

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 MARCH 2018

PLANNING APPLICATION – LAND AT OLD MANSE, RESCOBIE, FORFAR

GRID REF: 350899 752153

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning permission in principle application No 17/00353/PPPL for the erection of a dwellinghouse on land by the Old Manse, Rescobie, Forfar by Mr G Mackie. 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 in principle for the erection of new dwellinghouse.
- 3.2 The application site measures approximately 3000sqm in area and is located to the north of the Old Manse and Church at Rescobie. The site is surrounded by agricultural land to the north and west, an access track to the east beyond which lies two dwellings known as Airdrie House and Old School House. Access to the site would be achieved via a private track which connects to the B9113 to the south of Rescobie Parish Church. The site contains trees close to its southern and eastern boundaries. An electricity line runs diagonally through the site from north west to south east. The site slopes steeply from north down to south. A location plan is provided at Appendix 1 below.
- 3.3 The proposal seeks planning permission in principle for the erection of a dwellinghouse. The plans submitted show a notional house position towards to north of the plot. The plans show visibility splays of 2.4m x 120m at the junction of the access track with the public road to the east and west. Foul drainage would be directed to a private drainage system and a new public water supply would be required. The application form indicates that sustainable drainage methods would be used for surface water.
- 3.4 The application has been subject to neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

Planning application 16/00930/PPPL for the 'Planning Permission in Principle for Erection of Two Dwellinghouses' was withdrawn prior to determination.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted phosphorous mitigation calculations relating to the proposed drainage arrangements.
- 5.2 The applicant has also submitted information relating to visibility splays at the junction of the access track with the B9113 public road.
- 5.3 The submitted information can be viewed on the Council's website.

6. CONSULTATIONS

- 6.1 **Angus Council - Flood Prevention** - this consultee has stated no objections in respect of flooding issues provided surface water drainage details are secured as part of a detailed application.
- 6.2 **Angus Council - Countryside Access** - this consultee has stated no objections, commenting the track is unlikely to be a public right of way, as there appears to be no defined through route to a public terminus at the northern end. Access rights under the Scottish land reform legislation are however likely to apply. In order to define the private area associated with the dwelling, and protect access rights over the track, there should be a boundary fence or wall to define the curtilage of the dwelling.
- 6.3 **Scottish Environment Protection Agency** - this consultee has offered no objections to the proposal but recommends that condition(s) be attached to the planning permission requiring mitigation that is capable of removing 125% of phosphorus likely to be generated by the development. This is likely to require works to upgrade the septic tank of an existing property within the catchment area. This development lies within the Rescobie and Balgavies Lochs Site of Special Scientific Interest (SSSI) catchment and there is a need to address the safeguarding of catchment of the lochs from foul drainage with mitigation for the impacts of private waste water systems.
- 6.4 **Community Council** - there was no response from this consultee at the time of report preparation.
- 6.5 **Angus Council - Roads** - no objection to the proposal noting that visibility splays of 2.4 x 120 metres would be available on each side of the access at its junction with the B9113. Roads has also confirmed that it has various powers under the Roads (Scotland) Act 1984 to prevent actions that may obstruct the view of road users at corners, bends and junctions.
- 6.6 **Scottish Water** - there was no response from this consultee at the time of report preparation.
- 6.7 **Aberdeenshire Council Archaeology Service** - this consultee has requested that a programme of archaeological works is carry out prior to any works on the site.
- 6.8 **Scottish Natural Heritage** - does not have any objection to this development which lies within the catchment of Rescobie and Balgavies Lochs Site of Special Scientific Interest (SSSI) provided that provision is made to ensure that there is no net increase in phosphorus discharge into Rescobie Loch.

7. REPRESENTATIONS

Six letters of representation from five households have been submitted. All representations object to the application. The main points raised in the representations are summarised as follows:-

- Impact on trees and wildlife which use them (bats)
- Flooding and lack of flood risk assessment
- Unsuitable drainage conditions on site
- Impact on environment (Rescobie Loch SSSI)
- Unsuitable access track to site with lack of maintenance
- Impact on access rights on track
- Inadequate visibility at junction and associated road safety impacts
- Adverse impact on the setting of Rescobie and the church
- Lack of detail on the plan submitted
- Loss of view/visual amenity impacts

- Proposal contrary to the development plan
- Contrary to local housing strategy

The main points of objection are discussed below in section 8.

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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.3 In this case the development plan comprises:-
- TAYplan (2) (Approved 2017)
 - Angus Local Development Plan (ALDP) (Adopted 2016)
- 8.4 The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.5 Policy DS1 of the Angus Local Development Plan (ALDP) indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location.
- 8.6 Policy TC2 is the main test for proposals for new residential development in countryside locations and offers support where the development would fall within at least one of a number of categories including sites which would round off an established group of 3 or more existing dwellings. The Council's Countryside Housing Supplementary Guidance provides further detail on the application of the policy and Appendix 3 of that document includes development criteria which proposals are expected to satisfy. Policy TC2 also requires new residential development to provide a satisfactory residential environment; to avoid unacceptable impacts on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing on qualifying sites. The site is located in a Category 2 Rural Settlement Unit. These areas are described as *primarily remote rural areas where limited new development outwith settlements may be appropriate in order to stem rural depopulation and/or support existing services*.
- 8.7 The application site is located to the north of Manse Cottage and The Old Manse and west of Airdrie Cottage and Old School House. The land which forms the application site is sandwiched between these dwellings and access track and has long standing boundaries which contain the site on all sides. The building group of dwellings and other buildings extends from the Old Manse and its curtilage to the south west, the Parish Church, boundary walls and church yard to the south/south east, the two dwellings to the north east and the application site to the north west and incorporates groups of trees and a parking area associated with the church. The building group has a physical and visual sense of containment and an established landscape setting provided by mature trees, some of which are contained within the application site. I consider the development of a house on the site would round off or consolidate the building group and an appropriately designed house could be well visually integrated into that building group without undermining its sense of containment.
- 8.8 The Appendix 3: Detailed Countryside Housing Criteria contained within the Countryside Housing Supplementary Guidance should also be complied with. A house on the site would not create a gap or rounding off opportunity for further development (Criterion (a)). The plot measures approximately 3000sqm which is within acceptable limits for a Category 2 area (criterion b). The proposal would not extend ribbon development and would not result in the coalescence of a building group with another group (criteria c & d). Issues relating to design would be dealt with as part of a subsequent detailed planning application (criterion e).
- 8.9 Criterion (f) requires the provision of a satisfactory residential environment, adequate space between dwellings and the retention of the privacy of adjacent property. The concerns

regarding impact on amenity are noted. The application site is approximately 0.3Ha in area and as such there is ample space to be able to site a house in a manner which complies with council standards on privacy and amenity.

- 8.10 The proposal is not of a scale which would require affordable housing or developer contributions towards infrastructure improvements (criteria g & h). I have no reason to consider the proposal would adversely impact on farming or other rural business and access would not be taken through a working farm court (criteria l & j). The letters of objection have raised concerns regarding suitability of the access road leading to the site, its steep gradient, lack of passing opportunities and lack of maintenance. This access track appears to be in reasonable condition other than an area between the church car park the lower parts of the slope. There are places for cars to pass at the bottom of the slope and at the kirk car park. A planning condition is proposed requiring a scheme of improvements to the access track. Longer term responsibility for its maintenance would be a matter for the parties with an interest in the track. The road is steep and only serves a small number of dwellings and the church. It is noted that the junction of the track to the public road is located close to corners but information submitted with the application indicates that a visibility splay of 2.4m x 120m is available. The site access is established and I do not consider its use by one additional household would result in any unacceptable road safety issues. The Roads Service has considered access arrangements to the site and considers the visibility splay with the public road to be satisfactory, noting that vehicle speeds are likely to be lower given the location of the access close to bends in the public road. The Roads Service notes that the applicant does not control the land in the westerly splay but has confirmed it has powers that could remedy any obstruction to it (criterion k).
- 8.11 The remaining tests of TC2 relate to impacts on the built and natural environment. There is a collection of listed buildings to the south of the site including the former Parish Kirk Manse (category C listed), Manse Gatepiers (category C listed), Kirkyard Walls (category B listed), Manse Offices (category c listed) and Rescobie Parish Kirk (category B listed). The special interest of these buildings is partly related to the significance of the grouping. The setting of these buildings is relatively unspoiled by the newer dwellings to the north east of the group and the listed buildings associated with the parish kirk are backclothed by mature trees which separates the listed buildings from the more recent development to the north. I consider that an appropriately sited and designed dwelling on the application site would be capable of co-existing with the parish kirk buildings without any significant impacts on the setting of these buildings. Measures for the protection of trees within the site can be secured by planning condition. The archaeology service has also requested a programme of archaeological works due to the potential of the site to contain features of archaeological significance.
- 8.12 Moving onto impacts on the natural environment, Policy PV4 indicates that Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Proposals which affect SSSIs are only permitted where the proposed development will not affect the integrity of the area or the reasons for which it was designated; or any adverse effects on the site are outweighed by social, economic or environmental benefits of national significance. Policy PV14 relates to water quality and indicates that development proposals which do not maintain or enhance the water environment will not be supported and indicates that mitigation measures must be agreed by SEPA. Policy PV15 relates to drainage and states that outwith areas served by public sewers, private proposals for waste water treatment must meet the requirements of SEPA and or Buildings Standards regulations.
- 8.13 The application site is located within 120m of Rescobie and Balgavies Lochs Site of Special Scientific Interest (SSSI) which is noted for wetland habitats (basin fen and transition open fen) and rare plants (vascular plant assemblage). SNH has indicated that nutrient enrichment has taken place in Rescobie Loch and its catchment and the primary cause is believed to be from diffuse pollution of phosphates and nitrates. The primary pollutant of concern is phosphate, but one of the contributory factors from non-agricultural sources is septic tanks. SNH has commented that nutrient enrichment has led to an increase in algal blooms and a loss of species diversity. This has resulted in a deterioration of SSSI interest over many years. SNH has offered no objection to the proposal provided that there is no net increase in phosphorus load on the SSSI and SEPA has recommended that planning condition(s) be attached requiring mitigation that is capable of removing 125% of phosphorus likely to be generated by the development. This is likely to require works to upgrade the septic tank of an existing property within the catchment area. A planning condition is proposed requiring the submission and implementation of a scheme to remove 125% of phosphorus likely to be generated by the development which should result in a net reduction in phosphorus reaching

the SSSI. On that basis I am satisfied that the proposal would not result in an unacceptable impact on Rescobie and Balgavies SSSI.

- 8.14 The representations submitted identify concerns relating to the potential impact of the development on trees within the site and the potential for those trees to contain bat roosts. Policy PV4 relates to protected species and Policy PV7 relates to woodland, trees and hedgerows. Both policies seek to protect and enhance the biodiversity of the site. The application form incorrectly indicates that there are no trees within or adjacent to the site. The existing trees to the south and east of the site would be an important means of ensuring that the proposed development would integrate into the landscape and they also enhance the setting of the listed buildings to the south and provide a sense of containment to the building group. The trees are likely to be used by protected species as indicated in the representations but the application does not propose their removal. The application site is large enough to be able to accommodate a new house without requiring works to the trees and as such I do not consider it necessary for the applicant to provide protected species information. A bat survey may have been necessary if the proposal required the removal of trees and I note that SNH has offered no comments or objections relating to protected species. A planning condition is proposed which requires the protection of trees during any development works and additional planting would be required through a landscaping scheme which should augment the existing tree cover within the building group. On that basis, I am satisfied that the proposal is compatible with the aims of policies PV4 and PV7.
- 8.15 The letters submitted in objection to the proposal by third parties have been considered but do not raise any issues which cannot be addressed through a detailed application. The site is not within an area which is identified as being at risk of flooding from surface water on the SEPA flood maps, but the standing water to the south of the application site in the photographs submitted is noted. The Roads Flooding Service is satisfied that flood risk should not preclude development of a house on the site and suggest that detailed surface water drainage arrangements would be required as part of any subsequent application in order to ensure that the development does not increase flood risk outside of the site. They have not identified the need for a flood risk assessment. There is ample space to locate the house away from the areas shown as containing standing water in the photographs submitted.
- 8.16 I have no reason to consider the site could not accommodate some form of private drainage system and the specification of that system would need to be of a standard to ensure no increase in impacts on the SSSI to the satisfaction of SEPA. Amenity impacts associated with a single new house are unlikely to be so significant to justify refusal of planning permission. The outlook of houses adjacent to the site would be afforded a level of protection through spacing standards and there is scope to site the dwelling in a way which does not unacceptably impact on the amenity of neighbouring dwellings. There would be some disturbance to neighbouring householders during the construction process but this would be a short term impact. Conditions are proposed which require a scheme of improvements to the access track to deal with the sections which are poorly surfaced. There are places for cars to pass at the bottom of the slope and at the kirk car park.
- 8.17 In conclusion, the application site is located in a category 2 rural settlement unit where the development plan seeks to provide opportunities for new housing in order to stem rural depopulation and/or support existing services. The site is capable of accommodating a dwelling in a manner that complies with development plan policy subject to the proposed planning conditions. 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 would justify refusal of planning permission.

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 a new house in the countryside which would round off the building group without an unacceptable impact on the setting of Rescobie Parish Kirk and associated listed buildings. 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. That, plans and particulars of the matters listed below, shall be submitted for consideration by the Planning Authority. No work shall begin until the written approval of the authority has been given for the matters listed below and the development shall be carried out in accordance with that approval. The matters are:
 - a) siting, design and external appearance of the building(s);
 - b) the layout of the site including the means of access (which shall be positioned to avoid trees within the site);
 - c) a scheme of hard and soft landscaping of the site which shall include additional tree planting and a plan plotting a construction exclusion zone around trees within the site;
 - d) details of boundary enclosures;
 - e) full details of proposed surface water drainage arrangements;
 - f) a foul drainage scheme (supported by appropriate calculations and details of any offsite works) providing for the removal of 125% of phosphorus likely to be generated by the development. Thereafter, any works required to deliver the approved foul drainage scheme which are outside of the application site shall be completed prior to any other works or development in connection with the planning permission in principle hereby approved taking place; and all other works shall be completed prior to the occupation of the dwelling house hereby approved;
 - g) existing and proposed ground levels and finished floor levels relative to a fixed ordnance datum including details of any cut and fill required to accommodate the building(s);
 - h) a scheme of improvements to the private track between the public road and the site access.

Reason: To ensure the above matters are given full consideration as part of any subsequent application in order to ensure that the development integrates into the landscape; and in order to ensure that the proposal results in the protection and enhancement of Balgavies and Rescobie Loch SSSI.

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

Reason: To safeguard and record the archaeological potential of the area.

3. Within the east visibility splays at the junction with the B9113, nothing shall be sited, erected, or planting permitted to grow to a height in excess of 1050mm above the

adjacent road channel level.

Reason: in the interests of road safety.

4. That prior to the commencement of development, a construction exclusion zone fence shall be erected to protect the root areas of trees in accordance with BS 5837 : 2012. The fence surrounding the construction exclusion zone shall be maintained in situ for the duration of construction works to prevent any trespass over the roots of retained trees.

Reason: To ensure that trees are protected from damage during construction works.

**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.

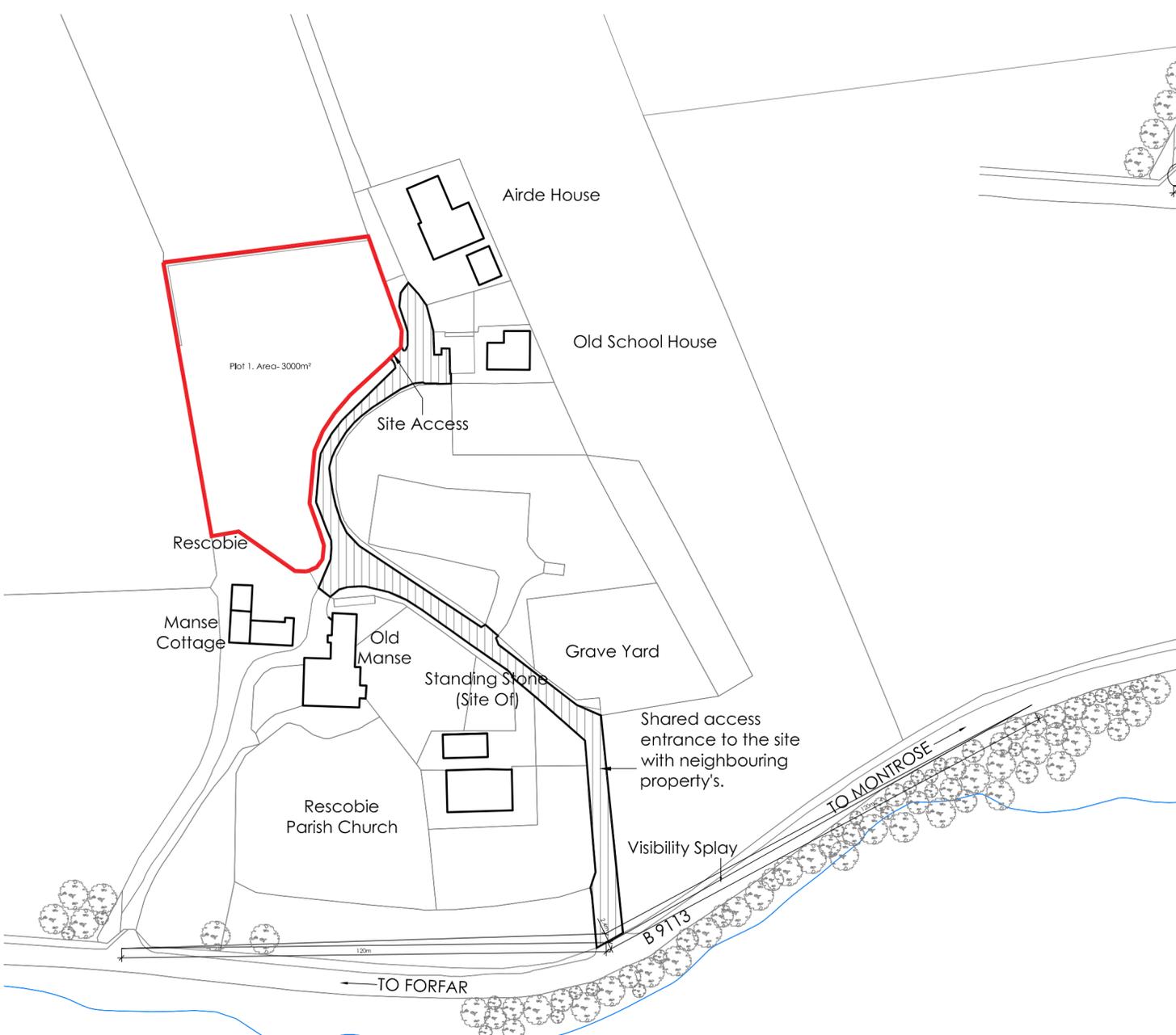
REPORT AUTHOR: STEWART BALL

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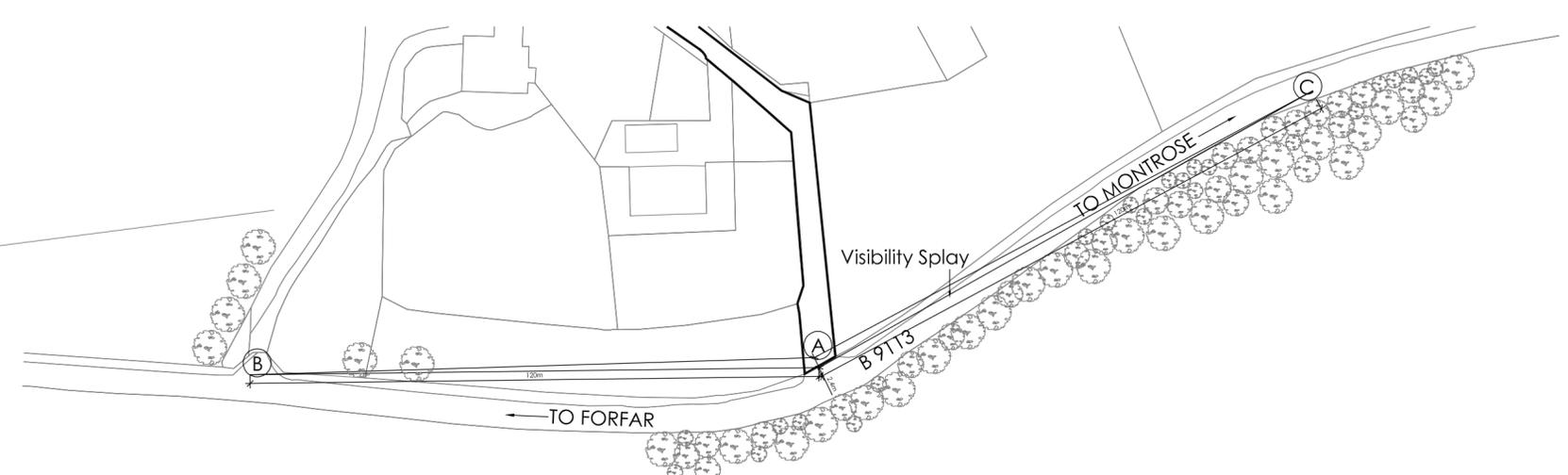
DATE: 26 FEBRUARY 2018

Appendix 1 : Location Plan

Appendix 2 : Relevant Development Plan Policies



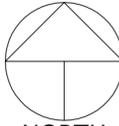
LOCATION PLAN
Scale 1:1000



VISIBILITY SPLAYS IN RELATION TO PHOTOGRAPHS
Scale 1:1000



OS MAP
(Not to Scale)

 PROJECT MANAGEMENT SCOTLAND LIMITED 98 NORTH STREET, FORFAR, ANGUS, DD8 3BN TELE: 01307 467744 FAX: 01307 467766 E-MAIL: enq@pm-scot.com	CLIENT Gordon Mackie	ADDRESS Drimmie Farm Clocksbriggs Forfar DD8 2TD	REV	NOTES	DATE	DRAWING STATUS FEASIBILITY <input type="checkbox"/> CLIENT APPROVAL <input type="checkbox"/> PLANNING <input checked="" type="checkbox"/> BUILDING WARRANT <input type="checkbox"/> PRE-SITE DISCUSSION <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> AS BUILT <input type="checkbox"/>	SCALE 1:1000	DATE March 2017
	PROJECT House plot at Rescobie By Forfar		DRAWING NUMBER PMS 2053-100					DIRECTION  NORTH
DO NOT SCALE - IF IN DOUBT ASK ©Project Management Scotland Ltd. 2017								

Appendix 2 : Relevant Development Plan Policies

Development Plan Policies

Angus Local Plan Review 2009

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 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 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 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 PV14 : Water Quality

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;

- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported. Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

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 PV3 : Access and Informal Recreation

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

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

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

Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of social or economic

- nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice* on the types of appropriate information and safeguards to be provided in support of planning applications.

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

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

* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk

Policy PV5 : Protected Species

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

European Protected Species

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

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

Other Protected Species

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

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

Policy PV6 : Development in the Landscape

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

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

safeguarding the character of wild land.

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

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

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

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

Policy PV7 : Woodland, Trees and Hedges

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

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

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

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