

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 04 JANUARY 2018**

**PLANNING APPLICATION – LAND AT THE FEUS, MEADOWBANK GARDENS, WELLBANK**

**GRID REF: 346892: 736641**

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

**Abstract:**

This report deals with planning application No 17/00404/FULL for the proposed erection of four dwellinghouses at the site Land at The Feus, Meadowbank Gardens, Wellbank for Angus Developments SPV3 LTD. 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 full planning permission for the erection of four houses.

3.2 The application site measures approximately 4999sqm and is an area of open grassland at the south of Wellbank, adjacent to the Buddon Burn. The application site is bounded on three sides by housing to the north, east and west with the Buddon Burn to the south. The housing to the north and west is predominantly traditional in character while the housing within Meadowbank Gardens to the east is modern in character. The application site contains conifer trees along the eastern boundary. A location plan is provided at Appendix 1 below.

3.3 The application proposes four detached houses set within plots measuring between 1056 – 1462sqm. The houses at plots 2 to 4 would be 1½ storeys with a footprint of 178sqm and an overall height of 7.2m. These houses would contain a lounge, kitchen, dining area, family room, four bedrooms, bathroom and utility room and have an attached garage. The house proposed at plot 1, to the west of the site, would be a single storey bungalow with a footprint of 182sqm and an overall height of 6.1m. This house would contain a lounge, kitchen, dining room, utility room, bathroom and four bedrooms. The bungalow would have a detached single garage. The external materials would consist of grey concrete roof tiles and cream/off-white smooth render walls, with stone cladding features. The doors and windows would be grey uPVC and the rainwater goods black uPVC. Access would be taken from Meadowbank Gardens. The boundary enclosures would consist of 1.8m high timber screen fencing between the plots with and 1.2m high post and wire fencing and beech hedging defining the southern boundary of the site. The existing stone wall and conifer trees at the east boundary of the site would be retained, with the exception of a tree proposed to be removed to allow access to be formed.

3.4 The application has been amended to reduce the number of houses proposed from 5 to 4

units and to reduce the site area in order to allow for a buffer along the northern bank of the Buddon Burn. Further amendments have been made including an alteration to change the house closest to the western boundary from a 1½ storey house to a single storey bungalow.

- 3.5 The application has been subject of statutory publicity and consultation and was advertised in the local press as required by legislation.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Planning permission in principle (Appn: 09/00230/OUT refers) for the erection of four dwellinghouses on this site was approved by the Development Standards Committee at its meeting on 28 April 2009 (Report 318/09 refers).
- 4.2 A further application (Appn: 12/00402/MSCL refers) for approval of matters specified in conditions attached to the planning permission in principle was approved by the Development Standards Committee at its meeting on 18 September 2012 (Report 538/12 refers). That permission was consistent with the planning permission in principle and provided for the erection of four houses.

#### **5. APPLICANT'S CASE**

- 5.1 Supporting documentation has been submitted and consists of: -

##### **Bat Survey:**

States the tree proposed to be removed at the site has low suitability for potential roost and therefore the tree can be safely removed without a detrimental impact on roosting bats. Notwithstanding this, mitigation measures are identified, including a recommendation that the survey is updated if the removal of the tree does not occur prior to March 2018.

##### **Flood Risk and Drainage Impact Assessment:**

Two Flood Risk Assessments (FRA) and a further supporting statement with supplementary information were submitted in support of the application. The first assessment, prepared by Kaya Consulting, indicates the site is not at risk of flooding from groundwater or infrastructure, although there may be areas of poorly drained land at the southern end of the site, close to the burn. SUDS should be designed to manage surface water within the site. Surface water runoff from the site should be attenuated to greenfield rates, agreed with the planning authority, and discharged to the Buddon Burn. The layout should be designed to consider surface water flooding risks.

The second assessment and revision, prepared by COGEO, includes a Drainage Impact Assessment and indicates there is some risk to surface water in the site, however, the floor heights of the buildings have been raised above the ground level and a drainage plan is proposed which will divert surface water to the south eastern part of the site. The FRA states the proposal could be developed in this location without increasing flood risk away from the site.

The supporting statement provides further information in response to comment from the Roads Service and provides information on the ownership, maintenance and impact of blockage for upstream culverts, flooding within the site with bridge blockage and potential flooding from the sewer.

- 5.2 The supporting information is available to view on the Council's [Public Access](#) website.

#### **6. CONSULTATIONS**

- 6.1 **Angus Council Roads** – Has considered the application in terms of its impact on the local road network and the suitability of the proposed access arrangements. It has also considered the application in terms of flood risk and associated drainage issues and reviewed the relevant information submitted in relation to those matters. The Roads Service offers no objection provided certain matters are addressed by condition.
- 6.2 **Scottish Water** – Offers no objection to the proposal.
- 6.3 **Community Council** – Object on the grounds of flood risk concerns, drainage concerns, concerns regarding access to the site and suitability of access for emergency service

vehicles.

- 6.4 **Archaeology Service** - Offers no objection to the proposal.
- 6.5 **Angus Council Education Service** - Offers no objection to the proposal but identified Primary and Secondary Education Developer Contributions are required as the site was greater than 0.5ha. *The site has subsequently been amended to provide an undeveloped buffer zone adjacent to the burn and no longer exceeds the 0.5ha threshold. However, a Primary Education Contribution is still required to address cumulative impact at Mattocks Primary School, in accordance with the Supplementary Guidance.*
- 6.6 **Angus Council Parks and Burial Grounds** - Offers no objection to the proposal but identified that open space financial contributions per unit were required as the site was greater than 0.5ha. *The site has subsequently been amended to provide an undeveloped buffer zone adjacent to the burn and no longer exceeds the 0.5ha threshold.*
- 6.7 **Angus Council Housing Service** – Offers no objection but identified that one affordable housing unit was required as the site was greater than 0.5ha. *The site has subsequently been amended to provide an undeveloped buffer zone adjacent to the burn and no longer exceeds the 0.5ha threshold.*

## 7. REPRESENTATIONS

- 7.1 Eight letters of representation have been received. Seven letters are in objection and one in support. The letters of representation will be circulated to Members of the Development Standards Committee and a copy is available to view on the council's [Public Access](#) website.
- 7.2 The main points of objection are as follows:-

- **Proposal does not comply with development plan policy;**
- **Impact on residential amenity of neighbouring houses;**
- **The proposed houses are incongruous and will have an adverse impact on the surrounding area and perspective from the south entrance to Wellbank**
- **Mature trees require to be felled to create an access;**
- **Impact on traffic movements, road safety, suitability of access and parking;**
- **Impact on flooding and drainage infrastructure;**
- **The submitted plans are unclear.**

The main points of support are as follows:-

- **The site would provide an improvement at an unused piece of land and have a positive effect on the surrounding area.**

These matters will be addressed under Planning Considerations below.

- 7.3 Other matters have been raised and are addressed at this stage: -

- **A breach of planning control has occurred through work already undertaken at the site** – there has been some scraping of ground at the site and a mound has been formed towards the east site boundary. The developer was advised to reinstate the land to its former condition on 26 May 2017 but no formal enforcement action has been pursued pending the outcome of this application.
- **The applicant does not have a right of access to the site from Meadowbank Gardens** – The ownership and access rights are civil matters and are not material to the determination of the application. However, the applicant has indicated that an agreement for access to the site is pending;
- **Disruption during construction works** – It is not uncommon for small residential developments of this scale to be undertaken in existing residential areas without significant adverse impact on amenity. There is no reason to consider that a development of this scale and nature at this location would give rise to any unacceptable impacts;
- **The proposed footpath encroaches on neighbouring land** – The requisite Land Ownership Certificates have been submitted and indicate all land owners have been notified of the proposed development. The ownership history of the site is not material to the determination of the application.

## 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 local development plan policies relevant to consideration of this application 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 villages 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 The application site lies within the development boundary of Wellbank and is not protected for any other use. There are existing houses to the north, east and west and a residential use at this site would be compatible with existing and proposed uses in the area. Housing development on the site would be compatible with the general character of the area and the pattern of development is discussed below.
- 8.7 In terms of residential environment to be provided, the plot size ranges from 1056sqm to 1462sqm and ample garden ground would be available for each plot. This is consistent with the plots sizes at Meadowbank Gardens to the east of the application site and is in excess of the older properties that are located to the north of the application site. Each plot provides in excess of 400sqm of private garden ground which exceeds the minimum requirement of 100sqm. The relationship between the proposed development and the existing surrounding properties does not give rise to any significant amenity issues. The proposed bungalow at the west most plot would be located the closest to existing residential properties at a distance of around 9m to the closest part of the neighbouring house to the west. A gable elevation, with no windows, would be around 2.3m from the boundary with the private amenity ground of that house and a 1.8m high boundary fence would be provided to minimise privacy impacts. All proposed houses would be in excess of 20m from the existing houses to the north and east, with existing trees partially obscuring visibility to the east. In terms of overshadowing, a shadow study submitted in support of the application indicates the impact of shadow from the proposed bungalow would not be unacceptable and the impact from the other proposed houses would be negligible. 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. On this basis it is considered that a satisfactory residential environment would be provided for the proposed dwellings and the amenity and privacy of occupants of the existing residential properties maintained. The proposal complies with the amenity considerations of Policies TC2 and DS4.
- 8.8 In terms of the built environment, the general layout reflects the pattern of development in the wider area. The form of the proposed houses is based on modern suburban architecture which uses simple basic forms, pitched roofs, gable ends, dormer windows and simple rectilinear openings. The proposed houses will be a mixture of single and 1½ storeys in height which produces a cohesive visual group of buildings. It should also be noted that the

proposed houses reflect the design of the housing to the east of the application site and that there is a relatively wide variety of property styles in the area. In terms of the external materials, grey concrete roof tiles, off-white render and stone cladding feature walls are relatively common for modern housing within Wellbank. Overall the proposed design solution is acceptable in the context of the surrounding area and is broadly compatible with the Angus Council's design guidance.

- 8.9 The site is not subject of any statutory built heritage designation but it does form part of a larger area of archaeological interest which comprises the original Wellbank settlement. The Archaeology Service has confirmed that no archaeological mitigation is required. The proposal is compatible with the built environment considerations of Policies TC2, DS3 and PV8.
- 8.10 In terms of the natural environment, the site is not subject of any specific designation. However, there are trees on the eastern boundary of the site and the Buddon Burn lies to the south. The trees are not individually of any special interest but collectively provide some landscape context to the village. It is indicated that a single Sitka Spruce tree would be removed in order to allow for the formation of an access to the site but given root protection requirements it is possible that additional trees may require to be removed. Notwithstanding that, the loss of a limited number of trees would not give rise to unacceptable landscape impacts although compensatory planting would be desirable. A bat survey was undertaken and this indicated that there are limited records of bats in the area and that the tree proposed for removal has low potential to accommodate bat roosts. On this basis, and having regard to available environmental information for the area, it is considered that the removal of a tree or trees in this area is unlikely to give rise to any significant ecological impacts. The proposal has been amended in order to provide a buffer between the site and the Buddon Burn to the south and this would mitigate any impact of construction activity on the water course. The development would not give rise to any unacceptable impacts on the natural environment or natural heritage interests. A condition is proposed requiring a scheme for landscaping and planting at the site, including precise details of those trees to be removed and retained during the course of development, measures for the protection of trees to be retained and a scheme of compensatory planting for those to be removed. A condition is also proposed that requires the provision of a proposed hedge that would form the boundary between the site and the buffer zone to the watercourse.
- 8.11 The Roads Service has reviewed the proposal and is satisfied that an appropriate access can be provided. It has offered no objection to the application subject to a condition requiring the formation of a footway/verge at the proposed access prior to the occupation of dwelling houses. A development of four houses is unlikely to give rise to significant impacts on traffic movement or safety in the area.
- 8.12 Policy also requires consideration of impacts on infrastructure and for significant impacts to be mitigated. The original proposal provided for five houses on a site exceeding 0.5ha. In that respect, and in accordance with the Council's approved Supplementary Guidance on Developer Contributions and Affordable Housing, consultees identified that developer contributions would be required in respect of education, open space and affordable housing. However, in the course of this application the proposal has been amended to reduce both the site area and number of units proposed. The development now involves a proposal for four houses on a site with an area less than 0.5ha. On this basis the Supplementary Guidance does not require contributions in respect of affordable housing, open space or secondary school accommodation. However, the site is located within the catchment area for Mattocks Primary School. The Supplementary Guidance indicates that contributions may be required for developments of two or more residential units in order to address cumulative impact. The Education Service has indicated that a contribution is required in this case. A condition is proposed requiring conclusion of a planning obligation to secure the required contribution.
- 8.13 The development would connect to the public water supply and foul drainage system. Those arrangements are compatible with development plan requirements and Scottish Water has offered no objection. The site is adjacent to the Buddon Burn and this presents potential issues in relation to the disposal of surface water and flood risk. Sections of the site are at risk of flooding and Flood Risk Assessments and Drainage Impact Assessments were submitted in support of the application. The Roads Service has reviewed those documents and offered no objection, subject to identified mitigation. This includes the raising of the finished floor levels of the dwelling houses and the use of a suitable SUDS system for the disposal of surface water. A condition is proposed to deal with this matter.

- 8.14 The proposal does not give rise to any significant issues in terms of other relevant development plan policy. The erection of four houses on the site in the manner proposed is compatible with development plan policy and associated guidance.
- 8.15 In relation to material considerations, it is relevant to note that Committee has previously granted planning permission for the erection of four houses on this site. The detail of that previously approved scheme differed from that currently under consideration and the development plan framework has been updated in the intervening period. However, Council policy remains broadly supportive of new housing development within development boundaries.
- 8.16 The letters of representation are also material in so far as they raise relevant planning matters. Those letters, including the comments from the Community Council have been taken into account in preparing this report. Issues regarding compatibility with development plan policy, impact on amenity of occupants of existing property and the design of the proposal are discussed above. Whilst the proposal would have some impact on the area and those that live in the vicinity, such impacts are not untypical of those commonly found within villages and the proposal complies with relevant policy and guidance. The development would impact on existing trees but those trees are not considered to be of special value and the loss of a limited number would not adversely affect the landscape character or amenity of the area. Compensatory planting can be secured by planning condition. Concerns regarding the suitability of the vehicular access and associated issues are noted but the Roads Service has indicated that it finds the proposal acceptable. The traffic associated with four houses is unlikely to have any material impact on the area. Information regarding possible flood risk and associated drainage issues has been submitted and assessed by the Roads Service. On the basis of that information and advice provided by the Roads Service it is considered that issues regarding flood risk and drainage can be appropriately mitigated. The submitted plans provide sufficient information to allow the application to be determined and conditions are attached to require provision of additional information as necessary.
- 8.17 In conclusion, planning permission has previously been granted for the development of four houses on the site. The layout and design of the proposed houses is acceptable in the context of the area and ensures that impacts on occupants of neighbouring property are within acceptable tolerances allowed by Council guidance. The letters submitted in support and opposition 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 the proposed 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 undernoted conditions:

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

The proposal 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. 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 the sum of the £5,915 per dwelling house (Total:- £23,360) will be paid to Angus Council for the purpose of the provision of educational facilities in accordance with Policy DS5 of the Angus Local Development Plan 2016 and its associated Developer Contributions and Affordable Housing Supplementary Guidance.

*Reason: In order to ensure that the proposed development does not put undue pressure on the existing education facilities within the primary school catchment area and in accordance with the requirements of the Council's approved Supplementary Guidance.*

2. That prior to the commencement of development the following shall be submitted to and approved in writing by the Planning Authority: -
  - i) a detailed landscaping scheme. That scheme shall include details of those trees to be removed and those to be retained, along with measures for their protection during the course of development. The scheme should make provision for compensatory planting for any trees that are to be removed. Thereafter the landscaping scheme shall be implemented in accordance with the approved details and all planting contained within the scheme shall be completed in accordance with the timescales contained therein;
  - ii) precise details of the finish materials for all roads, paths, turning areas and other communal areas within the development. Thereafter the development shall be undertaken in accordance with the approved details;
  - iii) a scheme for the management and maintenance of all open space or amenity areas, roads or paths, and other infrastructure within the site which is not within the curtilage of a dwelling. Thereafter the open space, amenity areas, roads, paths and other infrastructure will be managed and maintained in accordance with the approved details in perpetuity;
  - iv) precise details of existing and proposed ground levels and finished floor levels for all buildings relative to a fixed datum and neighbouring residential property;
  - v) drawings to demonstrate that the development incorporates necessary flood mitigation measures and precise details of all surface water disposal measures, including arrangements for subsequent management and maintenance. This should include details to indicate the phasing of provision of necessary infrastructure or mitigation measures. For the avoidance of doubt the details should have regard to the design recommendations contained within the Summary and Conclusions Section (Section 7) of the Flood Risk Assessment titled: 'COGEO Planning and Environmental Services Proposed Development at Meadowbank Gardens, Wellbank - Flood Risk Assessment' and prepared September 2017 by Kaya Consulting Limited and Sections 7.7 – 7.9 of the Flood Risk Assessment titled: 'Flood Risk Assessment – Meadowbank Gardens – COG-006,' prepared 18 August 2017 and revised 09 October 2017 by COGEO. Thereafter the development shall be undertaken in accordance with the approved details and the phasing scheme.

*Reason: In order that the planning authority may verify the acceptability of the proposals and to ensure subsequent implementation of necessary measures in the interests of the visual and residential amenity of the area and to ensure provision of necessary flood mitigation and drainage measures.*

3. That, prior to the occupation or use of any dwelling house, the footway/verge crossing at the proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

*Reason: In order to provide a safe and satisfactory access in a timely manner.*

4. That notwithstanding the provisions of any Development Order, there shall be no raising of ground levels, construction of enclosures, structures or buildings within the application site or within the curtilage of any house hereby approved unless with the prior written approval of the planning authority following the submission of information to demonstrate that the works will not materially increase the probability of flooding to existing or planned development.

*Reason: In order to reduce the potential risk from flooding.*

5. That no house within the development hereby approved shall be occupied until the post and wire fence and associated landscaping on the southern boundary between the site and the landscaped buffer to the adjacent watercourse has been provided. Thereafter that boundary shall be retained in perpetuity.

*Reason: In order to ensure provision of an appropriate buffer zone between the development site and the adjacent watercourse in the interests of minimising flood risk and biodiversity enhancement.*

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

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

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**DATE: 14 DECEMBER 2017**

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



## Appendix 1 : Location Plan



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**Meter Scale 1:1250**



D	Boundary Updated
C	Boundary Updated
B	Boundary Updated
A	Boundary Updated

## **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.

## **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 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 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 PV12 : Managing Flood Risk**

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

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

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

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

Where appropriate development proposals will be:

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

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

### **Policy PV13 : Resilience and Adaptation**

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

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

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

### **Policy PV15 : Drainage Infrastructure**

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

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

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

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

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

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