

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 4 JANUARY 2018**

**PLANNING APPLICATION –DAMACRE CENTRE, 26 DAMACRE ROAD, BRECHIN**

**GRID REF. NO: 360018 760079**

**REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

**Abstract:**

This report deals with planning application No 17/00341/FULL for the Erection of 10 New Affordable Dwellinghouses at the Damacre Centre, 26 Damacre Road, Brechin by Angus Council. This application is recommended for conditional approval.

**1. RECOMMENDATION**

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

**2. ALIGNMENT TO THE ANGUS 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:

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

**3. INTRODUCTION**

3.1 The applicant seeks planning permission for the erection of 10 new affordable dwellinghouses.

3.2 The application site measures approximately 3276sqm in area and is located to the south of Damacre Road, Brechin. The application site includes a traditional stone building with a slated roof and also includes annex style accommodation in the northmost part of the site. To the west is Wilson's Park which features predominantly residential properties and lock-up garages, to the north in Damacre Road are a mixture of modern and traditional residential properties, to the east are primarily the rear of residential properties which front onto Southesk Road, and to the south is a Scout Hall. A location plan is provided at Appendix 1 below.

3.3 The proposal involves the demolition of the traditional stone building the erection of ten dwellinghouses in an arrangement of a terrace of four 2-storey dwellings facing Damacre Road and three 2-storey semi-detached blocks to provide six dwellings off Wilson's Park. The access from Damacre Road would be improved and Wilson's Park would be widened by the removal of a stone wall. An access would be formed from Wilsons Park to serve the terrace of four dwellings with the other six dwellings accessed directly from Wilson's Park. The stone boundary wall and railings fronting Damacre Road would be retained. The proposed dwellings would provide two with 2 bedrooms, seven with 3 bedrooms and one with four bedrooms. The external finishing materials for the terrace of dwellings facing Damacre Road includes natural slates for the roof, a wet-dash render for walls with natural stone quoins. For the dwellinghouses to the south off Wilson's Park, the external finishing materials include a wet-dash render for walls and fibre cement tiles to. The external appearance and window design would be of simpler appearance compared to the terrace of dwellings facing Damacre Road.

3.4 The application has been subject to neighbour notification and was advertised in the press as

required by legislation.

#### 4. RELEVANT PLANNING HISTORY

There is no planning history of direct relevance to this application. However the Communities Committee considered [Report 19/17](#) at its meeting on 17 January 2017 which declared the Damacre Centre surplus to the requirements of Angus Council and proposed its appropriation to Housing Revenue Account for delivery of affordable housing.

#### 5. APPLICANT'S CASE

5.1 The applicant has submitted an Ecological Survey Report in support of the application. This report identified that the former Damacre Centre was of moderate to high potential for roosting bats. In this respect, bats were noted flying close to the building and three bat roost locations were noted in the building. The report advised that the roosts would be lost due to the demolition of the building and, therefore, an EPS licence would be required from SNH. To compensate for the lost bat roosts, the report proposes mitigation measures including two bat boxes on the eastern wall of the site prior to commencement of works and installation of internal bat boxes within the new housing development.

5.2 The applicant has also stated that an early feasibility study was carried out and analysis of housing demand, and this demonstrated that refurbishment of the existing building could not deliver the highest demand house type. Refurbishment would have included a high number of 2 bed properties which can be difficult to let in this area. Furthermore, the conversion option would likely be more costly and would result in more financial uncertainty for the Council. The applicant has also provided recent correspondence from Historic Environment Scotland which indicates that the Damacre Centre was not considered appropriate for listing as it did not meet the necessary standards to be a building of special architectural or historic interest.

5.3 The submitted information can be viewed on the Council's [Public Access](#) website.

#### 6. CONSULTATIONS

6.1 **Angus Council Roads**– has offered no objections to the application, subject to visibility splays being provided and maintained at the junction of Wilson's Park and Damacre Road and that the access, road layout and design are all completed to required standards. In relation to drainage it is indicated that further information should be required by planning condition and that surface water is likely to require a SUDS.

6.2 **Scottish Water** – there was no response from this consultee at the time of report preparation.

6.3 **Community Council** – City of Brechin and District Community Council has indicated that it objects to the application following intensive representations by the local community. It is suggested that the scale of the development should have required pre-consultation with the local community. It is suggested that the existing building should be reused in preference to demolition; it questions the need for housing of the size proposed; and suggests an alternative site for the development. Concerns are raised regarding road safety, impact on parking in the area and the need for a traffic survey as well as lack of detail relating to surface water disposal and potential flooding of neighbouring property as well as impact on nearby listed buildings. In addition, concerns are raised regarding the lack of information on material finishes, boundary finishes and questions the suitability of the ground for gardens given the present tarmac finish.

6.4 **Aberdeenshire Council Archaeology Service** – has requested a Standing Buildings Survey condition be attached to any planning permission.

6.5 **SNH** – has stated that the ecological survey is competent and thorough and that the proposed mitigation measures are acceptable. In this respect, it is most likely that an EPS licence would be granted.

## 7. REPRESENTATIONS

7.1 Nineteen letters of representation have been submitted objecting to the proposal (two from the same objector). The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view on the Council's [Public Access](#) website.

7.2 The main points of objection are as follows:

- **Loss of historic building;**
- **Alternative locations in Brechin more appropriate for the development;**
- **Proposed dwellings are too large to be classed as “affordable”;**
- **Adverse effects on existing residential amenity, including through increase of residents;**
- **Unsympathetic development in terms of design in close proximity of the conservation area;**
- **Inadequate access and parking provision for residents and the adjacent Scout Hall;**
- **Access requires to be maintained up Wilson’s Park for all road users;**
- **Inadequate information regarding drainage of the site.**

These matters are discussed under Planning Considerations below.

7.3 In addition the following issues have been raised: -

- **The ownership/responsibility for Wilson’s Park requires to be established before the development can progress;**
- **Part of the development appears to be on land owned by the adjacent Scouts.**

Land ownership and maintenance responsibilities are civil matters and are not material to the determination of this planning application. However, the applicant has revised the proposal to provide a one metre access strip between the application site and northern boundary of the Scout Hall. The applicant has provided the necessary land ownership declarations.

## 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 (ALDP) (Adopted 2016)

8.3 The proposal is not of strategic significance and therefore the policies of TAYplan are not referenced. The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.

8.4 Policy DS1 of the ALDP identifies development boundaries for towns and, amongst other things, states that proposals for 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. 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.

8.5 Policy TC2 deals with residential development proposals. It indicates that proposals for new residential developments within Development Boundaries will be supported where the site is not protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. In addition, it requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

- 8.6 In this case, the site is located with the Brechin Development Boundary as defined by the ALDP. The site is not identified for development in the ALDP but it was previously used as a community centre and as such Policy TC8 is relevant. That policy seeks to safeguard existing community facilities but allows for their loss in specified circumstances. Angus Council has determined that the building is surplus to requirements (Report 19/17 refers) and there are other community facilities in the wider area, including the new Brechin Community Campus. No alternative community use has been identified for the building and the loss of the existing facility would not have an adverse impact on the community.
- 8.7 The site is located in a predominantly residential area and the Scout Hall that is located to the south of the application site co-exists with nearby residential uses. Residential development on the site would be compatible with surrounding land uses. Housing development on the site would be compatible with the general character of the area and the pattern of development is discussed below.
- 8.8 In terms of residential environment to be provided, the plots for the terraced properties on the Damacre Road frontage range from around 120 to 200sqm in area. Those properties would have garden areas to the rear with parking outwith their curtilages. The larger 3 and 4 bedroom semi-detached properties fronting Wilson's Park would have plots ranging from around 270 to 345sqm in area. Those properties would have rear garden areas with in-curtilage parking to the frontages. The private areas of properties would have some overlooking from windows in neighbouring property but not at levels that are untypical or unacceptable in a location close to the town centre. The development is designed to provide a mix of house sizes to accommodate differing needs in the local community. The plot sizes are comparable with those in the wider area and the proposed dwellings would provide an acceptable residential environment for future occupants.
- 8.9 The redevelopment of the site would have some impact on occupants of neighbouring property and development plan policy seeks to ensure that such impacts are within acceptable tolerances. Guidance on matters such as window to window distances and overlooking from upper floor windows is provided in the Council's Advice Note 14 which deals with small housing developments. In terms of properties to the north of the site, the proposed houses fronting Damacre Road would be separated from those existing houses directly opposite by the public road and a distance of around 18m. The frontage terrace would have a blank west facing gable and it would be around 9m from windows in the property to the west. The proposed gable end of that block would sit further to the south than the gable of the existing dwelling and the separation distance would be greater than currently exists between those windows and the annex building that occupies that part of the site. A residential property sits to the west of the proposed frontage terrace and it has a blank gable facing the blank gable of the proposed terrace. That property has a parking area that it would separate it from the proposed terrace. Upper floor windows of the terrace would have some views over the private garden ground of neighbouring property but this would be at levels currently found in the area. The proposed terraced houses on the northern section of the site would not give rise to unacceptable impacts on the amenity of occupants of neighbouring property.
- 8.10 The semi-detached properties proposed on the southern section of the site would have windows facing east and west. The boundaries of existing neighbouring property to the west would be separated from the proposed houses by a distance in excess of 16m. The proposed houses would be a minimum distance of around 9m from the boundaries of existing properties to the east. The proposed southern most house would have a blank gable facing the existing Scout Hall at a distance ranging from 3 to 5 metres. The proposed houses occupying the southernmost section of the site would not give rise to any unacceptable impacts on the amenity of occupants of neighbouring property. The proposal would be compatible with the Council's Advice Note 14 and the resultant relationship between houses would not be untypical of that found in the area. The development would generate additional activity and movement on Wilson's Park but this would be likely with any new use on the site. The proposed development of 10 houses would not give rise to a level of activity or movement that would be unusual or unacceptable at a location such as this within in an existing urban area. The proposal would not have any unacceptable impacts on the amenity and privacy of occupants of the existing residential properties and it complies with the amenity considerations of Policies TC2 and DS4.

- 8.11 In terms of built environment considerations it is relevant to have regard to the existing buildings that occupy the site and to the layout and design of the proposed buildings. The site is currently occupied by a traditional stone and slate building and by more modern annex type extensions. The traditional building is not unattractive but it has been subject of fairly extensive alteration and is of no significant architectural or historic interest. Historic Environment Scotland has indicated that the building is not worthy of listing and the Council's Archaeological Advisor has offered no objection to the loss of the building subject to a condition requiring a Standing Buildings Survey prior to demolition. The building is set back some distance from Damacre Road and public views are partially screened by the modern annex that sits between it and the roadway. It is not a significant feature in the wider townscape and is located in area where there are a significant number of buildings of greater historic or architectural interest. In these circumstances the loss of the existing building is not considered to give rise to any significant issues in terms of the historic or built environment and is acceptable.
- 8.12 The proposed layout of the site provides for a terrace of 2-storey houses fronting Damacre Road. Those properties would be set back from the roadway in order to allow the retention of an existing boundary wall and railings. The basic form and design of the buildings reflects the pattern of development in the area. The proposed palette of traditional finishing materials would help ensure that this frontage development is sympathetic with the surrounding built environment. The semi-detached properties to the rear of the frontage would face Wilson's Park but would be partially screened from Damacre Road by the frontage terrace. These buildings would be of 2-storey, pitched roof design and would be finished with modern external materials. Again, the basic layout and design would be appropriate given the nature of the location. The proposal would comply with the built environment considerations of policies TC2, DS3 and PV8.
- 8.13 In relation to natural environment considerations the site is not subject of any statutory designation and its previously developed nature and town centre location limit its ecological potential. However, the site does offer potential for bats which are a European Protected Species. The applicant has provided an Ecological Survey and this confirms the presence of bat roosts in the buildings that currently occupy the site. The demolition of the buildings would destroy those roosts and therefore a licence would be required from SNH. The survey has been reviewed by SNH and it is indicated that it is comprehensive and that the proposed mitigation measures are acceptable. In this respect, it is likely that a licence would be granted for the works. On the basis of the proposed mitigation measures and the advice from SNH it is considered that the development would not have an unacceptable impact on bats. The development would not give rise to any other significant impacts on the natural environment and in this respect is compatible with the natural environmental considerations of policies TC2, DS1 and PV5.
- 8.14 Vehicular access to the site would be taken from Wilson's Park via Damacre Road. The Roads Service has indicated that the junction of Wilson's Park with Damacre Road would require to be improved. This may require revision to the boundary wall retention proposals. The applicant has indicated some widening of Wilson's Park along the site frontage through the removal of an existing boundary. The improvements sought by the Roads Service can be secured by planning condition and would allow for Wilson's Park to be adopted. Eight communal parking spaces would be provided for the four terraced houses. Each of the semi-detached houses would have in-curtilage parking for at least two cars. The Roads Service has reviewed the proposal in terms of matters related to access, road safety and parking provision and has indicated that it is acceptable subject to planning conditions. The proposal would likely result in additional traffic on Wilson's Park but as noted it would be widened and the activity and movement associated with 10 houses is not considered to give rise to any significant issues in terms of road traffic safety or amenity.
- 8.15 The proposed dwellings would be connected to the public water supply and drainage systems. However, SUDS would likely be required for the disposal of surface water. A condition is proposed that requires details of the surface water disposal scheme to be approved prior to the commencement of development. These arrangements are compatible with policy. The development would not give rise to any significant issues in terms of other infrastructure in the area and the Council's approved Supplementary Guidance on Developer Contributions and Affordable Housing does not require any particular contributions from an affordable housing development provided by the Housing Service. A planning condition is proposed to ensure that the properties are provided and maintained as affordable housing.
- 8.16 The proposal does not give rise to any other significant policy issues. It is of a scale and nature appropriate to the location and complies with relevant development plan policy.

- 8.17 In relation to material considerations it is relevant to note that a number of objections have been submitted to the proposal. Those representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. The loss of the existing traditional building that currently occupies the site is considered acceptable for the reasons detailed above. There may be other locations in Brechin where this development could be accommodated but that is not relevant. The key issue in relation to this application is whether the proposal complies with relevant policy. Those policy considerations do not require consideration of alternative sites. The proposed houses are designed to meet a target housing need; there is no limit on the size of an affordable housing unit. Amenity issues associated with the development have been discussed above. The proposal would have some impact on the amenity of those that live in the area but such impacts would not be untypical of those commonly found in urban areas and would be within acceptable tolerances. The layout and design of the proposal is considered acceptable. The site is some distance from designated Conservation Areas and there are a wide range of property styles in the immediate area. The proposal makes adequate provision for car parking and the Roads Service has offered no objection. This proposal cannot be seen as a mechanism to address any existing parking issue associated with the Scout Hall although it would facilitate improvement of Wilson's Park and allow it to be brought up to adoptable standard. Foul drainage from the development would be directed to the public sewer and a condition is proposed that requires details of surface water disposal to be approved before development commences.
- 8.18 The matters raised by the Community Council are largely addressed in the above discussion. Pre-application consultation with communities is required for developments of 50 units or more, or where the site area exceeds 2ha. In this case the proposal falls significantly below both thresholds. The Roads Service has not identified any requirement for specific traffic survey information in this case and that is not unusual for a development of this scale. The ALDP indicates that transport assessments are generally required for developments of 100 houses or more. There are no listed buildings within or adjacent to the application site with the closest being the Gardner Memorial Church some distance to the east. Information on boundary treatments and material finishes is provided on the submitted drawings. It is proposed to retain the stone wall and railing to Damacre Road. SEPA is not a statutory consultee in respect of this application and advice on drainage and flooding matters has been provided by the Roads Service in its capacity as Flood Prevention Authority. Issues regarding drainage and flooding are addressed by the proposed planning conditions.
- 8.19 In conclusion, the proposal provides for the erection of 10 affordable dwellinghouses on a previously developed site within a defined development boundary. It would provide a beneficial new use for a currently underused site in a manner that is compatible with relevant development plan policy. The letters submitted in objection to the proposal by third parties are noted and discussed above and the material planning issues raised have been taken into account in preparation of this report. However, the proposal is considered to comply with the relevant policies of the development plan, subject to stated conditions, and there are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

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

## EQUALITIES IMPLICATIONS

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

### 10. CONCLUSION

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

#### **Reason(s) for Approval:**

The proposal would allow for the erection of 10 affordable houses on a previously developed and underused site in a manner that complies with the relevant provisions of the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of the application.

#### **Conditions:**

1. That prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the planning authority;
  - a) a scheme of hard and soft landscaping. All planting comprised in the approved details shall be carried out in the first planting season following completion of the development and any trees which within a period of five years from that date die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;
  - b) details of the proposed means of surface water disposal from the development. The development shall not be occupied until the approved drainage scheme has been provided in its entirety;
  - c) precise details of existing and proposed ground levels and finished floor levels relative to existing dwellings and a fixed datum. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings hereby approved;
  - d) all details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage and intended timescales for the provision of same. This shall include the design of plot driveways to prevent the discharge of surface water onto the adjacent road(s). Thereafter, the development shall be completed in accordance with approved details and timescales;
  - e) a detailed plan of the north end of Wilson's Park to indicate the width of the carriageway at 5.5m. Thereafter, the carriageway shall be formed in accordance with approved details prior to the occupation of the dwellinghouses;
  - f) proposed colour for wet dash render and smooth banding and sample of natural stone to be used (which should include the re-use of doughtaken stone if possible). Thereafter, the development shall be completed in accordance with approved details.

*Reason: To ensure the landscaping proposals and subsequent maintenance are in accordance with Council standards; to ensure suitable surface water drainage arrangements are provided; to ensure finished ground and floor levels and external material finishes are acceptable in the interests of amenity; and to ensure the road layout, design and construction are all to the standards of Angus Council.*

2. That prior to the commencement of the development, a visibility splay shall be provided at the junction of Wilson's Park and Damacre Road giving a minimum sight distance of 43m in an easterly direction at a point 2.4m from the nearside channel line of Damacre Road and, within this visibility splay, nothing shall be erected or sited, and no planting permitted to grow to a height in excess of 1050mm above the adjacent road channel level.

*Reason: In order to ensure a safe and suitable access and maintain an adequate sightline, in the interests of road safety.*

3. That prior to any works commencing, the developer shall secure the implementation of a Level 1 archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the planning authority. The scope of the archaeological standing building survey will be set by the Aberdeenshire Council Archaeology Service on behalf of the planning authority, and the name of the archaeological organisation retained by the developer shall be given to the planning

authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Thereafter, copies of the resulting survey shall be deposited in the National Record of the Historic Environment and in the local Sites and Monuments Record upon completion.

*Reason: In order to record features of the historic environment of the structure.*

4. That the development hereby approved shall be carried out in accordance with the Recommendations in the Ecological Survey Report for the Damacre Centre, Brechin by Direct Ecology and dated 1 November 2017. Specifically, the proposed bat boxes shall be provided prior to any doughtaking or demolition of existing buildings.

*Reason: In order to mitigate impact of the development on a European Protected Species.*

5. That the development of residential units hereby approved is to comprise solely of affordable housing, that is to say housing of a reasonable quality that will be affordable to people on modest incomes. The residential units shall be owned, managed, leased or otherwise provided in perpetuity as such by Angus Council or by a registered social landlord or other body having similar objectives, as approved of in writing by the Planning Authority.

*Reason: In order to ensure that the development is built and occupied as affordable housing as that is the basis upon which the application has been assessed.*

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

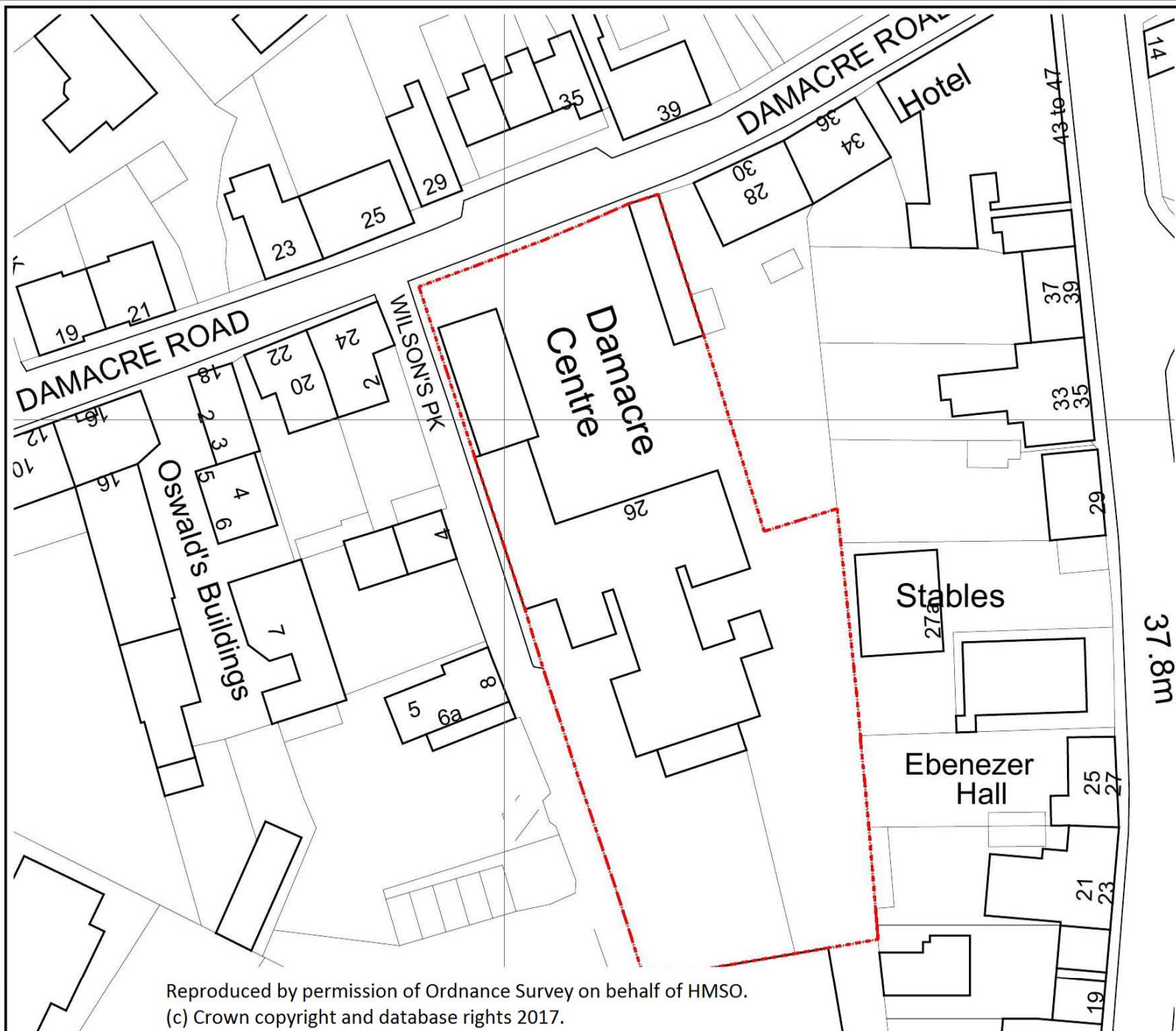
**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

**REPORT AUTHOR: STEWART BALL**  
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 14 DECEMBER 2017**

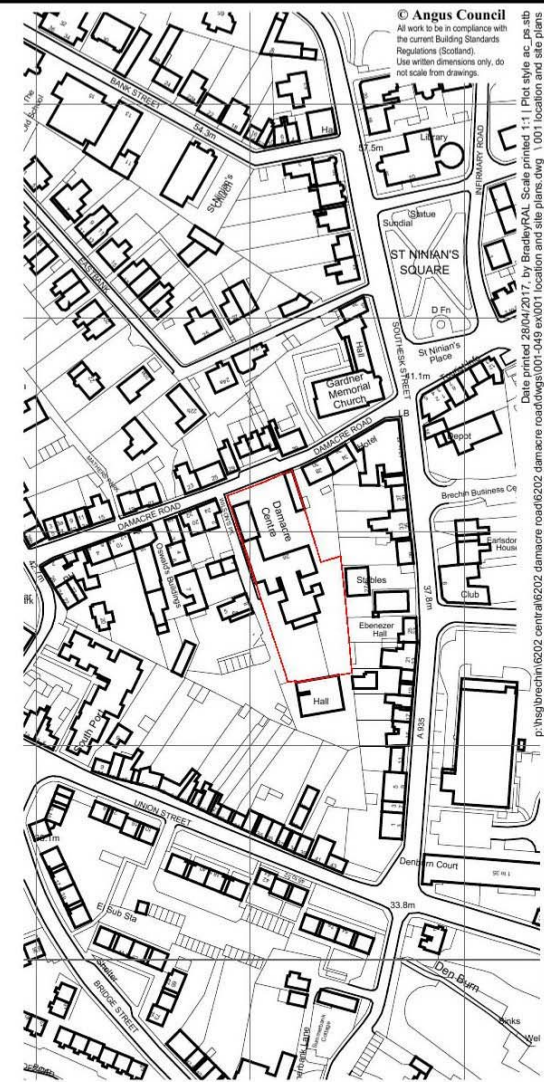
**Appendix 1 : Location Plan**  
**Appendix 2 : Relevant Development Plan Policies**





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SITE PLAN - 1 : 500



LOCATION PLAN - 1 : 2500

Project Title <b>Proposed New Affordable Housing Damacre Centre Brechin</b>	 <b>Property</b> Bruce House Wellgate Arbroath DD11 3TP  Tel. 03452 777 778   Fax. 01241 870742
Drawing Title <b>Location and Site Plans</b>	
Project No. <b>0024 1099</b>	Scale 1:500 @A3 Date Sept '15 1:2500 @A3 Drawn by RB
Drawing No. <b>001</b>	Revision <b>0</b>

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 Scale 1:500 @A3  
 Date 11/09/15  
 Project No. 0024 1099  
 Drawing No. 001  
 Revision 0

## **Appendix 2 : Relevant Development Plan Policies**

### **Angus Local Development Plan**

#### **Policy DS1 : Development Boundaries and Priorities**

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

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

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

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

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

#### **Policy DS3 : Design Quality and Placemaking**

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

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

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

## **Policy DS4 : Amenity**

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

Angus Council will consider the impacts of development on:

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

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

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

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

## **Policy 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 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 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 PV8: Built and Cultural Heritage**

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

### National Sites

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

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

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

### Regional and Local Sites

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

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

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

## **Policy PV15: Drainage Infrastructure**

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

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

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

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

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

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

### **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.