

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 07 AUGUST 2018**

**PLANNING APPLICATION – LEDYATT FARM, LUNDIE, MUIRHEAD**

**GRID REF: 392403 : 735636**

**SERVICE LEADER – PLANNING AND COMMUNITIES**

**Abstract:**

This report deals with planning application No 18/00227/PPPL for Redevelopment of Disused Farm to Create Four New Houses and Renovation of Existing Steading to Form a Fifth Dwelling at Ledyatt Farm, Lundie, Muirhead by Lundie Farming 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 planning permission in principle for the redevelopment of a disused farm to create four new houses and renovation and conversion of existing steading to form a fifth dwelling.

3.2 The application site lies within the open countryside 300m to the west of the Piperdam development boundary. It measures approximately 8000sqm in area and is located adjacent to Ledyatt farmhouse. The site utilises an existing vehicular access from the public road to the south (A923) and contains a number of redundant buildings associated with the previous use as a dairy farm. Most of the buildings are of a more modern construction (metal sheeting or similar) with a limited number of stone buildings. There are mature trees along the road frontage. The land reduces in level to the north and there is an existing post and wire fence that provides the boundary treatment. A stone dyke forms part of the western boundary.

3.3 The proposal seeks planning permission in principle for the redevelopment of the redundant farm complex for housing. This redevelopment would include the demolition of most of the farm buildings and the erection of 4no. new dwellinghouses, along with the conversion and extension of a stone steading to create a fifth dwellinghouse. An indicative layout plan has been provided and this shows that 5no. plots could be provided on the site with plot sizes ranging between 1040sqm and 1750sqm. The existing access would be utilised and would also serve the existing dwellinghouse to the east. Drainage is identified in an area to the south east (between the access road and the existing farmhouse). The buildings within the site cover a large footprint and the site would incorporate the entire area of brownfield land. The application form indicates that private drainage arrangements are proposed with a septic tank discharging to soakaways for foul drainage; sustainable drainage for surface water and a public water supply. A location plan is provided at Appendix 1 below.

3.4 Amended plans (location, site plans) have been submitted to remove a proposed new access road which directed vehicular access to the minor road to the east. The amended proposal utilises the existing vehicular access from the A923 to the south.

3.5 The application was advertised in the press as required by legislation.

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

Planning application reference 17/00196/PPPL for the 'Redevelopment of Disused Farm to Create Four New Houses and Renovation of Existing Steading to Form a Fifth Dwelling and a New Access Road' on the site was withdrawn.

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

5.1 The applicant has submitted information in support of the application and this includes a Bat Survey, Structural Survey and Supporting Statement. These are summarised below.

5.2 Bat Survey (Survey for Bats, Bat Roosts and Assessment of Bat Potential dated 10 June 2018 and provided by Ms Jean Oudney) –

- Concluded that one non-breeding Soprano Pipistrelle bat roost was identified at the wall top in the south gable of the slate and stone building. Both Soprano and Common pipistrelles were seen to be foraging in the large open barn, around the garden and trees beside the farm buildings and road;
- The proposed development would affect an area of the foraging habitat. If the development plans include areas of trees and bushes within gardens or around the development this will provide an adequate replacement for the foraging habitat lost when the site is cleared;
- Indicated that mitigation for bats will need to be implemented (with the destruction of roost sites) and that a licence in respect of bats will be needed prior to demolition of the buildings. The proposed mitigation includes a compensatory bat roost provided through a bat slate or bat box within the new development; a temporary bat roost during development work (a tree mounted bat box within 30m); and timing works to take place within spring or autumn to reduce the risk of impacts on hibernating bats.

5.3 Structural Survey (Dated 28 March 2018 and provided by L.N Henderson + Associates Consulting Engineers) –

- Survey relates to the traditional single storey stone built building with its gables facing north and south;
- Externally the roof structure is distorted and a crack was noted on the SW corner (noted an area of stonework shows evidence of previous repair);
- Roof and lintels are suffering from rot and partial collapse;
- To re-use the existing structure all timberwork needs to be stripped out and replaced including roof and lintels;
- South west corner is suffering from long terms movement possibly due to shallow foundations and / or drainage and this would need to be demolished and rebuilt or at least underpinned;
- Some rebuilding works will be needed to wallheads and the areas above timber lintels;
- Concluded that it is possible to retain the existing building. However the process will be difficult due to its deteriorating condition and a combination of structural defects.

5.4 Supporting Statement (by Andrew Black Design) –

- Provides details of site history;
- Lundie Farming Ltd was set up in 2014 by three Howard family members, looking to further diversify the farming operation and they invested in the three small adjoining farms at Lundie, comprising Ledyatt, Ardgarth & Lundie (These farms have been partially amalgamated);
- A new dairy parlour and yard was built (planning permission ref: 14/00677/FULL) in 2015, in the centre of the three farms, to enable the cows to walk to all the grass paddocks for grazing between milkings, which has been hugely successful. The farms ability to grow grass has far exceeded expectations which in turn allows future expansion in herd size and therefore greater viability in terms of becoming a competitive milk producer;
- The outdated buildings have caused animal health problems and are not suitable for modern production methods. Rearing of replacement heifers was contracted out as using the current buildings safety, could not be guaranteed;
- Planning permission was granted last year for the creation of two purpose built calving and rearing sheds in the new centralised yard at Lundie (application 17/00195/FULL

- refers);
- This would allow the three non-viable farms to make one robust and sustainable dairy farm.
- Ledyatt has been unused for some time now and the buildings are showing signs of dilapidation;
- Refurbishment of Existing Stone Steading - The proposal is to retain the stone section of the steading and re-roof this and create a sympathetic domestic scale extension. This would allow the creation of a new modern house and the retention of the stone building. Removal of this building and replacement with a modern building would be more economically efficient, but retention is seen as a more sympathetic approach. A report from LN Henderson. Structural Engineers accompanies the application, along with existing elevations;
- Refers to layout and responds to various points raised by consultees;
- Concludes that the proposal complies with local and national policies.

## 6. CONSULTATIONS

- 6.1 **Angus Council Roads (traffic)** – has considered the revised access proposal which utilises the existing access from the A923 Coupar Angus Road and has no objections to the proposal.
- 6.2 **Muirhead, Birkhill and Liff Community Council** – objects to the planning application. The community council identified concerns regarding the proposed access to the A923 and indicates that there have been a number of fatal accidents on the road. Redevelopment of the steading will see the demise of another farming unit making it more difficult to purchase a small farming unit. This is the last remaining roadside farm between the Muirside and Angus Boundary. Water supply is barely able to cope at present and the addition of more houses will make it worse. The community council questioned the applicant's statement that crossing the A923 with animals and agricultural vehicles would stop. The Community Council was re-consulted on the amended road access proposal (utilising existing access) but did not make any additional comments.
- 6.3 **Scottish Natural Heritage (SNH)** – reviewed the bat survey submitted and confirmed that based on the information provided it is likely that a licence would be granted.
- 6.4 **Angus Council Environmental Health** – no objections. Consider the proposal is compatible with neighbouring land uses. Satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.
- 6.5 **Aberdeenshire Council Archaeology Service** – requested a level 1 standing building survey be undertaken and also requested that advisory notes are added to the decision notice relating to legal responsibilities of applicants where unknown archaeology is discovered.
- 6.6 **Angus Council Housing Service** – has indicated that affordable housing requirement of 25% could be delivered through payment of a commuted sum towards off site provision. The level of commuted payment is currently £28,000 (but that figure is subject of review).
- 6.7 **Scottish Water** – no objections indicating that there is capacity in Clatto Water Treatment Works. They indicate that any property which cannot be adequately serviced from available water pressure may require private pumping arrangements to be installed.
- 6.8 **Parks and Burial Grounds** – has offered no objection but has requested a contribution of £450 per unit towards public park and amenity open space provision or improvement and £426 per unit towards formal and informal play space provision or improvement in line with the requirements of the supplementary guidance. For a development of 5 units this amounts to £4,380.00.

## 7. REPRESENTATIONS

- 7.1 9 representations have been received (from 6 individual households) which raise objections to the proposal. 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:
- Concerns that the approval of this application will lead to further housing on adjacent fields;

- Buildings should be reused and do not have a negative visual or environmental impact.
- Buildings have been left to deteriorate to promote proposed development;
- Angus Council does not support further housing at Piperdam and therefore should not at this location;
- Creation of ribbon housing development;
- Road traffic and pedestrian safety issues including the new vehicular access to the east (subsequently deleted from proposal);
- Lack of accessibility and services (shops, primary school and health care facilities);
- Light pollution;
- Water supply and water pressure;
- Foul drainage and potential impact of this on natural environment;
- Adverse impact of development on Lundie Conservation Area;
- Affordable or social housing should be provided on the site;
- Loss of view

The relevant planning matters 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 In this case the development plan comprises:-
- TAYplan (Approved 2017)
  - Angus Local Development Plan (ALDP) (Adopted 2016)
- 8.3 The application is not of strategic significance and the policies of TAYplan are not referenced in this report. The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location. It indicates that in all location proposals which make better use of vacant, derelict or under used brownfield land or buildings will be supported where they are in accordance with policies of the local development plan.
- 8.5 Policy TC2 is the main test for proposals for new residential development in countryside locations and offers support for proposals in a number of circumstances including the conversion of non-residential buildings to housing; or the regeneration or redevelopment of a brownfield site for housing where it delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. 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 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. The supplementary guidance indicates that in rural areas, a rural brownfield site usually means a site that is occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.
- 8.6 The proposal would result in the conversion and extension of a stone built steading to form a dwelling and the removal of the other derelict farm buildings to create four new house plots. The supporting information confirms that the buildings were previously used as a dairy farm but a new dairy parlour and yard has been formed to the west of Lundie Village to meet modern animal welfare standards resulting in Ledyatt becoming redundant. The applicant's statement indicates that the outdated buildings are not suitable for modern production methods. The structural information suggests that the stone steading structure is capable of being retained through careful conversion. The site has the appearance of being redundant and derelict and its redevelopment for housing through new build and conversion would deliver a significant visual and environmental improvement through the removal of a number of disused and derelict buildings. The principle of redevelopment for this scale of housing is compatible with Policy TC2 and the Countryside Housing Supplementary Guidance.

- 8.7 The site is surrounded by agricultural land to the north, south (beyond the public road) and west and it is not uncommon for rural properties in Angus to be located close to agricultural land. An existing farmhouse is located immediately to the east. Redeveloping and remediating the land would ensure that the proposed land use would be compatible with established and proposed land uses in the area. The development of the site for housing would not adversely affect or be affected by farming activities and the entire site would be redeveloped with the agricultural uses removed. The proposed plots would range between 1040sqm and 1750sqm in area which is within the acceptable limits in a Category 1 Rural Settlement Unit. At that size the site could accommodate the proposed houses in a manner that would provide a good living environment whilst minimising impacts on neighbouring property. A further application would be required for approval of matters relating to the layout of the site and the design of buildings and that would allow these matters to be fully considered.
- 8.8 The development of the site would not directly or indirectly impact on built heritage interests to any significant degree. The site contains the remains of a historic farmstead and the Archaeology Service has recommended that a standing building survey is carried out prior to any conversion or demolition works. The farm complex is appropriately 850m from Lundie Conservation Area and at that distance there would be no adverse impact on the setting of that conservation area. A further application would be required for approval of matters relating to the layout of the site and the design of buildings but at this stage there is no reason to consider that an appropriately designed development could not be provided. The site benefits from some mature woodland to the north, east and south which could coexist with the proposed development and provide a landscape context for the building group. The layout provided is indicative only but a group of houses could be provided on the site which reflects the rural character of the area. This would be assessed as part of a further application.
- 8.9 The site is not subject of any natural heritage designation. A bat survey was submitted and this found one non-breeding Soprano Pipistrelle bat roost and noted that both Soprano and Common Pipistrelles were seen to be foraging in and around the site. The survey identifies mitigation for bats due to the destruction of the roost and a licence in respect of bats is required before works commence. SNH has been consulted and has confirmed that it is likely that a license would be granted for the proposed works. The development would not adversely impact on the favourable conservation status of bats having regard to the advice provided by SNH and the mitigation proposed by the applicant.
- 8.10 The proposed access road to the east has been deleted having regard to the concerns raised in the objections received. The development has been modified so that it would take access directly from A923 Muirhead to Coupar Angus road utilising the established access to the farm complex and existing dwelling. There is adequate space within the development to accommodate car parking. The Roads Service considers the revised access arrangements to be acceptable taking account of the current use of the access by domestic and agricultural traffic. The Roads Service has confirmed that there are no records of accidents associated with use of the junction accessing the site.
- 8.11 The site is not located within a sewered area or an area where SEPA has identified a 'cumulative drainage impact' where further consultation with it is required. SEPA standing advice indicates that private drainage systems discharging to soakaways are the preferred means of private drainage outside of public sewered areas. The detail of the foul drainage system would be appropriately controlled through the building regulation process. The application form indicates that sustainable drainage would be utilised for surface water. The Roads Service has offered no objection to the proposed drainage arrangements and the proposed approach to drainage is consistent with Policy PV15. Scottish Water has been consulted on the proposal and has indicated that there is capacity in the network to accommodate the proposed development but additional measures may be required to ensure that water pressure at the site is suitable. This matter would be regulated by Scottish Water as part of any application to connect to its infrastructure. The site is located in the Birkhill Primary School catchment and secondary education is provided by either Forfar Academy or Monifieth High School. The Developer Contributions and Affordable Housing Supplementary Guidance does not require a financial contribution towards these schools for developments of less than 10 houses. The supplementary guidance does not identify any other requirement for developer contributions to mitigate infrastructure impacts in this area.
- 8.12 The site exceeds 0.5ha in area and in accordance with Policy TC3 and Developer Contributions and Affordable Housing Supplementary Guidance an affordable housing contribution is required. The requisite contribution can be secured by a planning condition that requires an appropriate planning obligation.

- 8.13 In terms of the detailed Countryside Housing Criteria provided at Appendix 3 of the Countryside Housing Supplementary Guidance, the proposal would not create a gap site or rounding off opportunity for additional greenfield development and it would not require the subdivision of an existing residential curtilage. The formation of an appropriately set out and designed development would not extend ribbon development. Redevelopment of the redundant farm complex would not result in the coalescence of building groups. The proposal does not give rise to any significant issues in terms of the Appendix 3 requirements.
- 8.14 The proposal is compatible with development plan policy subject to the proposed planning conditions.
- 8.15 In relation to other material considerations it is relevant to note that the Parks and Burial Grounds Service has requested a financial contribution towards public park and amenity open space, and formal and informal play space. Policy PV2 relates to the protection and provision of open space within settlements, however this proposal is in the countryside and therefore that requirement does not apply. The site is some distance from nearby settlements where public open space could be enhanced and the proposed plots would be capable of providing reasonably generous private garden areas. In these circumstances it is not considered appropriate to require a developer contribution as five houses are unlikely to have any significant impact on existing play space within settlements.
- 8.16 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. Approval of housing on this brownfield site would not open up an area for additional housing on adjacent greenfield land where the policy approach for new housing is more restrictive. The redevelopment of the redundant farm complex for a cluster of housing is supported by ALDP policy. Development plan policy does not safeguard redundant farm buildings or farm complexes for agricultural use. This site is not within the Piperdam development boundary and the policy relative to development within that boundary is irrelevant at this location. The ALDP provides policies that deal specifically with housing proposals on brownfield sites in the countryside and the proposal is assessed in relation to those policies above. The Roads Service is satisfied with the proposed access arrangements. While the site would not be accessible from existing footways this is not an uncommon arrangement in the countryside. It is noted that a bus stop is located close to the eastern boundary of the site providing a degree of choice for accessibility and it is not unusual for houses in the countryside to be located some distance from shops and services. The proposal would not require the addition of street lighting and while there would likely be some additional external lighting, this should not be of a level which introduces significant additional light pollution in the area. The general drainage arrangements proposed are acceptable and the detailed design would be controlled through the building regulations. Scottish Water has offered no objection in relation to public water supply. The site is around 850m from Lundie and would have no adverse impact on the setting of the conservation area given that separation distance. Affordable housing is addressed by planning condition. Loss of view is not a material planning consideration.
- 8.17 In conclusion, the development plan seeks to provide opportunities for new housing on brownfield sites in the countryside. This proposal provides for the redevelopment of a brownfield site for a small group of housing in a manner that complies with development plan policy. The letters submitted in objection to the proposal by third parties and the community council are noted and discussed above and the material planning issues raised have been taken into account in preparation of this report. However, the proposal complies with the development plan, subject to the proposed conditions, and there are no material considerations that 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 provides for redevelopment of a redundant rural brownfield site and conversion of a traditional building to housing in a manner that is compatible with the relevant provisions of the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission.

### 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 and the development shall be carried out in accordance with that approval. The matters are:
  - the layout of the site, including car parking, turning space and the means of site enclosure. For the avoidance of doubt, the indicative layout submitted is not approved;
  - the siting of the building(s);
  - the design and external appearance of the building(s);
  - the means of drainage for the development. For the avoidance of doubt surface water shall be directed to a Sustainable Urban Drainage System;
  - a scheme for the landscaping of the site. The scheme shall include an indication of all existing trees and hedgerows on the site, those to be retained, removed and/or relocated within the site as well as new planting arrangements;
  - the existing and proposed ground levels and floor levels relative to a fixed ordnance datum.

*Reason: In order that the planning authority may consider the acceptability of the identified matters.*

2. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation will provide that:
  - a) A scheme for the delivery of 1.25 affordable housing units or a suitable alternative provision in accordance with Policy TC3 of the Angus Local Development Plan (2016) and the Angus Council Developer Contribution and Affordable Housing

Supplementary Guidance or any subsequent policy or guidance that replaces it shall be provided.

*Reason: To ensure provision of or a contribution towards affordable housing in accordance with Policy TC3 of the Angus Local Development Plan (2016) and the associated Developer Contributions and Affordable Housing Supplementary Guidance.*

3. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the Planning Authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the Planning Authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

*Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.*

4. That the development hereby approved shall be carried out in accordance with the Recommendations for Mitigation stated in the Survey for Bats, Bat Roosts and Assessment of Bat Potential for Ledyatt Farm by Ms Jean Oudney and dated 10 June 2018 unless otherwise modified by conditions of a European Protected Species Licence.

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

#### **Advisory Notes:**

*Informatives for Decision Notice:*

*Works by archaeological organisation*

*Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.*

*Level 1 Standing Building Survey*

*A full photographic survey of the interior and exterior of the building, including all exterior elevations and the building's setting, with the addition of measured floor plans and elevations and a written account of the building's plan, form, function, age and development sequence. Surveys must be submitted in a digital format. A more detailed specification of the survey can be obtained from the Council's Archaeology Service.*

*Development Brief*

*A written specification prepared by the Aberdeenshire Council Archaeology Service for the applicant outlining the nature of the specific archaeological work required under the archaeological planning condition, and which includes information on the archaeological background of the development site. This document can be used by the applicant in the tendering process, and should be used by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor to inform the Written Scheme of Investigation.*

**KATE COWEY  
SERVICE LEADER – PLANNING AND COMMUNITIES**

**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: KATE COWEY**

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**DATE: 30 JULY 2018**

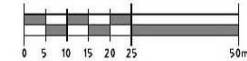
**Appendix 1 : Location Plan**

**Appendix 2 : Relevant Development Plan Policies**



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SCALE 1:1250



A. 28.05.18 - Boundary line amended. MB



Client: Lundi Farming Ltd.

DWG. NO. 02-A

Project:  
**Proposed Housing Development**  
Ledyatt Farm  
Lundi Farming

Title:  
**Existing**  
Site Plan  
1:1250 @ A3

Job No: 654

Date: FEB 2017

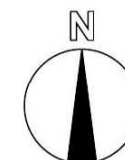
Purpose: Planning

Drawn by: AO

The Mews, 27 Tay St. Lane, Dundee, DD1 4EF | 01382 22874 | mail@andrewblackdesign.com

1 Existing Site Plan  
1/1250 @ A1

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

### **Angus Local Development Plan 2016**

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

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

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

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

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

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

#### **Policy DS2 Accessible Development**

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

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

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

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.

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

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

#### **Policy DS4 : Amenity**

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

Angus Council will consider the impacts of development on:

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

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

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

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

#### **Policy DS5 : Developer Contributions**

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

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

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

Contributions may be sought for the following:

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

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

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

### **Policy TC2 : Residential Development**

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

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

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

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

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

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

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

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

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

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

### **Policy TC3 Affordable Housing**

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

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

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

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

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

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

### **Policy PV2 : Open Space Protection and Provision within Settlements**

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided\*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

\*In line with the Six Acre Standard (National Playing Fields Association)

### **Policy 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 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>)