

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 7 AUGUST 2018

**PLANNING APPLICATION – LAND OPPOSITE ANGUS HOUSE SILVIE WAY
ORCHARDBANK BUSINESS PARK FORFAR**

GRID REF: 343656 : 749584

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 18/00270/FULL for the erection of a petrol filling station including ancillary retail unit and a cafe/restaurant with ancillary drive thru and formation of access, car/HGV parking, landscaping and associated works for EG Group on land opposite Angus House, Silvie Way, Orchardbank Business Park, Forfar. This application is recommended for conditional approval.

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

3.1 The applicant seeks full planning permission for the erection of a petrol filling station with an ancillary retail unit and a cafe/restaurant with ancillary drive thru and formation of access, car/HGV parking, landscaping and associated works on land opposite Angus House, Silvie Way, Orchardbank Business Park, Forfar. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site measures around 1.08 hectares and is located to the south of Silvie Way immediately to the east of Orchard Loan. The site is rectangular in area and is currently a vacant development site with structural landscaping located at the south and west boundaries of the site. It is bound to the north by Silvie Way, to the south by Glamis Road and to the west by Orchard Loan. A vacant development site lies to the east and there is no defined boundary.

3.3 The site would be split into 2 distinct areas by an internal access road that links to Silvie Way. The north portion of the site would accommodate the café/restaurant with ancillary drive thru. The building would be orientated on an east to west axis with its north elevation located around 12m from Silvie Way and its west elevation around 22m from Orchard Loan. That building would have a footprint of 224sqm and a ridge height of 4.4m. The external materials would consist of a light grey membrane roof with the external walls comprising large glazing panels, facing brick, dark grey aluminium panels and vertical feature timber panel. An external yard area would sit adjacent to the west elevation enclosed by 2.6m high timber boards. A bin storage area is proposed at the south west corner of the site enclosed by 1.8m high timber fencing. A car park with 44 spaces (2 of which are for disabled use) and cycle parking would be located to the east and south of the building with vehicular access taken from the proposed internal access road within the overall site. The drive through facility would wrap around the west and north elevations of the building.

- 3.4 The south portion of the site would accommodate a petrol filling station (PFS) with ancillary retail unit and HGV parking. The PFS would be orientated on a north to south axis around 24m to the north of Glamis Road and around 32m to the east of Orchard Loan. The proposed canopy over the 5 pump forecourt area would have a height of around 6.5m and be grey in colour. A further canopy would be provided over the dedicated HGV pumps to the east of the retail unit and this would have a height of around 7.5m and also be grey in colour. The retail unit would be orientated on a north to south axis with its south elevation located around 23m to the north of Glamis Road with its west elevation located around 52m from Orchard Loan. The retail unit would have a footprint of 505sqm with a ridge height of 5.2m. The external materials would consist of light grey roofing panels with the external walls comprising large glazing panels, coloured panelling, stone textured wall panels and vertical feature timber panels. 11 car parking spaces (2 of which are for disabled use) cycle parking and 2 electric car charging points would be located to the north and west of the retail unit. 11 HGV parking bays would occupy the eastern area of the site. 2 below ground 70,000l tanks would be provided on site. The development would be connected to the public drainage network with surface water dealt with by SUDS. Vehicular access to the overall site would be taken from Silvie Way to the north.
- 3.5 The application has not been subject of variation.
- 3.6 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 The Angus Local Development Plan safeguards land at this location for a 'Gateway' development (F9) comprising Class 4 (business), Class 5 (general industry), Class 6 (storage and distribution) and Roadside facilities.
- 4.2 Outline planning permission was granted for the formation of a business park, roadside service and hotel (Appn: 03/01306/OUT and Report 798/04 refers). Planning permission has also been granted for the highway, drainage and landscaping infrastructure for the business park, roadside services and hotel (Appn: 03/01305/FUL and Report 637/04 refers).

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
- Planning Statement;
 - Transport Statement;
 - Flood Risk Assessment & Drainage Strategy;
 - Tree Report;
 - Outdoor Lighting Report; and
 - Response to Objection.
- 5.2 The supporting information is available to view on the Council's [Public Access](#) system and is summarised at Appendix 2 below.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has indicated no objection to the application subject to a number of conditions. No objection is offered in relation to flooding and drainage although it is indicated that additional information on surface water disposal is required.
- 6.2 **Angus Council – Environmental Health** – has not objected to the proposal in respect of amenity impacts. In respect of land contamination, the Service is satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.
- 6.3 **Transport Scotland** – offers no objection to the application.
- 6.4 **SEPA** – has not objected to the proposal but has recommended that that a shut off valve be installed at the lowest point on the surface water drainage system in case any spillage was to miss the interceptor and to escape into the surface system.
- 6.5 **Scottish Water** – has not objected to the proposal and has advised that there is currently sufficient capacity at the water and waste water treatment works for the proposed

development.

6.6 **Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

7.1 One letter of objection has been received. That letter will be circulated to Members of the Development Standards Committee and a copy will be available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised as objections to the application and are addressed under Planning Considerations: -

- **The proposal is contrary to the land use allocation for the site and the associated development brief;**
- **Roads traffic and pedestrian safety impacts.**

In addition the following matter has been raised: -

- **The provision of a further petrol station in this area would contribute to the oversupply of such facilities** - It is not the purpose of the planning system to restrict commercial competition. The acceptability of a petrol station at this location must be considered on the basis of the relevant development plan policies and having regard to material planning considerations. Competition between businesses is not a material planning consideration.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2017)
- Angus Local Development Plan (Adopted 2016)

8.3 As the application is not of strategic significance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Development Plan form the main basis for the consideration of the proposal. The relevant policies of the Angus Local Development Plan (ALDP) are reproduced at Appendix 3.

8.4 Policy DS1 of the ALDP states amongst other things that the focus of development will be sites allocated or otherwise identified for development within the ALDP, which will be safeguarded for the use set out.

8.5 The application site lies within Orchardbank which is identified in the Angus Local Development Plan as an allocated employment site. Policy F9 indicates that the area is reserved for Class 4, 5 and 6 uses and Roadside facilities in accordance with Policy TC10 - Roadside Facilities. Policy TC10 indicates that on the A90(T), extended roadside facilities, including the provision for overnight lorry parking, will only be supported at a number of specific locations and Orchardbank Business Park is one of those locations. The policy indicates that roadside services should be located at the junction of the Business Park with the A94. The definition of roadside services provided by the ALDP includes fuel, retail and catering provided primarily to meet the reasonable needs of travellers. The broad principle of this development at this location is compatible with development plan policy.

8.6 There is no fuel facility associated with the existing services and the proposal would extend the range available at this location. Similarly there is no HGV parking at this location and current on-street parking would suggest some demand. The ALDP allows for small-scale retail provision associated with roadside services but indicates that this should be limited to a single unit of up to 200sqm net floorspace to meet the reasonable needs of travellers. The proposed petrol filling station retail unit has a net retail floor area of 392sqm. The applicant has indicated that the development has been tailored to meet the specific needs of the site and that it would meet the reasonable needs of travellers at this location. Generally retail provision directly associated with roadside service facilities is fairly limited on the A90(T) within Angus,

although the proposed provision would not be as extensive as that found in association with Brechin Castle Centre. In this case the proposed site is located within the development boundary and the retail provision would be directly associated with, and would assist in the delivery of, the PFS and HGC parking. It would not impact on the vitality or viability of the town centre and in these circumstances the size of the retail facility is considered acceptable. There are currently a number of catering facilities at this location and in this respect the reasonable needs of travellers are well-served. A further cafe/restaurant use at this location causes some concern but it would be closely related to the petrol filling station and the HGV parking which both add to the range of services currently available.

- 8.7 Policy DS3 of the ALDP requires development proposals to deliver a high design standard. The site is a 'Prime Frontage Site' in terms of the development brief for Orchardbank and the brief encourages a high design standard on these sites. The applicant has made some effort to provide a reasonably high quality design given the nature of the development proposed. The principal elevation of the PFS building is heavily glazed and would be reasonably prominent when viewed from the public road to the west. The form and general appearance of the proposed café building reflects the larger PFS building and together they provide a reasonably cohesive design. The canopies associated with the proposal would necessarily be fairly utilitarian in appearance but the overall site would benefit from the provision of some landscaping including retention of some existing planting. A detailed planting scheme has been provided but the proposed species and specification is not entirely appropriate and a condition is proposed that requires the provision of an amended scheme that includes planting of native species appropriate to the location and to ensure compliance with the requirements of the development brief.
- 8.8 The Environmental Health Service has reviewed the proposal and offered no objection subject to a condition to restrict noise impacts from fixed plant associated with the development. The proposal would give rise to additional activity and movement but the site is allocated for uses of the nature proposed and the level of activity anticipated would not detract from the overall amenity of the area. The proposal would not give rise to unacceptable amenity impacts subject to the proposed conditions.
- 8.9 The proposal would require the formation of a new vehicular access on Silvie Way opposite the access to the car park serving Angus House. The applicant has submitted a Transport Statement in support of the planning application. This concludes that vehicular traffic associated with the development can be accommodated on the local road network but due to the intensification of traffic on Silvie Way consideration should be given to the implementation of traffic restrictions along the north side of the carriageway to ensure the full useable width of the road is available for two vehicles to pass. The Roads Service has reviewed the Transport Statement and accepts that there is capacity to accommodate the development but has confirmed that it is necessary to restrict parking on the north side of Silvie Way. The Roads Service has also confirmed that a Traffic Regulation Order would be necessary in order to ensure the provision of legally enforceable restrictions. The development would lead to increased traffic movement and the absence of such restriction could lead to congestion on Silvie Way and around its junction with Orchard Loan to the detriment of road safety and users of the Business Park. A planning condition that requires the TRO to be made and effective before development commences is proposed. The Roads Service has confirmed that the car parking associated with the development is generally acceptable but has indicated that additional disabled parking and motor cycle parking is required. The Roads Service has also indicated the proposed cycle parking requires to be covered, signed and lit. Planning conditions are proposed to deal with these matters. Transport Scotland has indicated no objection in relation to potential impacts on the A90(T). The proposal does not give rise to any significant or unacceptable impacts on road traffic or pedestrian safety that cannot be addressed by the proposed planning conditions.
- 8.10 In terms of impacts on infrastructure, the development would be connected to the public drainage network with surface water being directed to a sustainable drainage system. Both SEPA and the Council's Roads Service have indicated that the site is not at unacceptable flood risk. In terms of surface water drainage SEPA initially objected to the application as the use of porous paving in the HGV parking bays could have resulted in the dispersal of contaminants into the groundwater system. The applicant's revised proposal for the treatment of runoff from the HGV parking bays incorporates the provision of bioretention units and a downstream gravel filter trench which will be routed into a fuel interceptor unit which would capture and retain any fuel spills. SEPA has confirmed this to be acceptable but has recommended that a shut off valve be installed on the surface water drainage system in case any spillage was to miss the interceptor and escape into the surface system. A planning condition is proposed to deal with this matter. The Roads Service has confirmed acceptance

of the general surface water drainage strategy but has indicated that additional detailed information is required and this is addressed by a proposed condition.

- 8.11 The application site is not subject of any natural heritage designation. However, the Dean Water forms part of the River Tay SAC and policy requires that development proposals, either alone or in combination with other proposals should not have a significant adverse impact on a SAC. SEPA has confirmed that it finds the drainage arrangements associated with the proposal generally acceptable and subject to the provision of additional information required by condition, impact on the SAC should not be unacceptable. A condition is also proposed that requires the provision of a construction method statement to ensure that construction works do not give rise to significant impacts. The proposal would not give rise to significant or adverse impacts on the natural environment subject to the stated conditions.
- 8.12 The proposal does not give rise to any other significant policy issues. It is of a scale and nature appropriate to the location and generally complies with relevant development plan policy subject to the proposed planning conditions.
- 8.13 In terms of material considerations it is relevant to have regard to the relevant planning matters raised in the letter of objection and also to the terms of the Development Brief for Orchardbank. These matters are generally addressed above in the assessment of the application. The application site is located in an area of the Business Park that is specifically identified as being suitable for roadside services. The Development Brief pre-dates the current ALDP policy but it also reflects potential for roadside service facilities at this general location. The detail of the proposal does not create any significant conflict with the Development Brief. The application has been subject of consultation with Transport Scotland and the Council's Roads Service and neither has offered objection to the proposal in terms of road traffic or pedestrian safety subject to the proposed conditions.
- 8.14 In conclusion, the proposal would provide new roadside services at a location that is identified for that purpose in the ALDP. A petrol filling station would improve the range of services that are currently available at this location and the provision of a relatively small-scale retail facility in association with that does not give rise to any significant conflict with relevant policy. There are currently a number of catering facilities at this location and in this respect the reasonable needs of travellers are well-served. A further cafe/restaurant use at this location causes some concern but it would be closely related to the petrol filling station and the HGV parking which are both welcome additions to the existing services. The representation has been taken into account in the assessment of the application and preparation of this report but it does not raise any material planning considerations that justify refusal of planning permission. The proposal does not give rise to any unacceptable environmental or amenity impacts and is broadly compatible with relevant development plan policy subject to the proposed planning conditions. There are no material planning considerations that justify refusal of planning permission.
- 8.15 The Council has a financial interest in the application. However, the proposal is not significantly contrary to the development plan and there is therefore no requirement to notify Scottish Ministers in the event that committee determines to approve the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

That the proposal will provide for new roadside facilities in a manner that is generally in compliance with relevant policies of the development plan subject to the stated planning conditions. The proposed retail facility is associated with the petrol filling station and is of a size that would meet the reasonable needs of travellers. There are no material planning considerations that justify refusal of planning permission.

Conditions:

1. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:
 - (a) A revised parking scheme. The revised scheme shall include 3 No. disabled spaces and 2 motorbike spaces for the petrol filling station, and 3 No. disabled spaces and 3 No. motorbike spaces for the drive thru coffee shop. It shall also include details for the provision of covered bicycle parking including details for its lighting and signing. Thereafter the parking shall be provided in accordance with the approved details prior to the occupation/use of the development.
 - (b) A Construction Method Statement (CMS). The CMS shall include measures to ensure that the development approved by this permission will not result in any contamination of the River Tay SAC. Thereafter all works shall be undertaken in accordance with the approved CMS.
 - (c) Existing and proposed ground levels across the entire site and proposed floor levels for the buildings. The details shall show the finished ground levels and floor levels of the proposed development relative to existing ground levels and floor levels of neighbouring buildings. Thereafter the development shall be undertaken in accordance with the levels as approved prior to the occupation/use of the development.
 - (d) Details of surface water disposal arrangements. The submitted information shall include provision of a shut off valve at the lowest point of the system, details of appropriate levels of treatment, run-off rates and maintenance arrangements. Thereafter the approved surface water disposal arrangements shall be fully implemented prior to the occupation or use of any part of the development and shall be managed and maintained in accordance with the approved details in perpetuity.
 - (e) A revised landscaping scheme. That scheme shall include provision for planting of an appropriate native hedge species on those site boundaries that do not currently have hedge planting. The approved landscaping scheme shall be implemented in full prior to the occupation or use of the development. Any plants or trees which within a period of 5 years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to encourage sustainable, multi-modal means of travel; to ensure that the development does not have an adverse impact on the River Tay Special Area of Conservation; in order that the Planning Authority may verify the acceptability of the finished ground and floor levels; to ensure that adequate surface water drainage provisions are made in the interests of the protection of the water environment; and to ensure provision of appropriate landscaping in the interests of the visual amenity and biodiversity of the area.

2. That prior to the commencement of development a Traffic Regulation Order shall be made to restrict on-street parking on Silvie Way in accordance with a scheme that has been approved in writing by the Planning Authority. Thereafter, the restrictions shall be effective prior to the commencement of development.

Reason: In the interests of road safety.

3. That, prior to the occupation or use of any of the proposed development, the footway crossing at the proposed access and the new access itself shall be formed and constructed in accordance with the standards of Angus Council.

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

4. That noise emissions from fixed plant associated with the development shall not exceed:
 - (a) NR Curve 25 between 2200 and 0700 and NR Curve 35 at all other times as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.
 - (b) 50 dB(A) Leq (1hr) as measured with the external amenity space of any noise sensitive premises.

Reason: In order to regulate noise levels in the interests of safeguarding the amenity of occupiers of nearby properties.

5. The gross floorspace of the petrol filling station retail unit hereby approved shall not exceed 505sqm and the net retail floorspace shall not exceed 392sqm. No more than 10% of the net retail floorspace shall be used for the sale of anything other than convenience goods. For the purpose of this permission convenience goods are defined as food, alcoholic drink, tobacco, newspapers and magazines, household cleaning materials and such other miscellaneous goods which are approved in writing by the Planning Authority. The retail unit shall not be subdivided to form more than one unit.

Reason: In order to ensure that the retail development is restricted to a nature and scale that is reasonably necessary to meet the needs of travellers in accordance with development plan policy.

6. That before development commences, protective fencing in accordance with BS 5837: 2012 shall be erected around those trees, hedges and woodland areas that are to be retained as indicated in the Arboricultural Assessment, Orchardbank, Forfar, Angus by Neo Environmental dated 7 August 2017.

Reason: In order to prevent unnecessary loss of trees on site and in order that the visual amenity of the area shall not be adversely affected.

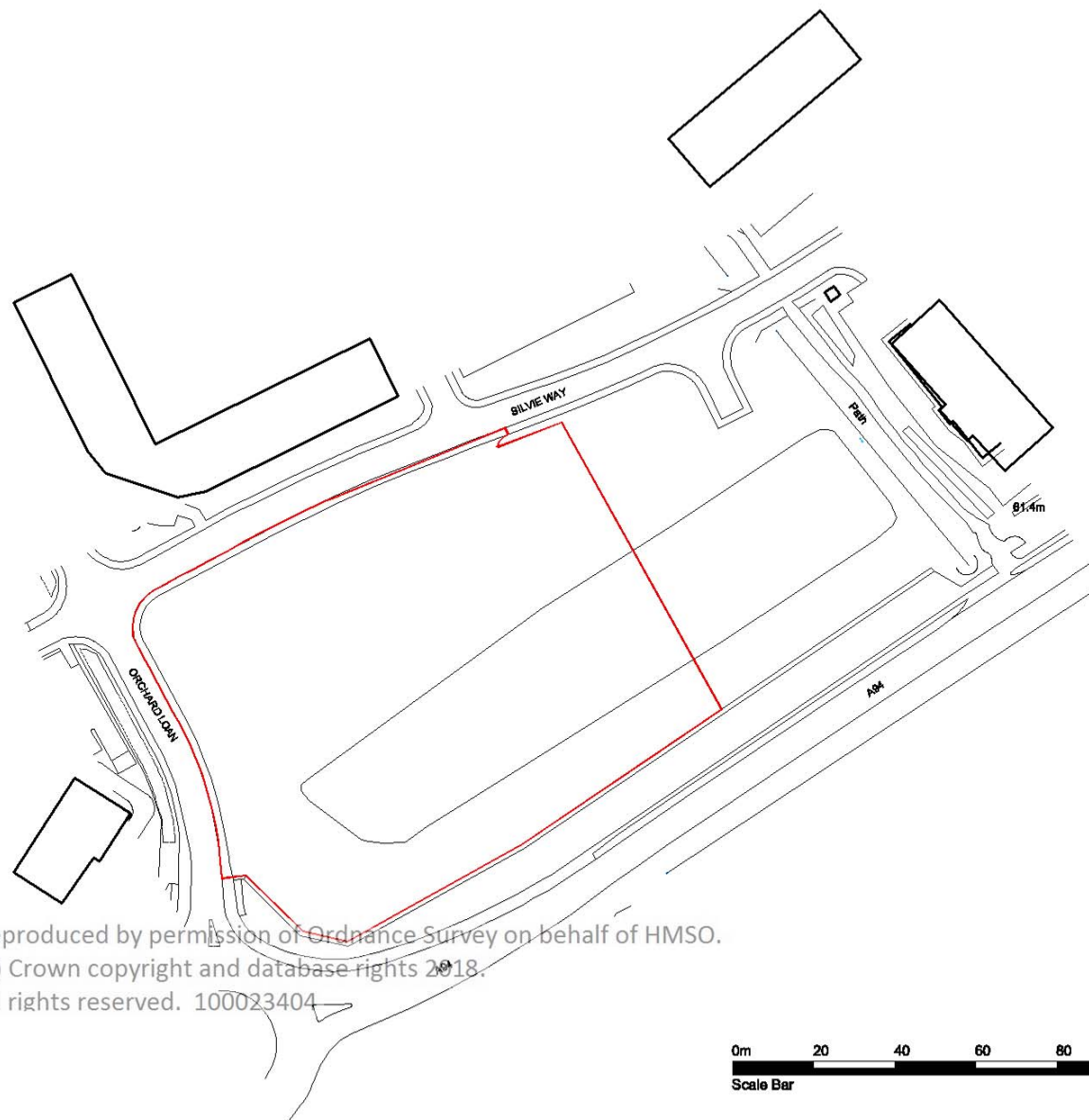
**KATE COWEY
SERVICE LEADER - PLANNING & COMMUNITIES**

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 any material extent in preparing the above Report.

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DATE: 27 July 2018

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



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REVISIONS	
C	04.04.18 RED LINE AMENDED
B	17.10.17 RED LINE AMENDED FOLLOWING COMMENTS
A	17.10.17 RED LINE AMENDED

CLIENT	EJURO GARAGES LTD
PROJECT	ORCHARD BANK FORFAR DDB 1AX
TITLE	SITE LOCATION
DATE	04.10.17
SCALE	1:1250 @ A3
JOB ID	1488
DWG	1c

Appendix 2 – Summary of Applicant Supporting Information

Planning Statement - this document explains how the development proposal accords with the relevant policies of the development plan. It concludes that the development proposal represents a positive addition to the Orchardbank area in a highly accessible location. This supports aims and objectives of the Development Plan and national policy and guidance, particularly Policy TC10. The proposed development will directly result in the creation of between 50 - 60 full and part time jobs in the local area. The Applicant has considered the proposed development site in economic business terms and has concluded that the site represents an attractive location for a PFS. The design of the individual units utilises high quality, modern materials to create an attractive high-quality development in this location. There are no expected adverse impacts on the road network, environment, landscape or amenity as a result of the proposals. The proposal is in accordance with the Development Plan and there are no material considerations which outweigh this.

Transport Statement - this document assesses the expected transport impacts of the proposals, along with any mitigation measures that may be required. The statement concludes the proposed development is well-located in transport terms. The majority of vehicular trips associated with the development are expected to be 'passby' trips, i.e. vehicles that are already on the network. Junction modelling shows that the development can be accommodated into the local road network.

Flood Risk Assessment & Drainage Strategy - this indicates the site is not at risk of flooding from rivers with a medium likelihood of surface water flooding close to the eastern boundary. The total surface water storage volume required is estimated to be 526m³ and is expected to be achieved via permeable paving and storage cells, pending the detailed design. The surface water and foul water drainage may be discharged into the public surface water and foul sewers to the north of the site. It concludes that the development can be undertaken in a sustainable manner without increasing the flood risk either to the proposed development or to existing properties/systems within the downstream catchment and is therefore compliant with planning policies.

Tree Report - this document contains the findings of a tree survey that assessed and categorised trees in strict accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. This concludes that the arboricultural constraints are limited to young trees forming dense scrub as there are no trees of arboricultural value within the site boundary. Roadside amenity trees on the west and south boundary together with a formal Beech hedge are of moderate quality and these are anticipated to be unaffected by the design proposals.

Outdoor Lighting Report - this document reviews the proposed lighting approach for the development with 4 types of lighting proposed within the development. The stronger luminaire lighting (C) is used around the HGV parking area to the southeast of the site, well screened and contained from nearby site, buildings and roads. Lower luminaire (A and B) are used within the drive-thru area to the north of the site, closest to Silvie Way. The lighting has been sensitively sited and as LED lighting pollution will be minimal.

Response to Objection - this document asserts that the proposal is in accordance with the Development Plan and Development Brief for the site. The application site is a prime frontage site and the development proposed is a suitable for the site. In relation to accessibility and road safety matters the development proposal incorporates appropriately designed footways for pedestrians so that they can safely navigate the site. Impacts arising from HGV's have been considered and assessed in the submitted Transport Statement and concludes HGV's can pass safely into and through the site. Over supply of petrol filling stations is not considered a valid planning argument. As a commercial developer the applicant has chosen to seek permission to locate in this area; it stands to reason by the sizable investment in the venture to date that the applicant would not seek to locate in an area where their target market is saturated by way of an oversupply of petrol filling stations.

Appendix 3 – Development Plan Policies

Angus Local Development Plan

Policy DS1: Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy 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 TC10: Roadside Facilities

The provision of roadside facilities to meet the needs of road users will only be acceptable where they extend the range and quality of existing facilities.

On the A90(T), extended roadside facilities, including the provision for overnight lorry parking, will only be supported at the following existing facilities:

- Brechin Castle Centre, which has direct access from the A935 to and from the A90(T);
- Orchardbank Business Park, Forfar, at the junction with the A94; or
- Stracathro Services.

New roadside facilities serving the A92 should be accommodated within existing development boundaries. Proposals in the open countryside will not be supported.

Policy TC20: Local Convenience Shops and Small Scale Retail

Within development boundaries, proposals for the development and improvement of local convenience shops* will not be subject to the sequential approach. Such proposals will be supported where they are not detrimental to the surrounding amenity and are in keeping with the townscape and pattern of development. Preference will be given to development proposals which effectively reuse or redevelop vacant or derelict land.

Outwith development boundaries, proposals for small scale retail development (around 500 m²) will only be supported where the proposal constitutes rural diversification and is ancillary to tourism, agricultural, equestrian, horticultural or forestry operations and where the proposal:

- does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;
- is of a scale and nature in keeping with the character of the local landscape and pattern of development; and
- is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Where planning permission is granted, conditions may be attached limiting the range of goods which can be sold.

*A local convenience shop is broadly defined as retailing drinks, tobacco, newspapers, magazines, food and confectionery which are purchased regularly for relative immediate consumption and measure 500 m² gross floorspace or less and are located outwith defined town centre boundaries as identified within the Proposals Maps.

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 PV6: Development in the Landscape

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

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

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

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

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

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

Policy PV7: Woodland, Trees and Hedges

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

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

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

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

Policy 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 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.

Policy PV18: Waste Management in New Development

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

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

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

F9: Working – Orchardbank

29.6 ha of land to the west of Orchardbank adjacent the A90(T) is reserved for a 'Gateway'

development comprising Class 4 (business), Class 5 (general industry), Class 6 (storage and distribution) and Roadside facilities in accordance with Policy TC10 – Roadside Facilities.

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

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of the River Tay SAC, in accordance with Policy PV4 sites Designated for Natural Heritage and Biodiversity Value.