

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 31 OCTOBER 2017

PLANNING APPLICATION - SUNNYSIDE ROYAL HOSPITAL HILLSIDE MONTROSE DD10 9EN

GRID REF: 370901: 761727

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning application No.17/00190/PPPM for mixed use redevelopment of former hospital & grounds consisting of the formation of roads, drainage infrastructure & landscaping, new build development, the change of use & alteration of existing buildings, all to accommodate residential, & non-residential development comprising community uses & uses within class 4 (Business), Use Class 7 (Hotels & Hostels), Use Class 8 (Residential Institutions) & Use Class 11 (Assembly & Leisure) for Sunnyside Estate Limited. This application is recommended for conditional approval.

1. RECOMMENDATION

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

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

ECONOMY

- An inclusive and sustainable economy;
- Attractive employment opportunities.

PEOPLE

- The best start in life for children.

PLACE

- Safe, secure, vibrant and sustainable communities;
- A reduced carbon footprint;
- An enhanced, protected and enjoyed natural and built environment.

3. INTRODUCTION

- 3.1 The applicants seek planning permission in principle for the redevelopment of former hospital & grounds consisting of the formation of roads, drainage infrastructure & landscaping, new build development, the change of use & alteration of existing buildings, all to accommodate residential, & non-residential development comprising community uses & uses within class 4 (Business), Use Class 7 (Hotels & Hostels), Use Class 8 (Residential Institutions) & Use Class 11 (Assembly & Leisure).

- 3.2 The application site relates to the buildings and grounds of the former Royal Sunnyside Hospital located on the north eastern edge of Hillside approximately 2 miles north of Montrose. The site measures around 26 ha and comprises a number of former hospital buildings, ancillary outbuildings and pavilions set within a formal landscape of open space and woodland. A total of twelve buildings within the site are individually listed including the Main Block (Category B); Boiler House (Category B), Service Block (Category B), Hospital Building (Category B), Water Tank and Workshops (Category C), Garage and Fire Station (Category C), Northesk Villa (Category C), Carnegie House (Category C), Timber Summerhouse (Category C), Booth House (Category C) and the Home and Away Team Cricket Pavilions (both Category C). A further eight buildings are curtilage listed; five of which are already consented for demolition. The site and its surroundings are identified on the plan at Appendix 1.
- 3.3 At this stage the applicant seeks to establish the principle for the redevelopment of the site and as such there are no detailed proposals for consideration although an indicative masterplan has been submitted. The site is allocated for mixed use development under Policy M3 of the Angus Local Development Plan. It is indicated that there would be three principal vehicular access points. Two of the main access points would be from Hospital Road at the south and north of the west boundary of the site. The third principal access point would be via the existing vehicular access from the A937 to the south of Carnegie Lodge which lies outwith but adjacent to the south east of the site.
- 3.4 The application is a major development as categorised in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- 3.5 The application has not been subject of variation.
- 3.6 The application was advertised in the Dundee Courier and the time period for representation has expired.

4. RELEVANT PLANNING HISTORY

- 4.1 The wider Sunnyside estate has been subject of a number of minor planning applications relevant to its former use as a hospital however that history is not particularly relevant to the consideration of this application. The following is considered to be the most relevant planning history:

15/00741/LBC for listed building consent to demolish the Chapel Building, Angus House and Outbuilding, Laurel Cottage and brick shed attached to Stable Block was approved subject to conditions on 15 March 2016.

16/00718/PAN- Proposal of Application Notice in relation to mixed use redevelopment of former hospital & grounds consisting of the formation of roads, drainage infrastructure & landscaping, new build development, the change of use & alteration of existing buildings, all to accommodate residential & non-residential development comprising community uses & uses within Class 4 (Business), Use Class 7 (Hotels & Hostels), Use Class 8 (Residential Institutions) & Use Class 11 (Assembly & Leisure). The PAN was noted by the Development Standards Committee at the meeting of 04 October 2016 (Report No 366/16). At the meeting Committee noted the key issues set out in the report and requested that the developer consider the inclusion of single storey dwellings as part of the housing mix on the site.17/00331/LBC for listed building consent for the demolition of boiler house, service block, West Gate Lodge & surrounding walls & gate piers, garage & fire station, nurses' home garage, Booth House, Home Lodge & surrounding walls & gate piers was validated on 16 June 2017. The application remains under consideration at this time and is currently subject of unresolved objection from Historic Environment Scotland (HES). In addition to these applications it is relevant to note that Angus Council approved a development brief to guide the regeneration of the Sunnyside Hospital Estate in October 2002. The development brief was updated in January 2017 to reflect changes in planning policy and guidance and changes to the listed status of some of the buildings on the site. The updated development brief was approved by the Development Standards Committee at their meeting on 05 January 2017 (Report No 16/17) and Committee agreed to note that the brief would be used as a material consideration in the determination of planning applications for the site.

5. APPLICANT'S CASE

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

- A Dilapidation Report;
- A Supporting Statement;
- A Design and Access Statement;
- A Conservation Statement;
- An Ecological Assessment and Ecology Report;
- A Justification Statement;
- A Pre-application Consultation (PAC) Report;
- A Transport Assessment;
- A Desktop Study report in respect of Land Contamination;
- An Arboricultural Assessment; and
- A Flood Risk Assessment and Drainage Strategy Report.

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

6. CONSULTATIONS

6.1 **Angus Council Environmental Health** – Environmental Health offer no objection in respect of land contamination subject to the attachment of conditions relating to the requirement to undertake a comprehensive contaminated land investigation and remediation as necessary. In respect of potential for sensory impacts to occur Environmental Health does not object to the proposal but has highlighted areas where potential compatibility and noise impact may arise and has suggested that conditions be attached to ensure that necessary provision is made for the identification and mitigation of noise impacts and the setting of noise limits for certain use classes and during construction.

6.2 **Community Council** – Hillside, Dun and Logie Pert Community Council generally supports the principle of redeveloping the Sunnyside site but objects to the possibility of 500 units on the site (as indicated by the developer at a Community Council meeting) as this would double the size of Hillside. Other issues raised include:

- Importance of retaining open spaces around the listed buildings to reflect their grandeur;
- The provision of equipped play areas within the site would be welcomed;
- Need for an extension to Rosemount primary school which is near capacity and also additional car parking
- The closure of the road at Concrete Cottages to traffic exiting the site would be welcomed due to road safety concerns.

6.3 **Angus Council - Roads** – The Roads Service has assessed the submitted Transport Assessment and considers there to be no adverse impact on the local road network that cannot be mitigated through the use of conditions. An accessibility review including an assessment of existing infrastructure provision for walking, cycling and public transport has also been undertaken by Roads and it is recommended that a number of conditions be attached to secure improved pedestrian linkages and to support sustainable travel. Discussions with the local bus service provider indicate that it would consider extending the Hillside – Ferryden service to serve the site as long as the road through the development was complete or a roundabout/turning circle was provided. Carriageway and any speed control measures should be able to accommodate buses up to 12 metres long. Consideration should be given to the provision of bus boarders, and stops/shelters at safe locations.

6.4 **Scottish Water** – offers no objection and indicates that there is currently capacity in the Lintrathen Water Treatment Works to service the site in water provision terms and that there is currently capacity at Montrose Waste Water treatment Works to service the site in terms of foul drainage. This does however come with the usual caveats that such capacity cannot be reserved

and will be subject to formal connection applications. Scottish Water also highlights that for reasons of sustainability and to protect its customers from potential future sewer flooding, it will not normally accept any surface water connections into the combined sewer system.

- 6.5 **Angus Council - Flood Prevention** - The applicant has submitted a drainage and flood risk strategy for the site which indicates that the intended discharge point for surface water will be to Scottish Water's system. The outline design indicates that a suitable surface water system which complies with the principles of SUDS and CIRIA C753 will be able to be achieved and the system will accommodate a 30% allowance for climate change. As the detailed design process for the site develops, further information on the surface water drainage system will be required. It is requested that the developer considers maximising opportunities for SUDS to be incorporated within open green spaces creating natural habitats which will benefit the environment both for residents and wildlife in the development of this significant site.
- 6.6 **Aberdeenshire Council Archaeology Service** – Concern is raised regarding the intention to demolish multiple buildings within the former hospital estate however if the application is approved it is recommended that a condition is attached relating to the implementation of a programme of archaeological works.
- 6.7 **Transport Scotland** – Does not advise against the development but advises that a condition should be attached that sets limits on the level of development within the use classes applied for within the site.
- 6.8 **Scottish Environment Protection Agency** – Offers no objection to the proposal subject to a condition requiring that any subsequent Matters Specified in Conditions application is accompanied by an Energy Statement prepared in line with the Scottish Governments planning advice on Planning and Heat.
- 6.9 **Scottish Natural Heritage** – No objection to the granting of planning permission in principle.
- 6.10 **Angus Council - Parks and Burial Grounds** – No objection however further detailed assessment of landscaping and play proposals and provisions would be required at the detailed planning stage. Detailed comment is provided to help to inform that process.
- 6.11 **Angus Council - Education** - A financial contribution would be required at a rate of £5915 per housing unit (subject to exclusions) towards the increase in capacity at Rosemount Primary School which has a current school roll of 197 pupils and a notional capacity of around 181 pupils as it is anticipated that the development would generate around 90 additional primary school pupils. It is indicated that there is currently sufficient capacity at Montrose Academy.
- 6.12 **Angus Council Housing Service** – Affordable housing should be provided at a rate of 25% in line with ALDP requirements. To address both current and future need, at least 20% of new affordable housing supply should be delivered to meet particular needs, with at least half (i.e. 10% of new supply) to full wheelchair standard. This target is an overall target and individual sites may deliver more or less than 20%. Specialist housing delivered to contribute towards this target may include amenity, supported housing and other models as appropriate. The form the units are likely to take is a combination of the following social rented housing and affordable housing for sale although commuted payments may also be acceptable in the right circumstances.
- 6.13 **RSPB** - Does not consider that significant negative impacts on birds are likely to occur if this proposal is granted planning permission, as long as measures are put in place to prevent disturbance during the breeding season. The development offers an opportunity to contribute to Local Biodiversity Action Plan targets for priority habitats, through maintaining and planting native trees, wildflowers and shrubs. The developer is encouraged to consider installing 'swift bricks' during construction, to provide valuable nesting holes for this declining species and to encourage them to use the local area.
- 6.14 **Historic Environment Scotland (HES)** – HES has commented on the application although they are not statutory consultees. HES have expressed concern regarding the case made in the supporting statement for the potential demolition of listed buildings within the site. HES has

stated that based on the submitted supporting case, it cannot conclude that demolition is essential as the case does not contain a detailed analysis of the conservation deficit that would exist once all enabling development was assessed. HES states that they need to see further analysis of the individual development sites, how many houses they can accommodate and their current market value.

7. REPRESENTATIONS

15 letters of representation were received. Whilst several of the letters offer support to the general principle of development on the site, they also raise concern or objection mainly in relation to the detail and impact of the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's [Public Access](#) website. The main issues raised relate to:

- Concern regarding the quality of the proposal and the lack of detail given;
- Concern regarding the nature and location of affordable housing provision and the overdevelopment of land to provide affordable housing compared with other parts of the site;
- Concern regarding loss of privacy and amenity, including concern regarding proposals for two storey blocks to the north of the site overlooking adjacent housing.

The nature of these concerns is noted. However, this application is for planning permission in principle and the submitted layouts are indicative at this stage. If this application is approved further application/s would have to be submitted for detailed matters such as the overall site layout and design of individual buildings. At that stage there would be opportunity for interested parties to comment on those matters and for issues regarding impacts on matters such as privacy and amenity to be fully considered.

- Road safety concerns, including concern regarding the location of the vehicular access points - This matter is discussed further in Section 8 below.
- Concern regarding impact on local school capacity - This matter is discussed further in Section 8 below.
- Concern regarding lack of public transport provision- This matter is discussed further in Section 8 below.
- Concern regarding the viability of the site as a location for a retail premises - The application relates to the establishment of the principle of development. The description of development does not make provision for the establishment of a shop which falls within Use Class 1. Should anyone seek to establish a retail premises at the site, a separate planning application would be required.
- Loss of view and effects on property values- These are not material planning considerations.

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 2017)
- Angus Local Development Plan (Adopted September 2016)

The relevant development plan policies are reproduced in Appendix 3.

8.3 Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting.

Principle of Development

- 8.4 TAYplan Policy 1 provides locational priorities in relation to all new development. It states that the majority of new development should be focussed on the region's principal settlements and advocates a sequential approach to land release. In the first instance it promotes development within principal settlements, followed by land on the edge of those settlements, and finally the expansion of non-principal settlements. The site lies within the Montrose (including Hillside and Ferryden) Development Boundary. Montrose is a Tier 2 Principal Settlement. Tier 2 Principal Settlements are identified in TAYplan as having potential to make a major contribution to the regional economy but will accommodate a smaller share of the region's additional development. The locational priorities of Policy 1 does however prioritise the release of previously developed sites; particularly those where listed buildings are located as this land plays an important role by making the most effective and efficient use of land.
- 8.5 In terms of the ALDP, Sunnyside Hospital is identified as a Mixed use Site within the development boundary. Policy M3 of the ALDP deals specifically with development within Sunnyside Hospital and states amongst other things that Sunnyside Hospital is allocated for mixed use development including residential development, Class 4 (Business), Class 7 (Hotels and Hostels), Class 8 (Residential Institutions), Class 11 (Assembly and Leisure) and community uses. Housing development will be limited to around 265 residential units within the plan period with first phase of around 140 units in the period to 2021 and a remaining 125 dwellings to 2026. The policy acknowledges that the site may have capacity beyond these numbers and states that land release beyond 2026 will be determined by a future local plan.
- 8.6 In general terms the proposal to develop the site in accordance with what is permitted in the M3 allocation of Policy M3 in the ALDP is compatible with the relevant provisions of TAYplan. The site is capable of delivering a fairly substantial level of development beyond the phased release contained in the ALDP and the applicant's supporting information points to a capability to accommodate circa 514 dwellings on the site. The applicant has submitted an indicative phasing layout comprising four phases of development with works on some of the listed buildings taking place over two phases of development represented in the submitted information as phases in their own right. Details of the specific forms of development to be undertaken in each phase or the delivery of housing units in each phase are not known at this time however and no timing has been established for the delivery of any phase.
- 8.7 At this stage there is no information that would indicate that the phased release envisaged in the ALDP Policy M3 would not be appropriate and other policies in the development plan would allow that approach to be reviewed should a shortfall in housing delivery emerge in the future. Accordingly a condition that controls the phased development of the site is proposed below. The general principle of developing the site is considered to be in accordance with the development plan on this basis and such an approach would not preclude a further release of housing land at the site should it be deemed to be appropriate in a subsequent development plan.

Access and Transport

- 8.8 Amongst other things, the development plan framework seeks to reduce the need to travel and improve accessibility by sustainable transport modes. In this case the application is supported by a Transport Assessment (TA). The TA suggests that the site will be accessible by all available modes of transport and that it is well located to integrate with the existing transport network. In relation to public transport future provision could be made for buses to enter the site. The Council's Transport Service has indicated that the current service provider indicate that they would consider extending their service to serve the development subject to adequate infrastructure that could accommodate bus service provision being in place. The upgrade of infrastructure could be secured by planning condition. The site is well located in relation to the existing settlement at Hillside including Rosemount Primary School. The TA proposes two new sections of external footway to assist in linking the site with the existing footway network. The first of the two sections would be introduced along the site frontage on the western boundary with Hospital Road, linking the mini-roundabout junction to the existing footway network adjacent to the primary school. The length of the proposed footway will be approximately 40 metres and would require the removal of the existing verge and overgrown vegetation. The second section of

footway is also approximately 40 metres in length and would connect the southern site access on Marykirk Road with Houghton Drive. Internal facilities would direct pedestrians to these new connections to the wider network. The Roads Service has identified that there would be a requirement for a further footway link on Hospital Road adjacent to the site frontage and for road widening works to be undertaken on Hospital Road. Such provisions could be secured by planning condition.

- 8.9 In terms of impact on the road network, the applicant's assessments indicate that vehicular traffic from the development can be accommodated. As indicated above footway improvements and road widening would be required in the immediate vicinity of the site but no other off-site mitigation is identified as being necessary. It is recognised that the development would generate additional traffic on the local road network and the concerns raised by third parties are noted. However, the Roads Service has reviewed the submitted information, including the relevant objections, and has offered no objection to the application subject to a number of planning conditions. Transport Scotland, as the Trunk Roads Authority, has indicated no objection regarding impact of the development on the Trunk Roads Network subject to limits being set in terms of the permitted levels of development within the use classes that are applied for. Such limits can be achieved by planning condition. Committee should be made aware however that if they were minded to grant planning permission without the relevant condition attached, then the application would require to be notified to Scottish Ministers as the application would as a consequence be contrary to the advice of a Statutory Consultee.
- 8.10 The site is in an area where there is adequate capacity in the local road network to accommodate the development. It is a brownfield site and as such the roads network has in the past been impacted upon to some degree by the previous use of the site as a hospital. As such the site is reasonably well connected to the wider Montrose area and a mixed use development as advocated by the ALDP could provide an opportunity to establish a sustainable community where residents could access services, facilities or employment opportunities both on-site and in the nearby principal settlement. A development of the proposed nature is broadly compatible with the aspirations of TAYplan Policy 2. Notwithstanding, if this application was to be approved the applicant's Transport Assessment indicates that a 'Travel Plan Framework' is to be provided that would be developed into a residential travel plan once the proposals are fully developed in order to influence travel behaviour and increase use of sustainable transport. A travel plan could be secured by planning condition.

Flood Risk/Drainage

- 8.11 The applicant advises in the supporting information that it is proposed to connect the houses to the public sewer for foul drainage and to connect to the public water supply. This is considered to be appropriate in this location, given the location of the site within a development boundary and availability of services in this regard. Scottish Water has not offered any objection to this approach but this would be without prejudice for the requirement of the developer to obtain the necessary permissions from them for these connections. In respect of flood risk and surface water drainage, the applicant has submitted a Drainage Strategy that covers aspects including flood risk, hydraulic design criteria SUDS design and foul drainage. It indicates that the site is not at risk from flooding, that surface water treatment and attenuation will be designed in accordance with current standards and that foul drainage infrastructure will be designed to Scottish Water adoptable standards as will the surface water network and SUDS. Neither SEPA nor the Council's Roads Service have put forward any objections. Final design details of the SUDS would require approval as part of any subsequent application for the detail of the development. The proposal does not give rise to any significant issues in terms of water or drainage infrastructure.

Education

- 8.12 Policy 8 in TAYplan seeks to mitigate any adverse impacts on infrastructure, services and amenities brought about by development, including impacts on schools. Policy DS5 in the ALDP has similar objectives. In addition Policy 2 in TAYplan seeks to deliver better quality places by amongst other things, ensuring that new development is integrated with existing community infrastructure. The site is located within the catchment of Rosemount Primary School and Montrose Academy.

- 8.13 In relation to school capacity, the Education Service has indicated that there would be a requirement to increase the capacity at Rosemount Primary School as a result of the development and a contribution of £5915 per dwelling was identified as a requirement. This approach is consistent with the Developer Contribution and Affordable Housing Supplementary Guidance that supports the ALDP. The contribution referred to would not be applicable to student accommodation, 1 bedroom units, sheltered/support housing, holiday accommodation or listed building conversions. Such contribution could be secured by a planning obligation and would be used to increase primary school capacity in order to accommodate children that can reasonably be expected from the development. The Education Service also indicates that there is sufficient capacity at Montrose Academy to accommodate the development. No secondary school contribution is therefore required. On this basis it is considered that impacts on education infrastructure could be mitigated.

Built Heritage and Archaeology

- 8.14 The development plan framework seeks to safeguard built heritage interests, including archaeological sites. Scottish Planning Policy (SPP) represents a statement of government policy on land use planning. In relation to the historic environment and listed buildings, it confirms special regard must be given to the importance of preserving and enhancing such buildings, their setting and any features of special architectural or historic interest that they possess. It further indicates that listed buildings should be protected from demolition or other work that would adversely affect them or their setting. SPP states that enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset 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 to preserve or enhance the character and setting of the historic asset.
- 8.15 The Historic Environment Scotland Policy Statement (SHEP) (June 2016) establishes a number of key principles to consider when assessing proposals affecting historic assets. It indicates that the protection of the historic environment is not about preventing change but suggests that change in a dynamic environment should be managed intelligently and with understanding to achieve the best outcome for the historic environment and for the people of Scotland. It indicates decisions often have to recognise economic realities. SHEP indicates that there is a general presumption against the demolition of listed buildings or other works that adversely affect the buildings or their setting.
- 8.16 The site contains 12 listed buildings (4 Category B and 8 Category C) and 8 other buildings that are considered to be 'curtilage listed' by virtue of their status as accessories to the main listed buildings within the site. The planning application seeks planning permission in principle for the redevelopment of the site within the use classes referred to in the description of development. Supporting information indicates that there is an intention to demolish some of the listed buildings within the site to facilitate the wider redevelopment of the former hospital site and Historic Environment Scotland have expressed concern regarding the quality of the supporting information that seeks to justify the demolition of listed buildings although they do acknowledge that given the size and complexity of the site, it is unlikely that all of the buildings will be saveable. A separate application for Listed Building Consent to demolish the boiler house, the service block, West Gate Lodge & surrounding walls & gate piers, the garage & fire station, the nurses' home garage, Booth House, Home Lodge & surrounding walls & gate piers (ref:17/000331/LBC) has been lodged and is currently under separate consideration. The Listed Building Consent application is subject to objection from Historic Environment Scotland at this time and is not supported by sufficient information in respect of European Protected Species and their habitat relevant to the specific buildings that are proposed for demolition to enable a positive decision to be reached. Listed building consent is already in place for the removal of the chapel building, Angus House and outbuilding, Laurel Cottage and a shed attached to the stable block. At this time no detail is known in respect of the intention for any of the listed buildings within the site as no formal schemes have been formulated for their conversion.
- 8.17 The acceptability of the proposed works to the listed buildings will be considered in the determination of separate listed building consent applications as schemes come forward for

individual buildings. That process will also in all probability involve further building-specific planning applications as well. Notwithstanding the concerns expressed by Historic Environment Scotland in relation to the proposals to demolish listed buildings and the quality of supporting information to justify such action, the in-principle approval of development at the site would not permit such actions to take place. Nor would it prejudice the detailed consideration of the justification for demolition of buildings as part of the listed building consent process.

- 8.18 At this stage, the broad principle of redeveloping the site is considered to be acceptable. The nature and extent of demolition works required to enable the redevelopment to take place will be considered and determined separately however it is safe to presume at this stage that the redevelopment of the site will not be financially viable without new development to cross-fund the required conservation works. It is inevitable that any new development within the site will have some effect on the setting of listed buildings however it is inevitable that new build development will be required to finance the future conservation of listed buildings in the site. In this respect, it is considered that the proposed development would have overall beneficial impacts in terms of the historic environment. Indicative information submitted in support of the application shows development taking place within areas identified as being important components of the landscape setting of the site and of the key listed buildings within the site in the Development Brief that was produced to guide the future regeneration of Sunnyside. The Development Brief is a material consideration however it does not necessarily preclude the possibility that the development requirements on the site would necessitate some deviation from the best case scenario that it presents. At this in-principle stage control is however retained over the future development of the site and the granting of planning permission in principle would not commit the Council to accepting the indicative form of development submitted in support of the application. Potential adverse impacts on the setting of the listed buildings could be mitigated by the layout of the site and the detailed design of buildings and landscaped areas and conditions are proposed in order to ensure that these matters will be reserved for further detailed consideration. A condition is also suggested to ensure that any new build development in the site will need to demonstrate a clear link to the conservation of listed buildings in the site and their settings.
- 8.19 In respect of archaeological matters, the Archaeology Service has expressed concern regarding the indication that listed buildings would be demolished. As above, the granting of planning permission in principle for the wider re-use of the site within the use classes that it has been identified as offering opportunity to accommodate would not give the necessary consent for the demolition of any of the buildings in the site. Notwithstanding what is stated in supporting information no demolitions could take place until necessary listed building consents were granted. Similarly the conversion and reuse of the buildings in the site could not take place unless listed building consents and planning permissions have been granted. The Archaeology Service has indicated that if the council is minded to grant planning permission then an extensive programme of archaeological building surveys will be required and a condition is suggested in that respect.
- 8.20 Overall, the proposed development would provide opportunity to help secure a new use and a long-term future for important listed buildings which have real potential to fall into a state of serious disrepair. Adverse impacts on the setting of the listed building associated with the erection of a large number of new houses and other development would be unfortunate but justified in order to secure the retention of these building and could be mitigated by appropriate layout and design. Whilst it is acknowledged that the granting of planning permission in principle is unlikely to result in significant redevelopment in the short term, it is considered to be a necessary step that will offer potential investors in the site some confidence that there is an established principle that development within acceptable parameters will be possible there.

Natural Heritage

- 8.21 Policies of the development plan framework seek to safeguard the natural environment and protect habitats of importance. The applicant has submitted a number of supporting documents in relation to site ecology. There are no natural heritage designations that would be affected by the development however supporting ecological information identifies that development would have potential impacts on badgers, bats (both in trees and in buildings) and nesting birds. The supporting information makes recommendations in respect of further work that would be required as detailed proposals for the site emerge. Scottish Natural Heritage (SNH) has been consulted on

the proposals and offers no objection. Similarly the RSPB offer no objection in terms of likely impacts on local bird habitat. SNH do however indicate that in respect of badgers a licence will be required prior to works commencing. In respect of bats it is indicated that there is sufficient information about bat occupancy and use across the site to enable the granting of planning permission in principle. This is caveated however that up to date information on bat presence and usage would be required in advance of works to individual buildings before any licencing requirements could be determined. Such information would be required in support of any detailed proposals for the conversion or demolition of buildings or in advance of landscaping works that involve the loss of trees. At this time a Listed Building Consent application that is currently under consideration for the demolition of buildings within the site is not supported by sufficient information in respect of European Protected Species and their habitat relevant to the specific buildings that are proposed for demolition to enable a positive decision to be reached on that application however this issue does not preclude the agreement of the general principle of redevelopment within the site subject to future detailed consideration of matter specified in conditions and subject to other necessary consents being obtained.

- 8.22 In terms of wider ecology and biodiversity matters, the findings of the submitted ecological information is considered to be sufficient to identify the general level of use of the wider site by protected species for the purposes of granting planning permission in principle. The proposed redevelopment of the site offers opportunity to provide enhancement to existing key features that have been neglected, such as treed areas and woodland, and other garden and planted areas. These features could, with an appropriate layout and design, be enhanced within the new landscape to create biodiversity areas. There are no significant concerns in relation to natural heritage interests that could not be addressed by planning condition at this in-principle stage.

Contaminated Land

- 8.23 Policy DS4 indicates that development proposals must have full regard to opportunities for improving environmental quality. The development of land known or suspected to be contaminated can have implications in terms of the amenity of future occupiers of the site. In this case, given the former hospital use of the site, there is potential for land contamination and that is addressed in the applicant's desktop study that assesses likely ground conditions within the site. This has been reviewed by the Environmental Health Service and no objection is raised to the proposal subject to planning conditions being attached to any permission requiring further investigation and mitigation measures to be undertaken, where appropriate.

Design Quality and Amenity

- 8.24 This application is for planning permission in principle only and detailed matters regarding the layout of the site and the position and design of buildings, open spaces and roads etc. would require the submission of a further application for approval of those matters. However, this is a large site and at this stage there is no reason to consider that a development within the use classes proposed could not be provided in a manner that would not result in unacceptable impacts on the amenity of occupants of nearby property. Similarly there is no reason to consider that the site could not be developed in a manner that would provide a good quality development and again detail regarding matters of design and amenity could be addressed in a subsequent application for approval of specified matters covering the detail of the development. The site also has potential to provide a good quality residential environment for occupants of new homes although appropriate screening and separation would be required between new houses and open space areas and the existing housing around the boundaries of the site. It is acknowledged that other uses proposed may have potential to create some amenity issues such as the hotel use and the business and leisure uses however the site is large enough to accommodate all of the proposed uses and provide for adequate separation and mitigation as necessary. Environmental Health has been consulted on the proposals and offer no concerns in compatibility terms between the uses proposed.
- 8.25 Policy PV2 of the ALDP requires development proposals to provide open space and make provision for its long term maintenance in accordance with the National Playing Field Association standard of 2.43 hectares of open space per 1000 head of population. This equates to an area of approximately 31225.5 square metres (3.12 hectares) for this development, based on the

applicant's indication that the site is capable of accommodating 514 dwellings. Whilst the submitted masterplan layouts are indicative only at this stage, it is considered that this level of provision could be provided within the application site. The overall layout of the site, including the amount and distribution of open space could be considered in a subsequent application for detailed approval of specified matters. Similarly it is considered that the indicative landscaping strategy and design is generally appropriate for the site. Angus Council Parks and Burial Grounds have been consulted on the application and have indicated that open space should be distributed as 2/3 open amenity space and 1/3 equipped and informal play provision.

- 8.26 Parks and Burial Grounds have identified that on a development of the proposed size, taking account of existing provisions in the area there is a requirement to make provision for a sports facility with the minimal provision being a 60x40 m kick about laid to sport pitch specification or a multi – sports area with appropriate surfacing. The need to establish equipped play provision is also identified. Such provisions could be secured by planning condition.

Affordable Housing

- 8.27 Policy TC3 of the ALDP addresses affordable housing and sets out the requirements for a 25% contribution across all housing market areas to be provided with the scale and form of provisions to be sought being subject to agreement between the council and the developer. TAYplan Policies 5 and 8 and Policy are also of relevance. Affordable housing provision can be secured through a planning condition and condition 10 below addresses this issue.

Landscape and Visual Impact

- 8.28 The development plan framework seeks to minimise adverse landscape impacts and to locate development where it is capable of being absorbed in the landscape. In that respect the application relates to a previously developed site. The existing pattern of development on the site is characteristic of institutional development with large buildings set within sizeable landscaped policies. The proposal will inevitably see the some of those large buildings removed (the removal of Angus House is already consented and several other buildings are not listed) and replaced with a housing and other development of a more urban density. Some of the existing policies would also be developed. The site is fairly prominent as it is located on a south facing slope and is visible in the skyline from most parts of Montrose and its approaches from the south. The site is elevated in comparison to the surrounding area and the landscaping and trees within the site are an important feature in the wider landscape. The proposal would add to the urbanisation of the area. However, such impacts would be balanced against the generally positive benefits that would be delivered through restoration of listed buildings and the securing of the long term future of the important structural landscaping elements within the site which would help to integrate the development into the landscape. Landscape and visual impacts associated with the development could be mitigated by appropriate layout, design and landscaping and these matters would require further scrutiny through the submission of further applications for consideration of landscaping as a specified matter.

Energy Efficiency

- 8.29 Policy PV10 in the ALDP relates to heat mapping and decarbonised heat and Policy PV11 relates to energy efficiency and zero carbon buildings. PV10 states that Angus Council will support the preparation and application of heat maps identifying future opportunity for heat networks and that development proposal will be encouraged to investigate the feasibility of district heating systems or combined heat and power installations. Policy PV11 states that all qualifying new buildings must demonstrate the installation of low and zero carbon generating technologies and that development proposals should be accompanied by a statement of their level of sustainability. SEPA have been consulted on the application and have highlighted that they require that substantial developments ensure their heat demand is met from district heating, subject to the outcome of a feasibility statement. This can be achieved through onsite heat generation, co-location with an existing or proposed heat source (including Energy from Waste facility or other facility which produces heat/power including excess or waste heat), or an existing or proposed heat network off site. SEPA have indicated that the development must enable connection to a heat network or heat producer, unless it can be demonstrated to Angus Council that this would

not be feasible and in that respect it is indicated that an Energy Statement informed by a Feasibility Study should be provided for assessment demonstrating how the proposal will meet the requirements for providing district heating onsite. SEPA further indicate that this matter can be dealt with by planning condition however if the council is minded not to attach such a condition, to any permission granted, then SEPAs response should be considered an objection. It is considered that the attachment of such a condition is appropriate in terms of the policies of the ALDP identified above and in terms of the approach advocated by SEPA. Committee should be made aware however that if they were minded to grant planning permission without the relevant condition attached, then the application would require to be notified to Scottish Ministers as the application would as a consequence be subject to unresolved objection from a Statutory Consultee.

Other Material Considerations

- 8.30 In relation to Sunnyside Hospital the ALDP states that development proposals relevant to the site should be in accordance with the approved Development Brief for the site. The application is supported by a range of supporting information that broadly meets with the supporting information requirements laid out in the Development Brief and which is sufficient to reach a decision on the development in-principle. The information submitted is indicative at this planning permission in principle stage and any subsequent applications for approval of matters specified in conditions would require a greater degree of scrutiny in terms of the themes identified in the Brief. This can however be addressed by means of a planning condition.
- 8.31 This is a large brownfield site and it contains a number of listed buildings. Development Plan policy attaches some importance to the redevelopment of brownfield sites and seeks to safeguard built heritage interests, although it does not make specific provision for enabling development to cross-fund redevelopment or restoration projects. SPP does however indicate that enabling development may be appropriate where listed buildings are involved. In this case the applicant has indicated that there are significant costs associated with the redevelopment of the site. The buildings on the site are falling into disrepair, the listed buildings are deteriorating and there are ongoing safety issues associated with the condition of the buildings. Some uncertainty remains over the precise level of enabling development that would be required to secure the future of the listed buildings within the site and in relation to how many buildings it will ultimately be possible to retain as part of the overall redevelopment of the site. These issues are currently in part being explored to a more detailed degree in respect of the current listed building consent application that is subject of separate consideration at this time although it is apparent that the developer has no firm plans in place or detailed schemes worked up for the redevelopment of any of the buildings in the site at this time. It is however considered that the broad principle of redevelopment of the site for uses proposed can be agreed at this stage without prejudice to any decision on what form the final layout and configuration of the site will be. In accepting the broad principle of development the Council is not committing to the acceptance of the demolition of any of the listed buildings in the site nor to the form of development shown on the indicative layouts submitted with the application.

Conclusion

- 8.32 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is to redevelop a brownfield site within the development boundary of a principal settlement in order to provide for the formation of roads, drainage infrastructure & landscaping, new build development, the change of use & alteration of existing buildings, all to accommodate residential, & non-residential development comprising community uses & uses within class 4 (Business), Use Class 7 (Hotels & Hostels), Use Class 8 (Residential Institutions) & Use Class 11 (Assembly & Leisure). Council policy offers support for development of this nature on the site.
- 8.33 The site is within the development boundary of a principal settlement and it is identified as a site that is suitable for mixed use development comprising the uses that are subject of the application. Policy M3 of the Angus Local Development Plan limits residential development within the site to a maximum number of 140 dwellings up to 2021 with a further release of 125 dwellings up to 2026. Concern has been raised in letters of objection regarding the figure of around 500 dwellings

mentioned in supporting information however Policy M3 does tacitly acknowledge that the site may be capable of delivering a greater number of dwellings in the period beyond the current plan period when it states that any further land release in the period beyond 2026 will be determined by a future local plan. In reality it is increasingly unlikely given that the proposal is in-principle at this stage that the phasing anticipated in Policy M3 will be achieved in the period to 2021. Whilst the concerns expressed by objectors and the Community Council regarding numbers of residential units are acknowledged, it is considered that the proposals must be viewed as a reasonably long term prospect that will be driven over time by several factors including the establishment of the appropriate level of development required to cross fund the future redevelopment of built heritage assets within the site.

- 8.34 The site is undoubtedly presents challenges in respect of the complex planning and built and natural heritage issues that it presents. This is a large brownfield site with notable mature landscaping and it would be desirable to see it redeveloped in order to safeguard and sustain the listed buildings within it and its mature landscaped setting. The Angus Local Development Plan advocates a development comprising a mix of uses and it is accepted that this may include a reasonably significant number of housing units. That type of development would provide opportunity for the formation of a sustainable community providing scope for residents to live, work and socialise within the site thus reducing the need to travel. The proposal is considered to comply with the development plan in broad terms at this in-principle stage subject to the planning conditions detailed below. The representations submitted by interested parties have been taken into account in the preparation of this report and the issues raised have been discussed above. Conditions are proposed that seek to mitigate impacts associated with the development. There are no material planning considerations that justify refusal of the application.
- 8.35 As indicated in the foregoing discussion, if Committee are minded to grant planning permission contrary to the advice given by SEPA and Transport Scotland, such action would have the same effect as granting planning permission for a major development that is subject to objection by a Statutory Consultee, In such circumstances the application would need to be referred to Scottish Ministers for them to decide whether they wished to call the application in for determination by them.

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

Reason(s) for Approval:

That the in-principle grant of planning permission for the proposed development would be broadly compliant with the policies of the development plan subject to the conditions attached. Whilst the

development of the site will require further detailed consideration; particularly in terms of the future retention and reuse of listed buildings and established landscaping areas within the site the agreement of the broad principle of the redevelopment of the site for the proposed uses is considered to be in compliance with the specific provisions of the development plan relevant to Sunnyside Hospital. There are no material considerations that would justify refusal of the application at this in-principle stage.

Conditions:

1. That, plans and particulars of the matters listed below, shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given for the matters listed below and the development shall be carried out in accordance with that approval. The matters are:
 - (a) the layout of the site, including the distribution of uses and the number of residential units to be provided, road layout, car parking, turning space, open space, landscaping and facilities for waste/recycle storage and collection. For the avoidance of doubt the indicative site layout and associated development areas submitted with the application are not approved;
 - (b) a phasing plan for the entire development, including any approved demolition works; the timing and number of dwelling units to be released in each phase which shall not exceed 140 dwellings in the period to 2021 and 265 overall in the period to 2026 unless in accordance with Policy TC1 and Allocation Policy M3 in the Angus Local Development Plan or any phasing set out in a subsequent Local Development Plan that details land release beyond 2026, the provision of development within other land uses approved, the phasing of works to listed buildings linking such works to the completion of individual phases of new build development and restricting progress on subsequent new build development in later phases until listed building works linked to preceding phases are complete (This can provide for works to listed buildings to be undertaken over more than one phase of development) with all listed building works to be completed prior to the release of the final phase of development; details of the provision of infrastructure; road construction; provision of street lighting; open space areas; landscaping; drainage infrastructure; and the formation of the new and improved pedestrian/cycle connections;
 - (c) full details of all demolitions to be undertaken and other works to retained listed buildings;
 - (d) the siting, design and external appearance of the new build dwellings and other buildings relevant to the other use classes approved;
 - (e) the existing and proposed ground levels and finished floor levels of the new build houses and other buildings relative to a fixed ordnance datum;
 - (f) the precise details and timings of the means of accesses to the development, including:
 - visibility splays for accesses with the A937 Marykirk Road, with a minimum sight distance of 43 metres in each direction at a point 4.5 metres from the nearside channel line of that road. Within the visibility splays formed nothing shall be erected or planting permitted to grow to a height in excess of 1050 millimetres above the road carriageway;
 - visibility splays for accesses with Hospital Road with a minimum sight distance of 43 metres in each direction at a point 42.4 metres from the nearside channel line of that road. Within the visibility splays formed nothing shall be erected or planting permitted to grow to a height in excess of 1050 millimetres above the road carriageway;
 - the provision of a footway on the north east side of Hospital Road between the existing footway opposite Rosemount Primary School and the north most vehicular access point into the site on Hospital Road to be provided before the occupation of the first dwelling or other property within the development;

- the widening of the carriageway of Hospital Road adjacent to the site boundary to a width sufficient to facilitate access to the site by public transport with any required widening works to be completed prior to the occupation of the first dwelling or other property within the development;
 - specification and timing of all roads, lighting and road drainage, car parking provision and garage layouts in accordance with the National Roads Development Guide.
- (g) the means of drainage for the development. Buildings must not be constructed over any existing drain (including any field drain) that is to remain active.

For the avoidance of doubt the foul drainage from the development will be directed to the public sewage system and surface water shall be disposed of by Sustainable Urban Drainage System (SUDS). No development within any specific phase of development within the site shall commence until evidence is provided to the planning authority to demonstrate that the public sewer has capacity to accommodate development of that phase. All water retention/detention features shall be designed to minimise danger to the public and shall be fully landscaped so as to maximise biodiversity opportunity;

- (h) all boundary enclosures within any phase of development;
- (i) the provision of open space, at a minimum of 2.43 hectares per 1000 head of population comprising 2/3 open amenity and sports provision and 1/3 equipped and informal play provision, including a scheme for its provision and on-going maintenance in perpetuity;
- (j) a public transport scheme that details provision for suitable bus layby(s), bus shelter(s) (with real time display, bus stop pole and raised kerb(s)) within the site;
- (k) a scheme that details what measures will be implemented to ensure on-going management and maintenance of unused listed buildings within the site up to the point of their re-use, or conversion;
- (l) a scheme for the management and maintenance of all open space or amenity areas, roads or paths, and infrastructure within the site which is not within the curtilage of a dwelling. Thereafter the infrastructure will be managed and maintained in accordance with the approved details in perpetuity.

Reason: To ensure that the matters referred to are given full consideration and are acceptable to the planning authority.

2. That any application for approval of Matters Specified in Condition 1 above shall be accompanied by the following for the further written approval of the planning authority:
- a. A Masterplan for the entire application site which shall fully accord with the requirements of Angus Council Sunnyside Hospital, Hillside Site Development Brief (Updated January 2017);
 - b. (a Design and Access Statement in accordance with the requirements of Part 3 Regulation 13 (5) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
 - c. an overall design concept for the layout of the site and dwellings within the site taking account of the setting of listed buildings, building orientation, building height, use of materials, and a palate of colours and textures to be used in the construction of dwellings;
 - d. a Traffic Management Plan that shall consider arrangements for the following:
 - (i) agreement with the Planning Authority on the routing for construction traffic;

- (ii) any proposed accommodation works/mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
 - (iii) the restriction of delivery traffic to agreed routes;
 - (iv) the timing of construction traffic to minimise impacts on local communities, particularly at school start and finish times, during refuse collection, at weekends and during community events.
- e. a Travel Plan that shall have regard to the provision for walking, cycling and public transport access to, and within the site and shall identify the measures to be provided for the management, monitoring, reviewing, reporting and duration of the plan.
- f. full details of structural landscaping and planting within and around the site, including details of those trees to be retained and measures for their protection during development.
- g. A Drainage Impact Assessment in accordance with an agreed methodology with the planning authority in consultation with the flood prevention authority;
- h. a noise impact assessment in accordance with an agreed methodology with the planning authority in consultation with Angus Council Environmental Health;
- i. An Energy Statement informed by a Feasibility Study that demonstrates how the proposal will meet the requirements for providing district heating onsite. This should be prepared in line with the Scottish Government's online planning advice, Planning and Heat and should assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available existing or proposed sources of heat (within or outwith the site) and other factors such as where land will be safeguarded for future district heating infrastructure. A Design and Access statement which demonstrates how the findings of the Energy Statement have been incorporated into the design and layout of the proposed development should also be provided.
- j. Up-to Date ecological surveys consisting of:
 - A badger survey to be carried out prior to the development of any section of the site covered by grassland, scrubland or woodland;
 - Surveys for roosting bats on any parts of the site where tree felling or tree surgery is proposed; A Stage 1 bat roost potential assessment where any buildings are to be demolished or have work carried out on them;
 - A Stage 2 bat survey to identify and establish protection or licencing requirements where Stage 1 surveys identify bat roost potential;
 - A bat activity survey on any part of the site where significant new build development is to take place to establish what species are active and to establish whether building activity will impact on them;
 - A nesting bird survey where and clearance of shrubs, trees or ground cover may take place between 01 March and 31 July in any year or where work on buildings is to take place in the same period.
- k. 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.

Upon the planning authority giving written approval that all of the foregoing supporting information is acceptable, the development shall thereafter be undertaken to incorporate any identified necessary mitigation or measures identified within the approved studies.

Reason: In order to ensure that development within the site takes place in accordance with an overall design concept and to enable the planning authority to fully consider the matters detailed in Condition 1 and to fully establish the full extent of developable area within the site.

3. That, prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted to and approved in writing by the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. Where the approved contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the planning authority.

Reason: To ensure adequate investigation of possible land contamination and to ensure that a remediation strategy is in place for any land contamination identified, in the interest of public health and safety.

4. Prior to the commencement of any development including demolition works a Construction Management Plan shall be submitted for the written approval of the planning authority. The aforementioned construction management plan shall focus on noise and dust and shall include full details of the following:-
 - a) Details of sensitive receptors
 - b) Hours of operations
 - c) Mitigation measures
 - d) Complaint investigation procedures
 - e) Noise and dust monitoring

Once approved, this plan shall be implemented in full without variation unless also agreed in writing by the Planning Authority.

Reason: In the interest of environmental protection and the amenity of nearby residents.

5. Noise associated with construction or demolition works including the movement of materials, plant and equipment shall not exceed the noise limits shown in Table A below unless agreed in writing by the planning authority. 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 A: Noise limits

Day	Time	Average Period (t)	Noise limit	Notes
Monday-Sunday inclusive	0700-1900	1 hour	Existing ambient Leq t	1,2,4,5
Monday-Sunday inclusive	1900-2300	1 hour	Existing ambient Leq t	1,2,4,5
Monday-Sunday inclusive	2300-0700	15 minutes	Existing ambient Leq t	1,2,4,5
Monday-Sunday inclusive	2300-0700	N/A	45 dBA Lmax fast response	3,5

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. *As measured and rated in accordance with BS4142:1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas as amended*
3. *The assessment location shall be within a bedroom with a window open 50mm for natural ventilation*
4. *The noise limit shall be the relevant ambient noise level referred to in the approved noise survey report*
5. *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 the interest of the amenity of nearby residents.

Reason: To ensure that the proposal incorporates satisfactory mitigation for protected species and their habitats.

6. That the scale of development permitted within the site shall not exceed the following limits unless it has been demonstrated through the undertaking of a further transport assessment that there is capacity on the A90 trunk Road to accommodate any further development or an alternative configuration of development within the use classes permitted by this planning permission:

Class 9 (Residential) - 514 Units
 Class 4 (Business) - 500 sqm GFA
 Class 7 (Hotels & Hostels) - 75 bedroom
 Class 8 (Residential Institutions) - 60 bedrooms
 Class 11 (Assembly & Leisure) - 250 sqm GFA

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

7. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to S.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will provide that:
 - a) A sum of £5,915 (index linked) per dwelling unit (excluding student accommodation, 1 bedroom units, sheltered/support housing, holiday accommodation or listed building conversions) will be paid to the planning authority for the purpose of the provision of primary school educational facilities at Rosemount Primary School;

- b) The provision of 25% affordable housing in accordance with the guidance contained in the Angus Local Development Plan, Developer Contributions and Affordable Housing Finalised Supplementary Guidance, September 2016, or any subsequent policy or guidance that replaces it.

Reason: To ensure provision of affordable housing in accordance with council policy and to ensure that the impacts on local education infrastructure directly arising as a result of the development can be adequately mitigated.

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.

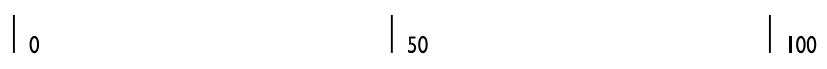
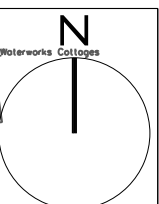
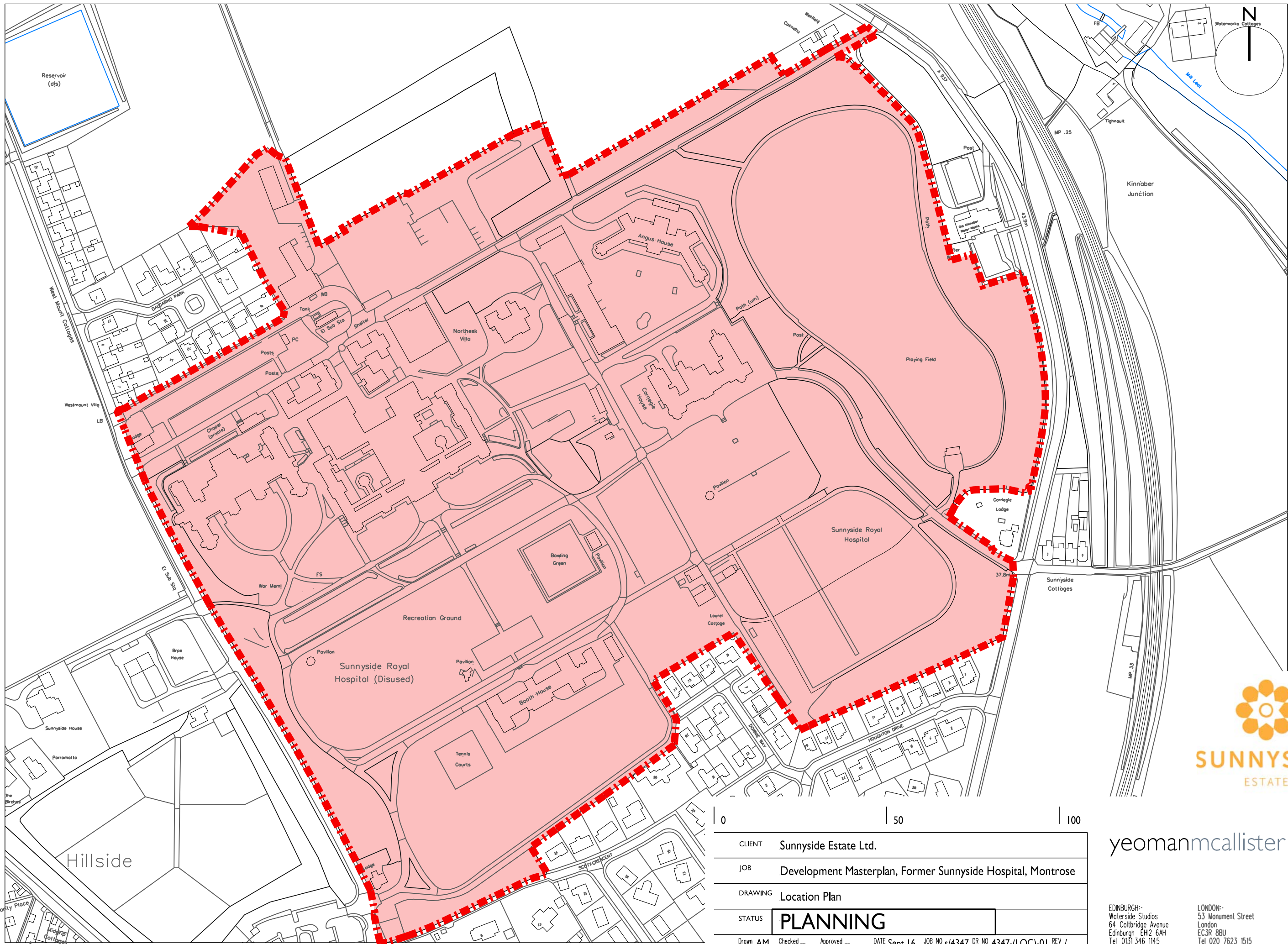
**STEWART BALL
HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

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 any material extent in preparing the above Report.

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DATE: OCTOBER 2017

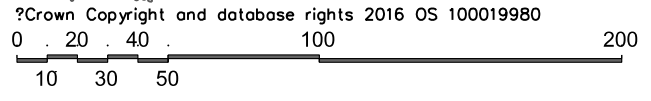
APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES



CLIENT	Sunnyside Estate Ltd.
JOB	Development Masterplan, Former Sunnyside Hospital, Montrose
DRAWING	Location Plan
STATUS	PLANNING
Drawn AM	Checked ... Approved ... DATE Sept 16 JOB NO s/4347 DR NO 4347-(LOC)-01 REV /

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Appendix 2: Summary of Applicants Supporting Information

- Pre-Application Consultation (PAC) Report: Describes the consultation process undertaken prior to the submission of the application. The Report advises that the applicants, Sunnyside Estate Ltd, undertook the PAC process in accordance with the statutory requirements. The public consultation event was held in Hillside Village hall on Tuesday 01 November 2016 and Wednesday 02 November 2017 between 2:00pm and 8:00pm. The report notes that 168 people attended the event and 6 feedback forms were completed at that time. The Report advises that the feedback received in this process, was taken in to account in the formulation of proposals.
- Design and Access Statement: Provides a background to the proposal, appraises the context of the site and identifies the characteristics and site specific circumstances that informed the layout and design proposal. The statement advises that the design has been informed by these characteristics and national and local policy requirements. The statement describes the proposed design response for the site that has been worked up into a series of indicative masterplan documents and details the landscape strategy that focuses on the retention of key landscape features and the utilisation of the existing tiered site contours. The statement indicates that the intended height of new development would be predominantly 2 storeys. A muted palate of materials is referred to and a design response that reflects existing traditional building forms in the area. The indicative masterplan contained in the statement identifies development areas capable of accommodating around 500 dwellings and associated infrastructure and identifies key listed buildings to be retained, affordable housing areas, a retirement village, an area for business uses to be established, several character housing areas and SUDS areas within a landscapes setting. Indicative development zones and phasing is also indicated.
- Several ecological survey documents were submitted in the course of the application. Initial information submitted was in excess of 18 months old at the time of application and further survey work was therefore required. An Extended Phase 1 Habitat Survey was subsequently submitted that identified that the site is used by badgers, there is bat roost and habitat potential in both woodlands and buildings on the site and that there is extensive nesting bird potential in terms of ground cover, trees and shrubs and buildings. Other surveys were recommended in respect of badgers, bats and birds. An updated ecological assessment report was submitted that extended the scope of the survey work in respect of bats to included sunset bat emergence surveys and dawn surveys. The survey stated as being for the purpose of establishing a base line to establish further detailed work requirements across the site. The report highlighted bat roost potential in several buildings across the site.
- Flood Risk Assessment and Drainage Strategy Report: reviews the flood risk to the site and describes both the treatment and attenuation strategies to be adopted for the surface water drainage solution to the site. The report concludes that the development is not at risk from flooding. The report details that surface water would be treated and attenuated in accordance with SUDS principles and that foul drainage would be proposed via the public sewer network with the intention to have foul drainage infrastructure within the site adopted by Scottish Water.
- Tree Survey and Arboriculture Report: A walk-by survey of trees within or adjacent to the site was undertaken for the purposes of informing the masterplanning process. 14 woodland areas and 7 groups of trees. The report identifies that the tree cover as a whole is of high amenity value and provides an attractive and strong landscape framework. It includes areas of mature mixed perimeter and structural woodland framing areas of open space and listed buildings. Beech tends to be the dominant species but there is a variety of other species especially near to buildings. The tree cover has been designed and includes several groups of trees with ornamental character closer to previous buildings. The main perimeter and structural woodland areas are assessed as category A (BS 5837: 2012). Areas of poorer quality Scots Pine woodland (W6 and W12) are category B. Groups of trees are attributed A or B category depending on location and importance in the landscape, and tree condition.

Recommendations for remedial tree work and management are included in the report. This includes removal of dead Elms, decaying dead wood and trees which, due to poor quality and their location present a risk to public safety. The location of the main areas of tree cover is provided as is

constraints information to help to inform masterplanning the site. The report outlines tree protection measures and suggestions regarding future tree management and replacement planting as necessary.

- **Transport Assessment (TA):** The Transport Assessment (TA) is based on a review of the existing site / local traffic conditions, and has been produced in accordance with the Scottish Government document 'Transport Assessment Guidance'. Consideration has also been given to the requirements of local and national government transport planning policies, including SPP and PAN 75. A people trip assessment of the development proposals has been undertaken for all modes of travel which confirms that the walking and cycling provision in the area is sufficient to accommodate the expected future demand from the site. The development has been designed to link to the existing transport infrastructure and ensure the future layout will be porous to encourages access by all modes. The promotion of a Residential Travel Plan will be considered for issue to residents upon occupation to provide upfront information on the available travel opportunities in the area, with the aim of encouraging sustainable travel. The TA suggests 4 main vehicular access points to the site and suggests that two new sections of external footway will be introduced as part of the development proposals to complete the existing network adjacent to the site and provide connections from the site to the wider area. The first of the two sections will be introduced along the site frontage on the western boundary of Hospital Road from the mini-roundabout to the south adjacent to the primary school. The second section of footway will connect the southern site access on the A937 with Houghton Drive. The TA concludes that the development site will be accessible by sustainable modes of travel and integrate well within the existing transport network with the introduction of additional non-car promoting measures, such as, shared surfaces, links to public transport facilities and the introduction of a residential travel plan. It is highlighted that the site can be accessed safely from the adjacent road network by private vehicles without compromising the safety or efficiency of existing road users and that satisfactory site access can be achieved within the parameters of current policy requirements.
- **Dilapidation Report:** The dilapidation report was undertaken by the developer at for the intention of informing the purchase of the site and concentrates primarily on the more significant buildings in the site. The document reflects that at the time the main buildings in the site were in generally good condition with the exception of the Hospital block which had been unused for a longer period of time at that point. The report identifies that the developer intends to carry our regular inspections and repairs in order to avoid significant deterioration in conditions as a result of neglect of small defects. The report contains a general overview of the condition of some of the buildings in the site at that time.
- **Supporting Statement:** The statement refers to the developers background in relation to built heritage projects that they have been involved in. The statement describes the site and identifies potential constraints to development at the site. The statement outlines the developers intention to undertake a development that focusses on the retention of several of the main buildings within the site but which would require the removal of additional listed buildings beyond those already consented for removal due to the financial constraint of retaining all of the buildings on the site and the associated development cost of so doing. The statement highlights that the location of the site combined with market conditions locally would also limit the amount of conversion that could be undertaken in a commercially viable manner.
- **Justification Statement:** The statement refers to two main development options for the site one of which consists of the retention of three main buildings and some pavilion structures with new build development and one which consists of the retention of all of the main listed buildings with new build development. The statement highlights abnormal development issues associated with redeveloping a site of the nature of the proposed development site. A n appraisal of each of the main listed buildings in the site is contained in the statement. Each appraisal describes the building, its setting and condition, identifies potential uses and gives a brief justification for either retaining or demolishing the building. Refurbishment and infrastructure cost appraisals are given as are summaries of revenue and cost projections based on the options given in the statement. The statement concludes that option 1 is the only viable option for site redevelopment.

- Desktop Study report in respect of Land Contamination: The report assesses the likely ground conditions within the subject area and evaluates the impact the identified conditions could potentially have on the development. The report concludes that the likelihood of finding significant deposits of reworked or made ground is low as is the likelihood of significant chemical contamination being present. No significant risks in respect of ground gas emissions, impacts on potable water supplies or instability due to mining or mineral workings were identified.
- Conservation Plan: The conservation plan was undertaken on behalf of NHS Tayside and the Scottish Futures Trust to inform future conservation, repair use, management and possible future development at the site. The report identifies that the site is eminently suited for redevelopment for a variety of uses and that the buildings of architectural and historic significance can accommodate change to new uses. The plan also identifies areas of the site where development should not occur where development would impact on the setting of significant buildings. The plan is accompanied by a condition inspection that was undertaken in 2014 that gives a detailed overview of the condition of significant buildings at that time.

Appendix 3: Development Plan Policies

Angus Local Development Plan

M3 Mixed Use - Sunnyside Hospital, Hillside

Sunnyside Hospital Estate is allocated for mixed use development including residential, Class 4 (business), Class 7 (hotels and hostels), Class 8 (residential institutions), Class 11 (assembly and leisure) and community uses.

Around 265 dwellings will be released within the plan period including a first phase of around 140 dwellings in the period to 2021, and the remaining 125 dwellings permitted in the period to 2026. The scale of any further land release in the period beyond 2026 will be determined by a future Local Plan.

Proposals should be in accordance with the approved development brief for this site updated as appropriate to reflect policies in this Local Development Plan.

Proposals should be supported by a Transport Assessment.

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 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 DS5 : Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- Education;
- Community Facilities;
- Waste Management Infrastructure; and
- Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

Policy TC1 : Housing Land Supply / Release

The Angus Local Development Plan allocates land to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. Where appropriate, sites are released over two phases of the plan: 2016 - 21 and 2021 - 26. However, land allocated in the latter phase of this plan (2021-2026) may be released for earlier development, unless a delay is justified.

The scale and distribution of housing land release across the four Angus Housing Market Areas is set out in Table 1 (below). A schedule of all sites identified by the Angus Local Development Plan which contribute to meeting the housing requirements set out in TAYplan Strategic Development Plan is included in Appendix 3.

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

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

Where the annual housing land audit identifies a shortfall in either the five years' or the seven years' effective housing land supply, the council will work with landowners, developers and infrastructure providers to bring forward additional housing land. The early release of sites planned for later phases of the plan, as well as sites identified as constrained or non-effective in the audit, will be considered first. If the shortfall is not met from existing sites, proposals for housing development on other housing sites may be supported where they are consistent with the policies of the plan.

Policy TC2 : Residential Development

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

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

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

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

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

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
 - round off an established building group of 3 or more existing dwellings; or
 - meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy TC3 : Affordable Housing

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites, including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- local housing needs (set out in the current Housing Needs and Demand Assessment);
- physical characteristics of the site;
- development viability; and
- availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

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 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 TC16 : Tourism Development

Proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. Such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.

Outwith development boundaries, proposals for new or improved tourism related facilities and accommodation will be supported where:

- it has been demonstrated that the proposals cannot be located within a development boundary; or
- there is a justifiable locational requirement for the development; and
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Angus Council will attach occupancy conditions to prevent tourist accommodation being occupied as permanent residential accommodation. Applications to remove such occupancy conditions will not be supported.

Proposals to change the use or redevelop existing leisure or tourist facilities will only be supported where it is demonstrated:

- that the existing business is no longer viable and there is no requirement for alternative tourist facilities in the location; and
- that the existing business has been actively marketed for sale or lease as a going concern for a reasonable period at a reasonable market price.

Policy PV1 : Green Networks and Green Infrastructure

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

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 PV3 : Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy PV5 : Protected Species

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

European Protected Species

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

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

Other Protected Species

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

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

Policy 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 PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

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 PV9 : Heat Mapping and Decarbonised Heat

Angus Council will support the preparation and application of a heat map identifying existing and future opportunities for new heat networks, heat storage and energy centres. Development proposals will be encouraged to investigate the feasibility of district heating or combined heat and power installations.

Opportunities for Angus Council, developers and existing businesses to install facilities or identify routes for pipework within development for future integration into heat networks should be identified in appropriate development proposals.

Policy PV11 : Energy Efficiency - Low and Zero Carbon Buildings

All qualifying new buildings must demonstrate that the installation and operation of low and zero-carbon generating technologies will avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018.

This requirement does not apply to extensions, changes or use or conversion of buildings; stand-alone ancillary buildings under 50 sqm; buildings with a planned life of less than two years or which will not be heated or cooled for purposes other than frost protection.

Development proposals should be accompanied by a statement of the level of sustainability achieved to demonstrate compliance with the above standards.

Development proposals should also consider energy efficiency measures where possible including:

- siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and light;
- the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and
- the re-use and/or local sourcing of building materials.

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 PV18 : Waste Management in New Development

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

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

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

TAYplan Strategic Development Plan

Policy 1A : Settlement Concentration

Strategies, plans, programmes and development proposals shall focus the majority of development in the region's principal settlements as follows:-

Tier 1 settlements have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the regions economy.

- Dundee Core Area: (Dundee City, Dundee Western gateway, Invergowrie, Monifieth, Tayport/Newport/Wormit, Birkhill/Muirhead) and,

- Perth Core Area: (Perth, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie, Perth Airport).

Tier 2 settlements have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the region's additional development.

Tier 3 settlements have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the region's additional development which is more about sustaining them. Policy

1B : Land Release Priorities

Strategies, plans, programmes and development proposals shall prioritise land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings (particularly listed buildings).

Sequential Approach

1. Land within principal settlements.
2. Land on the edge of principal settlements.
3. Where there is insufficient land or where the nature/scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements, and where it is consistent with Part A of this policy and with Policy 2, the expansion of other settlements should be considered.

Policy 2A : Build in Resilience

Ensure that climate change resilience is built into the natural and built environments through:-

- (i) a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
- (ii) reducing surface runoff including through use of sustainable drainage systems;
- (iii) protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
- (iv) identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles. Policy 2B : Integrate Co-locate Infra

Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.

Policy 2C : Integration of Transport

Ensure the integration of transport and land use to:-

- reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.
- Policy 2D : Waste Management Designed-In

Ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

Policy 2E : Energy Efficiency/Embedded

Ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.

Policy 2F : Arrangement and Layout

Ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets*, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary.

Policy 3A : Employment Land

Identifying and safeguarding at least five years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements:-

- safeguarding areas identified for Class 4 office type uses in principal settlements; and,
- further assisting in growing the year-round role of the tourism sector.

Policy 3D : Natural and Historic Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:-

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geo-diversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,

- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

Policy 8 : Deliver Strategic Development

To ensure that quality is designed-in to development and places developer contributions shall be sought for new developments:-

to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), and other community facilities in accordance with the Scottish Government Circular 1/2010.