

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 08 AUGUST 2017

PLANNING APPLICATION – MILL OF TEALING STEADING TEALING

GRID REF: 345407 : 736192

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning application No 17/00490/FULL for the change of use from existing agricultural buildings and land to equestrian centre, stables, café / retail area and outdoor paddocks for horses and associated alterations at Mill Of Tealing Steading, Tealing. 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 change of use from existing agricultural buildings and land to an equestrian centre that includes stables, an indoor arena, a café/retail area, outdoor paddocks for horses and associated alterations to buildings at Mill of Tealing.

3.2 The application site measures approximately 1.7ha and is located to the north of the public road on the northern edge of the village. The application site bounds the existing residential property at Mill of Tealing Steading on three sides. The site contains large redundant agricultural buildings which are mainly of modern construction. A small stone built shed is located within the south eastern edge of the site. An area of existing hardstanding is located to the east of this stone shed, with a small watercourse and agricultural fields located beyond. Existing trees are located to the north and west of the existing steadings with existing agricultural land (classification 3.1) located to the north and west. The watercourse also bounds the application site to the north. A vehicular access is located at the southeast of the site and the adjacent bridge is Category C listed. A location plan is provided at Appendix 1 below.

3.3 The application seeks to change the use of the former agricultural buildings and land to an equestrian centre. This facility would include stables, an indoor arena, a café/retail area, with outdoor paddocks for horses. Whilst the general form and scale of the agricultural buildings is retained, alterations are proposed which involve replacing the cladding with a mix of materials including metal cladding, glazing, brick and timber. The ground floor level would accommodate the stables, indoor arena and a café/retail area. A new upper floor area is proposed within the existing buildings which would also provide café/retail space as well as a reception and office area. Access is proposed to be taken from the southeast and this would serve the stables and a new car park area that would be formed to the northeast of the existing buildings. A designated wash down area is to be located to the northwest of the

buildings. The application form indicates that private drainage arrangements are being proposed.

- 3.4 Amended proposed ground floor plan (drawing number 5719_005_B), proposed elevations (drawing number 5719_008_A) and proposed site plan (drawing number 5719_003_B) submitted on 20/09/17 supersede the previous floor, elevation and site plans. These drawings clarify proposed materials, relocate the wash down area and specify surface finishes for hardstanding areas on the site plan.

4. RELEVANT PLANNING HISTORY

A planning application (reference 16/00131/FULL) was approved on 22 April 2016. That permission provided for the siting of a portable building on the site for the storage and retail in connection with pet food supplies.

5. APPLICANT'S CASE

- 5.1 A Supporting Statement, Flood Risk Assessment (FRA) and Transport Assessment have been submitted in support of the application. These documents are summarised at Appendix 2 below and can be viewed on the Council's [Public Access](#) website.
- 5.2 In addition, the applicant's agent has confirmed that the cafe opening hours would be 9am to 4pm Monday to Friday, and 8am to 5pm Saturday and Sunday. The stables would be open for livery everyday from 8am until 6pm and the equestrian centre would be open daily from 9am to 9pm. The applicant advised that the retail unit would sell local produce such as jams and berries along with paintings and sculptures from local artists.

6. CONSULTATIONS

- 6.1 **Angus Council Roads** – In relation to traffic safety and parking the Roads Service offers no objection subject to a condition regarding parking. In relation to flooding and drainage, the Roads Service indicates that the development could proceed provided there is no land raising within the functional flood plain and that the mitigation measures detailed in the flood risk assessment document (14133/AB/448 –June 2017) are followed.
- 6.2 **Scottish Water** – offers no objection but indicates that there is no waste water infrastructure in the area and therefore a private treatment system would be required.
- 6.3 **Community Council** – Objects to the development on the grounds that the proposal would be accessed from a sharp bend on the public road. It raises concerns regarding traffic delays and suggests that it is unsafe for pedestrians in the area. In addition concerns are raised regarding road safety, the existing poor access and increased traffic movement as a result of the development along with issues related to access onto the A90.
- 6.4 **Angus Council Environmental Health** – offers no objections subject to conditions being attached relating to hours of operation, noise, lighting provision and extraction details being approved.
- 6.5 **SEPA** – offers no objections to the proposed development on flood risk grounds provided a condition is attached which ensures that there would be no raising of ground levels within the functional floodplain.
- 6.6 **Transport Scotland** – offers no objection to the application.

7. REPRESENTATIONS

- 7.1 51 letters of representation have been received with 11 objecting to the proposal and 40 in support. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's [Public Access](#) website.
- 7.2 The main points of objection are as follows:

- **Traffic / parking impacts and road safety concerns;**
- **Amenity / privacy impacts, including increased movements to and from the site;**

- **Drainage arrangements.**

These matters will be discussed under Planning Considerations below. Other matters raised include:

- **Operational issues including health, hygiene and safety of horses** – matters regarding the health and wellbeing of horses and whether there is 24 hour on-site supervision are operational issues and are not material planning considerations. Amenity issues associated with the operation of the proposed business are discussed below.

7.3 The main points of support are as follows:

- **Benefits to Local Community by enhancing buildings and land;**
- **New employment opportunities to the area;**
- **Café would add amenity to the village;**
- **Asset for the area/much needed locally;**
- **Proposed use is capable of holding competitions.**

The planning merits of the proposal are discussed below.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also relevant to the consideration of the application. It requires the Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Development Plan (ALDP) (Adopted 2016)

8.3 The application is not of strategic significance and the policies of TAYplan are not referenced. The relevant policies of the ALDP are provided in Appendix 3 and have been taken into account in the preparation of this report.

8.4 The Development Strategy of the Angus Local Development Plan (ALDP) seeks to amongst other things, maintain the quality of rural Angus by encouraging development which supports the population and services of local communities and to provide opportunities for appropriate diversification of the rural economy. Policy DS1 of the Angus Local Development Plan (ALDP) states that within development boundaries, proposals on sites not allocated or otherwise identified for development will be supported where they are of an appropriate scale and nature and are in accordance with other relevant policies. It also states that 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 that there is a need for the proposed development that cannot be met within the development boundary.

8.5 In terms of Policy DS1, the existing agricultural buildings and the land to the southeast is located within the development boundary of Tealing. Those buildings and associated land is not allocated or otherwise identified for development. However, the land to the north and east which is proposed to be used for car parking, and the land to the north and west which would be used as paddock areas are outwith and adjacent to the development boundary. Compatibility with this policy is discussed further below.

8.6 There are no policies in the ALDP that deal specifically with an equestrian use of the nature proposed. However, Policy TC15 which deals with employment development, indicates that proposals for employment development outwith employment land allocations but within development boundaries of settlements in rural areas will be supported where the use is considered to be acceptable in that location, and there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure. It also states that outwith development boundaries, proposals for employment development will be supported

where they meet relevant criteria and where the proposal constitutes rural diversification and is to be used for equestrian operations. Policy TC20 deals with small scale retail proposals and amongst other things it indicates that outwith development boundaries, proposals for small scale retail development will be supported where the proposal constitutes rural diversification and is ancillary to equestrian operations. It also identifies general considerations that will apply to proposals.

- 8.7 In this case the proposal involves reuse of vacant, farm buildings for equestrian use. Although the buildings are within a development boundary they are located in a rural area and the general support for equestrian use in rural areas provided by policies of the ALDP is of some relevance. Equestrian related uses are generally not appropriate on allocated employment sites and are more typically and appropriately found in rural areas. An equestrian use is one that is generally of an appropriate nature for a rural area and a small scale café and retail area associated with that type of use do not give rise to any significant policy considerations. In that respect the broad principle of converting vacant farm buildings to an equestrian use at this location is generally acceptable subject to consideration of matters relating to impact on amenity, infrastructure and the environment.
- 8.8 The policies identified above require consideration of amenity impacts. In addition, Policy DS4 deals with amenity. In this case the existing buildings are close to neighbouring residential property, in particular the dwelling house at Mill of Tealing which lies immediately to the south. The proposed use has potential to give rise to impacts on the amenity of occupants of that property and other properties in the area by virtue of factors including noise, smell and general activity associated with visitors and keeping of animals. The café also has potential to generate noise and odours that could impact on amenity. However, it is also relevant to consider that the existing buildings are farm buildings and that they could be used for agricultural purposes, including the keeping of livestock without the requirement for planning permission. Such activity would not be subject to any form of planning control or restriction. In this respect the Environmental Health Service has reviewed the proposal and offered no objection subject to a number of conditions. The layout of the site has been amended in order to relocate a proposed wash down area. The access is close to the existing house but that house sits close to the public road and the access is existing. The proposed car parking area is separated from that dwelling by the existing buildings and the layout of the site and design of the buildings is such that there would be no significant overlooking of private amenity areas associated with that house. Conditions are proposed that seek to mitigate the impact of the development on the amenity of neighbouring property. These include restrictions on noise emissions and hours of use as well as restrictions on the nature of the operation. The new use would give rise to some amenity impacts but those impacts are not considered unacceptable having regard to the proposed conditions and the potential lawful use of the site for agricultural purposes.
- 8.9 The proposal would involve use of an existing access. The applicant has submitted a Transport Statement in support of the application and it has been reviewed by the Roads Service. The application has also been subject of consultation with Transport Scotland in relation to potential impacts on the A90 trunk road. Neither the Roads Service nor Transport Scotland has raised objection to the application. The proposal makes provision for a sizeable parking area that could reasonably accommodate vehicles likely to be associated with a development of this nature. Again it is relevant to note that the existing farm buildings would have generated some traffic and this could have included sizeable, slow moving vehicles at reasonably significant volumes at peak agricultural times. The buildings could be used for agricultural purpose without any planning control.
- 8.10 The proposal would provide private drainage arrangements and this is acceptable in an area where there is no public drainage system. The detail of any private system would be regulated through the building warrant process. The site is located adjacent to a water course and a flood risk assessment has been submitted. That document has been reviewed by the Council's Roads Service and by SEPA. Neither has raised objection to the application subject to a condition that prevents raising of ground levels within the flood plain. A condition is also proposed that requires surface water to be disposed of by means of a sustainable urban drainage system.
- 8.11 In terms of environmental considerations, the proposal would involve some alteration to the existing buildings but their basic form and scale would be retained. The main alterations involve the re-cladding of the buildings with a mix of materials including metal sheeting, brick and timber. A small vestibule would be provided on the south facing elevation and areas of

glazing would be introduced. The proposed car parking area would be to the rear of the buildings and would not be readily visible from public areas. Existing trees would be felled in order to increase the effective size of the paddocks but those trees are not particularly significant in landscape terms and are not protected. Replacement planting would be required by planning condition in order to provide further screening of the parking area.

- 8.12 The bridge to the east of the site is a listed building. However, it would not be directly affected by the proposal. The buildings on the site would be subject of some alteration as discussed above but this would not significantly affect the setting of the listed bridge. The proposal would facilitate reuse of vacant buildings and such reuse would prevent the buildings from falling into a state of disrepair that could adversely affect the amenity of the area and the setting of the listed building.
- 8.13 The land to the north, east and west of the buildings is prime quality agricultural land. Policy PV20 states that development proposals on prime agricultural land will be supported where they support delivery of the development strategy and policies in the local plan and are small in scale and directly related to a rural business. This proposal would assist in delivery of the development strategy and the required land-take for provision of the car park is small in scale and would be related to a rural business. Using the fields as paddocks means that the land could easily be returned to an agricultural use in the future.
- 8.14 The proposal provides for reuse of vacant farm buildings for an equestrian related use in a predominantly rural area. There is some public interest in securing the reuse of vacant buildings and in supporting opportunities for rural diversification. The proposed car park and paddock areas would be outwith and adjacent to the development boundary but they are required for operational reasons in association with new use that would be located in the existing buildings. In these circumstances the use of land outwith but adjacent to the development boundary is considered acceptable. Overall the proposal is considered compatible with development plan policy subject to the proposed planning conditions.
- 8.15 In relation to other material considerations, it is relevant to take account of the existing buildings that are present on site. Those are vacant farm buildings and they could be used for agricultural purposes, including the keeping of livestock without the benefit of planning permission and without any planning control. The noise, smell, traffic and general activity that could emanate from such use could be significant. The buildings could fall into a state of disrepair if a new use is not secured and that could have adverse impacts on the amenity of the area.
- 8.16 It is also relevant to have regard to the material planning matters that are raised in the letters of support and objection. The concerns raised regarding traffic and parking impacts are discussed above. As indicated neither transport Scotland nor the Council's Roads Service have raised objection to the application. The concerns regarding horse riding in the area are noted. However, the proposal provides for stabling, paddocks and an indoor arena. That does not necessarily mean that those using the establishment would choose to ride their horses on the public roads in the area and this is not a matter that the planning system can control. This is a rural area where horse riding is not uncommon and there is no restriction on the use of public roads for horse riding.
- 8.17 The amenity impacts associated with the proposal are also discussed above. The potential amenity impacts are not considered unacceptable subject to the proposed planning conditions and having regard to the potential lawful use of the existing buildings for unrestricted agricultural purposes. As indicated above, private drainage arrangements are not inappropriate in a rural area where there is no public drainage system. The detail of any private foul drainage system would be controlled through the building regulations. A sustainable urban drainage system is required by condition to deal with surface water.
- 8.18 The letters in support of the application are noted. It is accepted that there is some local benefit in facilitating a proposal that would secure a new use for vacant buildings and that could provide new employment opportunities. There is limited information provided with the application to demonstrate a particular need for this type of establishment in the area and the applicant has indicated that the proposed arena is too small to host public competitions. The proposed café would provide a new amenity for the village but that in itself would not justify approval of the proposal if it gave rise to unacceptable impacts.

- 8.19 In conclusion, the proposal provides for reuse of vacant farm buildings for an equestrian related development in a rural area. The nature and scale of the proposed use is considered acceptable and does not give rise to any unacceptable impacts on amenity, infrastructure or the environment. The letters submitted in support and objection to the application have been taken into account in the preparation of this report. Those representations do not alter the conclusion that the proposal complies with development plan policy and they do not provide any material considerations that justify refusal of the application. The proposal is considered to comply with the relevant policies of the development plan subject to the proposed planning conditions and there are no material considerations which would 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 undernoted conditions:

Reason(s) for Approval:

The proposal provides for the reuse of vacant farm buildings for a use that is appropriate in a rural area and that provides for diversification of the rural economy. The proposal complies with relevant policies of the development plan subject to the stated planning conditions and would not have a significant adverse impact on the setting of the listed building. There are no material considerations that justify refusal of the application.

Conditions:

1. That prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the Planning Authority:
 - a. a scheme detailing the hard and soft landscaping for the site which shall include proposed boundary treatments and identify all trees being retained and removed. All planting indicated in the approved scheme be carried out in the first planting season following the opening of the facility to the public or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;
 - b. precise details of existing and proposed ground levels and finished floor levels relative to existing dwellings and a fixed ordnance datum. The finished floor levels shall have regard to the recommendations contained in the flood risk assessment. Thereafter the development shall be undertaken in accordance with the approved details prior to the opening of the facility to the public.
 - c. specific details of proposed materials for the roof and walls of the buildings. Thereafter the building shall be finished with the materials as approved.
 - d. details of the management of surface water runoff which shall be directed to a sustainable drainage system. Thereafter the approved surface water scheme shall be

- fully installed prior to the opening of the facility to the public.
- e. a detailed scheme showing the location and specification of all external lighting within the site. Thereafter any external lighting shall be installed and maintained only in accordance with the details as approved.
 - f. a scheme for the extraction of cooking odours. Thereafter the approved scheme shall be installed and operational prior to use of the café.
 - g. a scheme for the provision of cycle parking. The scheme shall identify the number of spaces for staff and visitors in accordance with the Transport Statement and make provision for the cycle parking to be conveniently located for the main public entrance to the development and to be covered, lit and signed. Thereafter the approved scheme shall be implemented prior to the opening of the facility to the public.

Reason: In order that the planning authority may verify the acceptability of the proposed details in the interests of the amenity of the area, ensuring provision of a suitable surface water drainage system and to secure the provision of adequate cycle parking.

2. No land raising of ground levels shall take place within the functional floodplain as shown on drawing number 14133/21/001 entitled 'Flood Extent Plan'.

Reason: To ensure that the proposed development does not have any adverse impacts on flood risk in the area.

3. The operating hours of the indoor arena, café and retail area shall be restricted to 0800 – 2100 hours.

Reason: In the interests of residential amenity.

4. That noise from activities associated with the development shall not exceed 50 dB(A) Leq(1hr) as measured within the external amenity space of any noise sensitive premises.

Reason: In the interests of residential amenity.

5. That noise from fixed plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2300 and Noise Rating Curve 20 at all other times. The noise measurements shall be taken with windows open at least 50mm.

Reason: In the interests of residential amenity.

6. That the floor area of the building used for café and retail purposes shall not exceed 370 square metres.

Reason: In order to ensure that the development operates in the manner in which it has been assessed and in a manner that is compatible with development plan policy.

**STEWART BALL
HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

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 a material extent in preparing the above report.

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DATE: 25 SEPTEMBER 2017

Appendix 1 : Location Plan
Appendix 2 : Supporting Information
Appendix 3 : Relevant Development Plan Policies

Appendix 1 : Location Plan

Appendix 2 : Supporting Information

Supporting Statement: (This was submitted to address comments made in the letters of Representation);

Road related objections -

- The bend and bridge on the road in front of the premises are a natural speed reduction feature;
- Owners will be encouraged not to use the roads for riding their horses;
- There will be only one five ton horse box on this site;
- All horses will be based on site so there is no need for frequent travel;
- Fortnightly deliveries of feed, bedding and supplies for the horses and daily deliveries in a small van for the cafe/retail are proposed.

Horse welfare related objections –

- Ample storage for tack equipment, feed/bedding in the barn to the front of the property.
- There is no need for the owner to stay onsite. There will be a member of staff on site from 6am to close of business daily;
- arena is too small to host public competitions;
- The dung collection point will be over 50 meters from the nearest residents house.

Benefits of application –

- Creating five full time and up to ten part time jobs,
- create a hub for the local community in cafe/retail space;
- need for extra livery in the area
- Reuse of agricultural buildings/field that would otherwise lay dormant.

Flood Risk Assessment (FRA):

An FRA was submitted by Millard consulting engineers and made the following conclusions:

- The site is suitable for the proposed development, and no mitigation is required to enable this;
- If the opportunity were available, recommended the floor levels should be raised by 100mm or more if it is important to ensure the interior of the building is flood free at all times;
- Alternatively or in addition the pipe culvert for the old field crossing on the Tealing Burn should be removed;
- Access and egress from the site can be taken by staying to the west of the yard;
- If any new services or internal fittings are to be used in redeveloping the building, it is recommended that these involve the use of flood resilient materials.

Transport Assessment:

A transport assessment was submitted as part of the application by SYSTRA Limited and this concluded that the proposed development will have a negligible impact on the road network. It indicated that the facilities are primarily provided for equestrian use and the other land uses are largely complimentary to this primary use.

The results of the traffic assessment are summarised as follows:

- showed average traffic speeds were below 30mph;
- resulting traffic flows on Huntingfaulds Road due to the proposed development are low in absolute terms; and
- parking accumulation based upon vehicles arriving before 07:00hrs would suggest that 19 parking spaces are required with an additional 3 disabled space (22 total parking spaces).

Appendix 3 : Relevant Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy 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 TC15 : Employment Development

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, subject to the application of the sequential approach required by Policy TC19 Retail and Town Centre Uses for office developments of over 1,000 square metres gross floorspace.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- there are no suitable or viable sites available within an employment land allocation or existing employment area; or
- the use is considered to be acceptable in that location; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- the criteria relating to employment development within development boundaries are met;
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- the proposal constitutes rural diversification where:
 - the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
 - the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

Policy TC20 Local Convenience Shops and Small Scale Retail

Within development boundaries, proposals for the development and improvement of local convenience shops* will not be subject to the sequential approach. Such proposals will be supported where they are not detrimental to the surrounding amenity and are in keeping with the townscape and pattern of development. Preference will be given to development proposals which effectively reuse or redevelop vacant or derelict land.

Outwith development boundaries, proposals for small scale retail development (around 500 m²) will only be supported where the proposal constitutes rural diversification and is ancillary to tourism, agricultural, equestrian, horticultural or forestry operations and where the proposal:

- does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;
- is of a scale and nature in keeping with the character of the local landscape and pattern of development; and
- is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Where planning permission is granted, conditions may be attached limiting the range of goods which can be sold.

**A local convenience shop is broadly defined as retailing drinks, tobacco, newspapers, magazines, food and confectionery which are purchased regularly for relative immediate consumption and measure 500 m2 gross floorspace or less and are located outwith defined town centre boundaries as identified within the Proposals Maps.*

Policy PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

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 PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV13 Resilience and Adaptation

Development should not require an increase in the provision and / or maintenance of flood defences.

To increase resilience to the effects of climate change such as flood and drought, extreme weather events and rising sea levels Angus Council may require development proposals to incorporate adaptation measures including:

- use of flood resistant materials and construction techniques;
- removal of culverts and other engineering works where opportunity arises and avoidance of development over or requiring new culverts or other unnecessary engineering works unless there is no practical alternative;
- minimising the area of impermeable surfaces by using permeable surfaces where possible for car parking and hard landscaping and where appropriate, green roofs and green infrastructure; and
- natural flood management measures which reduce water flow and enhance biodiversity and the quality of the water environment. Such schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

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>)

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.