst the concern regarding the loss of the function suite is noted, the village has other facilities that can be used for a similar purpose and the proposal provides for the retention of the hotel and public house uses. The removal of the function suite use has potential to reduce amenity impacts on occupants of the closest existing residential properties. The conversion of part of the building to form two flatted dwellings does not give rise to any significant tension with relevant policy and the proposal has been amended to reduce the size of a balcony that was a particular area of concern to neighbours. The proposal is in accordance with relevant development plan policy subject to the stated planning conditions. There are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

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

Reason(s) for Approval:

That the proposal would provide a new use within an existing building in a manner that complies with relevant policies of the development plan subject to appropriate planning conditions. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. That, no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:
 - (a) A detailed scheme for the sound insulation of the proposed flats. For the avoidance of doubt the submitted scheme shall provide a specification for the sound insulation of the flats such that noise from the public house premises shall not exceed Noise Rating curve detailed in Section 4, 5, 6 and 7 of The Letham Hotel, Letham, Angus Airborne and Sound Insulation Recommendation for Separating Floors and Walls by CSP Acoustics LLP dated 27 September 2016. Thereafter the sound insulation shall be installed in accordance with the approved details or in accordance with such other details that are necessary to comply with the specified noise levels as may be approved in writing by the Planning Authority;
 - (b) Details of the means of site enclosure to be erected at the west boundary of the site. Thereafter the approved boundary treatment shall be erected before occupation of the development.

Reason: In the interests of the residential amenities of the occupiers of the proposed development and in the interests of the residential amenities of the occupiers of adjacent dwellings.

2. Prior to the occupation of the proposed flats a sound transmission assessment of the sound insulation between the public house and the proposed flats to demonstrate compliance with condition 1(a) above shall be submitted to and approved in writing by the Planning Authority. The sound insulation tests shall be undertaken to the same methodology used in The Letham Hotel, Letham, Angus Airborne and Sound Insulation Recommendation for Separating Floors and Walls by CSP Acoustics LLP dated 27 September 2016 including sound transmission tests in accordance with BS EN ISO 140-4:1998 measurement of sound insulation in buildings and building elements - Part 4 field measurement of airborne sound insulation between rooms, and any other method that may be first approved in writing by the Planning Authority.

Reason: In the interests of the residential amenities of the occupiers of the proposed development.

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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APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES

Appendix 2 – Summary of Applicants Supporting Information

Airborne and Impact Sound Insulation Report

The assessment and recommendations of the report are based on a visual inspection and on-site airborne and impact sound insulation performance test results of the existing constructions. The report indicates new separating walls and infill wall sections along with the sound insulation performance of the floors would be capable of meeting with Section 5 of the Scottish Building Regulations sound insulation criteria providing they are of a specific type of construction. Such methods of construction would be capable of providing the levels of airborne sound insulation that would provide an acceptable level of residential amenity.

Bat Survey

A Preliminary Roost Assessment was carried out to ascertain if the building has potential to provide roosting sites for bats. The function suite to be demolished is a modern building with a tiled roof and there were no signs of bats found on this part of the building. The original part of the building was also surveyed however the north side of this roof is in poor condition with broken and missing slates. There are rooms in the attic of the original building which are in regular use by the owners. The roof and area under the slates would be too warm for bats to hibernate. The survey found that parts of the building proposed for development have low suitability for bats because of their condition and construction. The survey indicates that no EPS licences in respect of bats would be needed when the building is redeveloped, and no specific mitigation for bats will be needed.

Comments on Loss of Function Suite

The applicant can no longer afford to run this side of the business due to it not being financially viable and as a result the function suite and kitchen were closed in early 2016. It is suggested that the loss of the function suite would not have an adverse impact on the village as there are other premises that offer the same facilities. The Letham Village Hall and local Bowling Club are available for functions and within 200m of the Letham Hotel. The owner has indicated that the proposed redevelopment of this section of the building would allow the money generated by the proposals to be reinvested in the hotel rooms and bar.

APPENDIX 3

ANGUS LOCAL DEVELOPMENT PLAN

DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

Policy DS1: Development Boundaries and Priorities

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

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

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

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

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

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

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

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

Policy DS3: Design Quality and Placemaking

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

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

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above.

Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4: Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2: Residential Development

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

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

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

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

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

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

- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

Policy TC8: Community Facilities and Services

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

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

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

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

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

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

Policy PV5: Protected Species

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

European Protected Species

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

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

Other Protected Species

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

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

Policy PV15: Drainage Infrastructure

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

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

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

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

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

Policy PV18: Waste Management in New Development

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

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

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