

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 30 MAY 2017

PLANNING APPLICATION - SEATON PARK SEATON ROAD ARBROATH

GRID REF: 365079 : 741702

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 16/00074/FULL for full planning permission for the formation of a flood lit all weather football pitch and warm-up area, erection of a sports hall with associated changing and spectating areas and community facilities, and associated parking and landscaping at Seaton Park, Seaton Road, Arbroath for Showcase the Street. 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/planning obligation 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 formation of a flood lit all weather football pitch and warm-up area, erection of a sports hall with associated changing and spectating areas and community facilities, and associated parking and landscaping at Seaton Park, Seaton Road, Arbroath.

3.2 The site covers 1.727ha (17270sqm) and currently consists of an area of open space that was, until relatively recently used as an 11 a-side football pitch by a Junior Football Club. The park is currently fairly featureless. A former changing room building is located at the northwest corner of the site adjacent to a walled gateway feature. A similar feature is located at the southwest corner. A further access is located on the St Ninians Road frontage of the site. Otherwise the site is contained by typical concrete post and chain link fencing on its north and west boundaries. A mix of established vegetation and a 3 metre high climb proof fence and lower fencing form the south boundary. The chain link fence also extends along the east boundary although occupiers of adjacent housing have established supplementary boundary screening treatments beyond the fence.

3.3 The site fronts onto Seaton Road and St Ninians Road along the west and north boundaries respectively. An established housing area at St Andrews Crescent and Belleview Place backs onto the east boundary. Seaton Grove Care Centre for the elderly lies to the immediate south of

the site. Established housing also overlooks the site on Seaton Road and the Mayfield Terrace shopping parade and its landscaped frontage lies beyond St Ninians Road to the north.

- 3.4 The proposal would consist of the erection of a sports hall and facilities including community provisions roughly centrally within the site. A formal car parking area would be formed to the north of the facility and vehicular access would be established on St Ninians Road. A warm-up area measuring around 625sqm would be formed to the east of the facility and the majority of the remaining area would be taken up by a lit all-weather sports pitch that could be used as one 11 a-side football pitch, three 7 a-side pitches or nine 5 a-side pitches. The pitch would measure around 7600sqm. Remnant areas of the park would be left as landscaped areas including a significant area to the rear of St Andrews Crescent and Belleview Place that is proposed to be planted with heavy screen planting.
- 3.5 The application has not been subject of variation and it was advertised in the in the press as is required by statute. The application is required to be determined by the Development Standards Committee as the land that forms the application subject is owned by Angus Council and two objections have been received.

4. RELEVANT PLANNING HISTORY

- 4.1 The planning history relevant to the site relates mostly to its former use by a Junior Football Club who established a car boot sale in order to raise funds. There were several permissions for the car boot sale between 2001 and 2010 with the last being planning permission ref: 10/00132/FULL which was granted conditionally on 16 August 2010.
- 4.2 In terms of the site as it is currently configured, the only planning history relevant to the physical structures on the site is planning permission ref: 96/00159/FULL (01/96/1211FULL) for alterations and extension to clubrooms, a proposed stand and the placement of portacabins. The planning permission was granted conditionally on 01 July 1996.

5. APPLICANT'S CASE

- 5.1 The following information has been submitted in support of the application:
- A Design Statement;
 - A Lighting Report;
 - An Engineers Report;
 - A Noise Impact Assessment.
- 5.2 The Design Statement outlines the site context, the site history, community consultation and outlines the background of the applicants. It is highlighted that the site has fallen into disuse and that it is now primarily used by dog walkers. The statement outlines that Showcase the Street is a local charity that originates from Arbroath and which operates with the aim of promoting inspiration and education and enjoyment of the arts and other activities including sports for young people with an emphasis on young people living in areas of deprivation or rural isolation. It is also highlighted that following other successful partnership initiatives involving football, the applicants entered into discussions with Angus Council and ARCH (Arbroath Residents of Clifftown and Hayshead) regarding the potential for a Community Asset Transfer in relation to Seaton Park. The statement highlights that the outcomes that formed part of the bidding process in relation to the asset transfer included employment opportunities, income generation, training opportunities, environmental benefits, quality of life benefits, community safety and meeting unmet demand in the local area. The potential for the facility to attract regional and national events is also highlighted.
- 5.3 The Design Statement provides a rationale for the design of the site and outlines that the sports pitch would be reoriented to allow for parking and the sports hall to be accommodated within the site. The type and level of facilities are detailed and these would include a 3G pitch and warm up area, a large indoor hall suitable for sports and other activities such as dancing etc, a café, a reception area, an office and two meeting rooms, changing rooms and two spectator areas. The

statement also details the type of demand and the benefits for local users and groups that the facility would offer. Expected operating times (10am-9pm Mon –Fri and 9am-7pm at weekends) are also given. The statement also contains an assessment by the applicant’s agent of the proposal in terms of current planning policy.

- 5.4 The Lighting Report is a technical assessment of likely light spill from the proposed flood-lighting.
- 5.5 The Engineers Report is a brief assessment of the suitability of the site to support SUDS as a means of surface water drainage. The report concludes that SUDS could be established at the site.
- 5.6 The Noise Impact Assessment contains a qualitative and quantitative assessment of noise from the use of the proposed facility and details proposed mitigation measures including a noise control barrier on the east and south of the proposed pitch. It is concluded that satisfactory noise levels resulting from site activity can be achieved with appropriate mitigation in place.

6. CONSULTATIONS

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Angus Council - Roads** - No objection subject to drainage and traffic conditions.
- 6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.4 **Angus Council Environmental Health** - No objection subject to conditions
- 6.5 **Sportscotland** - No objection.
- 6.6 **Scottish Environment Protection Agency** - No objection subject to condition.
- 6.7 **Aberdeenshire Council Archaeology Service** - No objection subject to condition

7. REPRESENTATIONS

Two letters of representation have been submitted. The representations will be circulated to Members of the Development Standards Committee and a copy will be available on the council’s Public Access website. The main issues raised are as follows:

- **Noise impacts-** This issue is discussed in Section 8 below.
- **Loss of privacy-** The amenity impacts of the development are discussed in Section 8 below.
- **Visual appearance-** The proposed design of the development is discussed in Section 8 below.
- **Traffic impacts and safety-** No unacceptable traffic impacts would arise from the development. The proposals have been assessed by the Council’s Roads Service and no objection is raised subject to conditions. This matter is discussed in Section 8 below.
- **Loss of kick around provision-** The proposal is directly aimed at promoting football as a recreational activity in the local area.

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 (Adopted September 2016)

- 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 Development Plan (ALDP) form the basis for the consideration of the proposal. The relevant policies are reproduced at Appendix 2.
- 8.4 The application relates to a proposal to form a flood lit all weather football pitch and warm-up area, erection of a sports hall with associated changing and spectating areas and community facilities, and associated parking and landscaping at Seaton Park, Seaton Road, Arbroath. The development would take place on an area of land that is identified in the ALDP as a protected open space. The site is a former football pitch that has not been formally used for around 5-6 years. The main considerations in respect of the application are therefore:
- The acceptability of reusing/ redeveloping a protected open space;
 - Amenity impacts arising from the proposed use;
 - The design and visual appearance of the proposed development;
 - Traffic impacts, access and road safety
 - Other technical considerations;
 - Other material considerations.

Reuse/Redevelopment of Protected Open Space

- 8.5 As stated above the existing park at Seaton Road has been offered for Community Asset Transfer. The site is identified in the ALDP as a protected open space and Policy PV2 is therefore relevant. The policy offers protection to existing outdoor sports facilities however it also seeks to enhance such areas. The policy states that the loss of open space will only be supported where the development is ancillary to the principal of the use of the site as a recreational resource; or it has been demonstrated that there is an excess of open space; or where the retention or enhancement of existing facilities can be best achieved by redeveloping the site if this would not affect its sporting or recreational value; or where replacement open space of a similar quality will be provided in the local area. Policy TC8 relates to community services and facilities and also encourages the retention and improvement of public facilities
- 8.6 In terms of the tests of Policy PV2, the park as it is currently configured is a large and undefined grass area that has not been formally used as a sports pitch for some time. The area; although maintained to a standard, does have an abandoned appearance. The existing structures on the site are clearly unused and no pitch maintenance has taken place. The site is effectively a fenced grass area. Policy PV2 supports the enhancement of existing open spaces, particularly where such an enhancement is ancillary to the use of the site as a recreational resource or where the redevelopment of the site would secure the retention or enhancement of existing facilities without detriment to its sporting or recreational value.
- 8.7 In this case the application seeks to establish a facility that is specifically aimed at promoting positive community driven outcomes; primarily through the promotion of football as a positive recreational activity on a site that until reasonably recently was used as a formal football pitch by a local Junior Football Club. It is acknowledged that the informal use of the site would be lost SportsScotland has been consulted on the application and offer no objection to the redevelopment of the pitch in the manner proposed. It has however been suggested that a condition is attached that requires the new pitch to be operational within a year of the opening of the facility. This is considered to be a reasonable suggestion in order to ensure that the sporting and recreational use of the site is continued. Should the development take place it would undoubtedly secure the site as a significantly enhanced sporting resource and would greatly enhance its sporting and recreational value. In this respect the proposal is consistent with what Policies PV2 and TC8 set out to achieve.

Amenity Impacts

- 8.8 The use of the site in the manner proposed has the potential to create amenity impacts resulting from the noise associated with playing football on an artificial sports surface and from the spill of light from the proposed flood lighting. It also has potential to create disturbance from day to day

activity associated with a new facility that would attract visitors to the area. Sensitive receptors in the form of dwellinghouses are located adjacent to the east and west boundaries of the site and a care home for the elderly lies to the south of the site. Policy DS4 states that development proposals must have regard to opportunities for maintaining and improving environmental quality. The policy precludes development that would result in an unacceptable adverse impact on the surrounding area or where there would be an unacceptable impact on the surrounding area, or the environment or the amenity of existing residential property. The policy states a requirement to consider impacts from noise and light pollution, traffic impacts and loss of privacy amongst other things that would not be relevant in this case.

- 8.9 The proposed buildings are in excess of 30 metres from the closest neighbouring house and direct amenity impacts arising from the buildings would be limited. The proposed development is likely to give rise to two main sensory amenity impacts. These are light impacts from the proposed flood lighting and noise impacts from the use of the proposed 3G synthetic football pitch. In respect of the second impact cognisance is given to the fact that the lawful use of the site is a public open space upon which football has traditionally been played on a regular basis and upon which football could currently be played without any restriction. It must however be acknowledged that the change from a traditional grass pitch to a synthetic surface does change some of the characteristics of play and the potential for a longer duration of use.
- 8.10 In order to address concerns raised in respect of the potential sensory impacts arising from the development, a Lighting Report and a Noise Impact Assessment have been submitted in support of the application. Both of these reports have been reviewed by Environmental Health who are generally satisfied that the impacts from the operation of the site as proposed will not give rise to unacceptable adverse impacts on surrounding sensitive properties subject to conditions being attached that ensure that light spill levels are adequately controlled, that duration of use of the site is controlled and that noise levels are adequately controlled. The floodlights are in the region of 5 metres from the site boundaries and will be visible from outwith the site. However, subject to the stated conditions, impacts should not be unacceptable. Similarly, noise from the use of the pitches will be heard outwith the site but the proposed conditions seek to limit this to acceptable levels. These conditions provide noise limits and also require the provision of a noise management plan and an associated complaints procedure.
- 8.11 The issue of loss of privacy has been raised in a letter of representation. The existing established use of the site is a sports pitch and its use would continue for sports use. There are no direct overlooking or overbearing impacts arising from the proposal. Any outlook from the proposed pavilion would be towards the Mayfield shopping parade. At present the site has no restriction over its recreational use or over the extent of the site that can be used. The site has planning permission for use as a car boot sale and lies within an area that is closely related to a shopping parade and a local high school. The proposal includes provision of landscaping to screen local housing to the east and the main building has been located adjacent to a bellmouth road junction. It is considered that any privacy impacts arising from the development would be negligible at worst.

Design and Visual Appearance

- 8.12 Policy DS3 states that development proposals should deliver a high standard of design and draw upon the aspects of landscape or townscape that contribute positively to character and sense of place. The policy uses 5 tests of characteristics of successful places and buildings to assess the design and placemaking quality of a proposal. The five tests are distinct in character and identity, safe and pleasant, well connected, adaptable and resource efficient.
- 8.13 The proposal would involve the transformation of an expanse of underused open space into a community sports hub that would be located at the heart of a well-established neighbourhood close to other services and facilities in the area. The approaches to the facility would extend and build upon recent environmental improvements that have also transformed the environs around the Mayfield shopping parade and would add to the sense of place around the area. The site is also well related to the local secondary school.

- 8.14 Whilst sports facilities can often be extremely utilitarian in appearance the proposed sports hall and facilities has been more thoughtfully designed than would generally be the case. The café/changing/meeting pavilion would feature a multi-faceted wall with feature glazed screening on the approach and this would contrast with the solid mass of the proposed sports hall which would be clad in a blended palate of external cladding to give a recessive and natural aesthetic. The pavilion part of the building would also contain integrated spectator seating and would therefore reduce visual clutter around the site. The combination of well-considered physical development and landscaping would result in a development that is distinct in character and identity and which would reinforce the sense of place around the area of the neighbourhood which is effectively the community hub due to its proximity to other services and facilities.
- 8.15 The concerns raised in a letter of objection regarding the potential for anti-social behaviour are noted however it is considered that the proposal would transform an underused and undervalued site into a managed facility that is aimed at promoting wellbeing through access to sport and other activities. In plain terms the facility is designed amongst other things to get young people off the streets and into positive recreational activity. To this end it is considered that the development would contribute greatly to the safety and pleasantness of the wider area.
- 8.16 The site is well connected to the wider settlement. It is located directly adjacent to one of the main routes north out of Arbroath and is served by public transport. The site sits at the heart of an established community and as previously pointed out it is well related to other services and facilities. The proposed facility is adaptable and has adaptability built in. The propose hall would be a multi-functional space as would the pavilion facilities. The proposed 3G pitch is useable for 11, 7 and 5 a-side football and could accommodate other sporting activity. The final test is resource efficiency. Whilst this test is sometimes difficult to quantify, the starting point of the development is to facilitate the appropriate and meaningful reuse of an underused site that sits at the heart of an established community. In this regard, the proposal constitutes an efficient use of land which is the most finite of resources.
- 8.17 The proposal would represent a significant contribution to the sense of place of the community in which it would be located and would greatly improve an underused site at the heart of that community in a positive and appropriate manner.

Traffic Impacts, Access and Road Safety

- 8.18 As stated above in the amenity discussion in relation to Policy DS4, traffic safety and impacts can contribute to amenity impacts. The proposal would provide dedicated parking in excess of Angus Councils minimum required standard and in this respect it would have neutral impact in terms of local parking provisions notwithstanding concerns raised in a letter of objection. The Roads Service has assessed the proposal in terms of its likely impact on the local roads network and have indicated that it would not have a negative impact in road safety or traffic impact terms. A condition is suggested in relation to the standard and timing of the provision of an access junction to an appropriate standard but otherwise there are no concerns arising in this respect. The site is located in a locally accessible location and is accessible my multi modal transport. There would be no conflict with the amenity aspects of Policy DS4 in relation to traffic and car parking and movement or the road network capacity considerations of Policy DS2.

Other Technical Considerations

- 8.19 Policy PV15 refers to drainage infrastructure and states that all new development (except single dwellings in some circumstances) will be required to provide Sustainable Urban Drainage Systems (SUDS) to accommodate surface water drainage. The proposal is accompanied by an Engineers Report that identifies that the site is capable of facilitating SUDS however no detail of a working SUDS system has been provided. Both SEPA and the Roads Service have been consulted on the proposal and have stated no objection subject to a condition requiring SUDS details to be agreed prior to the commencement of development. The proposal would comply with policy PV15 subject to such a condition being applied and no further discussion on this aspect is therefore required. Similarly, the application has been considered by Aberdeenshire Council Archaeology Service who have identified that the site lies on the fringes of the historic core of Arbroath near the site of a prehistoric settlement and the findspot of a medieval stone cross.

Policy PV8 relates to built and cultural heritage and seeks to offer adequate protection to local sites including archaeological sites. Aberdeenshire Council Archaeology Service has indicated that it does not object to the proposal subject to the implementation of a programme of archaeological works and has suggested a condition in that respect.

Other Material Considerations

- 8.20 It is noted that two letters of objection have been submitted in relation to the application. The points raised in those letters of objection have however been addressed in both Section 7 of this report and in the foregoing discussion. There are no other material considerations that need to be taken into account.

Conclusion

- 8.21 In conclusion it is considered that the proposal to redevelop an underused football pitch into a facility that is directly intended to offer positive community outcomes through access to sports is fully compliant with the policies of the ALDP subject to the conditions attached at Section 10 below. The proposed development would represent a positive example of community partnership working and would greatly enhance the quality of recreational facilities on offer at the heart of the community in which the site lies. There are no material considerations that justify the refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the application be approved for the following reasons, and subject to the following conditions:

Reason(s) for Approval:

That the proposal to redevelop an existing underused sports pitch into a dedicated all-weather sports facility is compatible with the policies of the Development Plan. The proposal would not result in an unacceptable amenity impact subject to the attached conditions and there would be no other technical impacts arising from the development that cannot be overcome through conditions. There are no material considerations that justify refusal.

Conditions:

1. That the synthetic sports pitch hereby approved shall be fully operational and available for use not later than one year after the opening of the new leisure centre element of the development or such other timescale as may be approved in writing by the Planning Authority.

Reason: In order to ensure that the site remains available to meet local sporting and recreational needs.

2. That prior to the commencement of any other development the site access shall be formed and constructed in accordance with the following standards: -
 - a. Visibility splays shall be provided at the junction of the proposed access with St Ninians Road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of St Ninians Road.
 - b. Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel level.
 - c. The footway crossing at the proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).
 - d. The access shall be designed so as to prevent the discharge of surface water onto the public road.

Reason: In order to ensure that the site access arrangements are formed in a timely manner in accordance with an acceptable standard in the interests of traffic and pedestrian safety.

3. Prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA, and the local flood prevention authority. All work shall be carried out in accordance with the approved scheme prior to the development being brought into use. Thereafter the surface water arrangements shall remain in place as long as the development endures unless they are replaced by an alternative consented arrangement.

Reason: In order to ensure that surface water run off is treated in an appropriate manner in the interests of ensuring that the water environment is adequately protected.

4. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: In order to safeguard and record the archaeological potential of the area.

5. That the proposed flood lighting shall be operated in accordance with the following restrictions: -
 - a. The floodlights operated at the site shall only be those specified in the light assessment prepared by DC Lighting dated 11/12/2015 and shall be installed and maintained accordingly whilst they remain in use unless replaced by an alternative consented scheme.
 - b. The light trespass from the floodlights, on windows of any adjacent residential properties including Seaton Grove care home, shall not exceed 10 Lux, as measured flat on the glazing at the centre of the window of any habitable room. In the event that light spill exceeds this level the use of the lights shall cease until such time as measures to reduce light spill to the approved level are implemented.
 - c. The hours of operation of the floodlights serving the all-weather pitch shall be restricted to between 0830-2130hrs Monday to Friday and 0830-1930hrs Saturday to Sunday inclusive.

Reason: In order to ensure that the use of the floodlighting hereby approved will not lead to an unacceptable and detrimental impact on the amenity of local sensitive properties.

6. That the all-weather pitch shall be operated in accordance with the following restrictions: -
- a. The hours of use of the all-weather pitch shall be restricted to 0900-2100hrs Monday to Friday, 0900-1900hrs Saturday and 1000-1900hrs Sunday.
 - b. Prior to the commencement of development the position and specification of the noise barriers proposed as noise mitigation in the Noise Assessment by CSP Acoustics dated 7th March 2017 shall be submitted to and approved in writing by the Planning Authority. Once approved the barriers shall be installed prior to the use of the all-weather pitch and the out-door warm up area and shall be maintained for the life of the development unless they are replaced by an alternative consented means of mitigation.
 - c. The noise from the use of the all-weather pitch and/or the out-door warm up area shall not exceed 61dBA Leq 15 minutes as measured 10m from the sideline of either area.
 - d. The noise from the use of the all-weather pitch and/or the out-door warm up area shall not exceed the levels in table A below

Table A: Noise limits

Residential location	Noise limit	Notes
North	72 dBA Lmax fast response	1,2
East	63 dBA Lmax fast response	1,2
South	64 dBA Lmax fast response	1,2
West	70 dBA Lmax fast response	1,2

Notes

1. The assessment location shall be free field within the exterior amenity space of any noise sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.
2. Where the noise measurement position is not the same as the assessment location the received noise levels shall be predicted using an appropriate methodology.

Reason: In order to ensure that the amenity of nearby sensitive properties is not detrimentally or unacceptably impacted by noise from the development.

7. Prior to the commencement of use of the all-weather pitch or outdoor warm up area a noise management plan shall be submitted to and approved in writing by the Planning Authority. The noise management plan shall include, [but not exclude other matters as appropriate] the following: -
- details of the noise limits to be met;
 - details of all noise mitigation measures, including operating restrictions that will be used to minimise the impact of noise on amenity;
 - details of a noise complaint investigation procedure

Following approval, the noise management plan shall be maintained and implemented for the duration of the development unless notification is received from the Planning Authority that noise is giving rise to pollution out with the site. On receipt of such notification, the operator shall, within 1 month or such other approved timescale, submit an appropriately revised management plan for the further written approval of the Planning Authority. The revised management plan, as approved by the Planning Authority, will take effect and be implemented from the date it is approved and shall supplant any previously approved management plan and shall remain in force unless similarly supplanted in accordance with the foregoing requirements.

Notes: "Pollution" means emissions as a result of human activity which may:
 a) be harmful to human health or the quality of the environment
 b) cause offence to any of man's senses
 c) result in damage to material property, or
 d) impair or interfere with amenities or other legitimate uses of the environment.

Reason: In order to ensure that the amenity of nearby sensitive properties is not detrimentally or unacceptably impacted by noise from the development.

8. Noise associated with construction works including the movement of materials, plant and equipment shall not exceed the noise limits shown in table B below. At all other times noise associated with construction or demolition operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.

Table B: Construction Noise limits

Day	Time	Average Period (t)	Noise limit
Monday-Friday	0700-1900	12 hour	70 dBA Leq t
Saturday	0700-1300	6 hour	70 dBA Leq t

Reason: In order to ensure that the amenity of nearby sensitive properties is not detrimentally or unacceptably impacted by construction noise associated with the 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 : Relevant Development Plan Policies

Appendix 1 : Location Plan

Appendix 2

Development Plan Policies

Angus Local Development Plan

Policy DS1: Development Boundaries and Priorities

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

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

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

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

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

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

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

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

Policy DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

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 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 PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV8 : Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)