

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 13 NOVEMBER 2018**

**PLANNING APPLICATION – LAND EAST OF THE PARK CARESTON**

**GRID REF – 354178 : 759650**

**SERVICE LEADER – PLANNING AND COMMUNITIES**

**Abstract:**

This report deals with planning application 18/00480/FULL for the Erection of Two Dwellinghouses on land east of The Park, Careston by Careston Ltd. This planning application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the planning 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 in the Angus Local Outcomes Improvement Plan and Locality Plans:

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

**3. INTRODUCTION**

3.1 Planning permission is sought for the erection of two houses.

3.2 The application site is located 300m north of Balnabriech and the A90(T). It comprises an undeveloped area of agricultural land that lies between the C33 public road to the east and Park Cottage to the west. The site sits to the south of a private track to the immediate west of a belt of mature woodland and measures approximately 2600sqm. A location plan is provided at Appendix 1 of this report.

3.3 The proposal involves the erection of two identical one and a half storey houses on plots measuring around 1300sqm. The proposed houses would be rectangular in plan form with ridged slate roofs running parallel to the access track to the north. The walls of the proposed dwellings would be finished in vertically lined timber. Vehicular access to both plots would be taken from the track to the north. The application form indicates that foul drainage would connect to a private treatment plant and surface water would connect to a soakaway. The houses would connect to the public water supply.

3.4 The proposal was amended to relocate the proposed houses further south within the site to more closely resemble the position of the existing house to the west and the site was reduced in size to remove the mature tree belt to the east.

3.5 The application was subject of neighbour notification and was advertised in the local press as required by legislation.

3.6 The application requires to be determined by the Development Standards Committee because it is recommended for approval but has attracted objection from the Community Council.

#### 4. RELEVANT PLANNING HISTORY

There is no planning history relevant to the determination of this planning application.

#### 5. APPLICANT'S CASE

- 5.1 The applicant has submitted a Planning Design Statement and other information in support of the application as summarised below. That information can be viewed on the Council's [public access](#) website.
- 5.2 The Planning Design Statement provides an overview of the proposal including a description regarding the location and characteristics of the application site. The design of the proposed dwellinghouses, which are contemporary but based on traditional rural characteristics, is then discussed in greater detail.
- 5.3 In addition to the above, the applicant has also a 3D Model Set of the proposed houses which are illustrated within a photograph of the application site; sectional plans, a contextual elevation plan and a comparative gable width plan between the proposed houses and the existing house at Park Cottage; a document containing examples of appropriate rural design; and an email responding to the main points of objection raised from the community council.

#### 6. CONSULTATIONS

- 6.1 **Inveresk Community Council** – Objects to the application indicating the proposal is contrary to Policy TC2 of the local development plan and the associated Countryside Housing Supplementary Guidance (2016). It identifies concerns about the visual impact of the proposed development when viewed from the A90 against the traditional Park Cottage adjacent and suggest that the scale, design and proposed external materials of the proposed houses are inappropriate. Concern is raised that the plans submitted do not illustrate the relationship of the development to the adjacent Park Cottage.
- 6.2 **Angus Council - Roads** – Does not object to the application.
- 6.3 **Scottish Water** – There was no response from this consultee at the time of report preparation.
- 6.4 **Health and Safety Executive** – There was no response from this consultee at the time of report preparation.
- 6.5 **INEOS FPS (BP)** – Does not object to the application.
- 6.6 **Shell** – Does not object to the application.
- 6.7 **Archaeology** – Does not object to the application subject to a condition requiring the submission of an archaeological written scheme of investigation and a programme of archaeological works in accordance with the written scheme of investigation.

#### 7. REPRESENTATIONS

No letters of representation have been received in relation to the planning application.

#### 8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (As Amended) 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); and
  - Angus Local Development Plan (ALDP) (Adopted 2016).

- 8.3 The proposal is not of strategic significance and therefore the policies of TAYplan are not referenced. The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 Policy DS1 of the ALDP 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 and are in accordance with policies of the local development plan.
- 8.5 The Development Strategy amongst other things seeks to maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities. The strategy for rural areas indicates that Category 2 Rural Settlement Units (RSU's) are more remote rural areas and promotes an emphasis on maintaining and growing communities by enabling new housing development which can support important rural services.
- 8.6 Policy TC2 relates to proposals for new residential development in countryside locations. The application site is located within a Category 2 RSU where there is an emphasis on maintaining and growing communities by enabling new housing development. Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories. In addition, Policy TC2 requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3. Proposals are also required to be assessed in terms of the Angus Council Countryside Housing Supplementary Guidance.
- 8.7 In terms of possible acceptable situations identified by TC2, the proposal does not involve retention, renovation or acceptable replacement of an existing house; it does not involve conversion of a non-residential building; it does not involve a previously developed (brownfield) site; it does not round off an established building group of 3 or more existing dwellings; and it is not required for an essential worker in association with management of land or a rural business.
- 8.8 Policy TC2 offers support for up to two houses in Category 2 RSU's where the application site constitutes a gap site (defined as the space between the curtilages of two houses; or between the curtilage of one house and a metalled road; or between the curtilage of one house and a substantial building). The Council's Countryside Housing Supplementary Guidance provides further detail on the application of Policy TC2. The application site sits between the curtilage of Park Cottage and a mature woodland belt adjacent to the C33 public road. While the site has very similar characteristics to a qualifying gap site it does not accord with the gap site test because it would sit between a house and a woodland belt and therefore does not meet the definition of a gap site provided by the ALDP.
- 8.9 The proposal does not comply with the circumstances in which the ALDP allows for new houses in countryside locations.
- 8.10 In terms of other Policy TC2 and development plan considerations, the erection of two houses within the application site would be compatible with the land uses in the surrounding area. The area is characterised by agricultural land, mature woodland and occasional housing and it is considered that the proposal would be compatible with the character of the surrounding area and the pattern of development.
- 8.11 The proposed dwellings would provide a good residential environment with plot sizes that would meet the plot size criteria for a Category 2 RSU. The plots would afford ample garden ground, space for the parking of vehicles and space for bin storage. The houses would have a reasonable separation distance to Park Cottage (over 30m) and its amenity would be maintained by providing suitable boundary enclosures and landscaping. The separation distance is such that the proposed houses would not be overbearing in relation to the neighbouring house and they would not give rise to unacceptable impacts on the amenity of its occupants having regard to relevant council guidance.
- 8.12 There are no built heritage designations that would be significantly affected by the proposal. The

application site contains an area of archaeological interest (cropmarks indicating the presence of prehistoric settlement activity with further archaeological remains in the wider landscape). The Archaeology Service has requested a programme of archaeological works to ensure that any potential archaeological remains within the site are appropriately recorded. This is addressed by a proposed condition. The proposed dwellings would contribute to the rural character of the surrounding area and would not be urban in form. The houses would be rectangular plan with a narrow gable and wide frontage which is characteristic of houses found in rural Angus including the existing house to the west. The external finishes of slate on the roof and vertically lined timber cladding would complement the sandstone house to the west and would allow the dwellings to appear recessive elements in the landscape, particularly as the timber weathers. The houses would be back clothed with rising land and woodland to the north and east which would allow the houses to integrate well in the surrounding landscape. It is noted that the existing cottage is single storey and the proposed houses are higher, offering accommodation on two levels with the application site elevated above the existing cottage. The cross-section drawings indicate that the houses would be cut into the site and while they would remain elevated above the existing house, they work with the landform and step down from east to west with the slope of the site and are far enough away from the existing house that they are not overbearing. It is considered that the proposed houses could be accommodated without any adverse impact on the character of the surrounding area or existing housing. A condition is proposed that requires details of landscaping and boundary enclosures in order to ensure that these are appropriate and undertaken at an appropriate time. A condition is also proposed that requires provision of precise details of ground and floor levels in order to ensure that these are appropriate.

- 8.13 The proposal would not adversely affect any natural heritage designation. The land in the site is classified as prime quality agricultural land (Class 2) but the loss of approximately 2600sqm to deliver housing in a Category 2 RSU is broadly consistent with the aims of the rural development strategy. The loss of this area of land is unlikely to render any existing agricultural operation unviable and the proposal would not result in the loss of a significant area of agricultural land.
- 8.14 The Roads Service is satisfied that the proposal would have no adverse impacts on road traffic and pedestrian safety. The development is not of a scale that would require a contribution towards affordable housing or other community infrastructure. Private foul and surface water drainage arrangements are proposed through a treatment plant and soakaway. The detail of the proposed foul water and surface water drainage arrangements would be controlled through the building regulations.
- 8.15 The application site is situated within the pipeline consultation zone but is more than 200m from the pipeline. Policy PV21 indicates that decisions on whether to grant planning permission for development proposals within the pipeline consultation zone will be taken in light of the views and advice of the Health and Safety Executive. The Health and Safety Executive and pipeline operators have been consulted but none have objected to the proposal and it is considered that the development could take place without any impact on the pipeline.
- 8.16 In terms of the detailed 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 housing development and would not require the subdivision of an existing residential curtilage. While the proposal would result in a ribbon form of development, the total number of houses in the resulting group would be three which is not beyond the tolerances allowed for in the policy. The proposal would not extend existing ribbon development. The proposal would not result in the coalescence of building groups or of a building group with a nearby settlement. The proposal does not give rise to any significant issues in terms of the Appendix 3 requirements.
- 8.17 The proposal does not give rise to any other significant issues in terms of development plan policy that could not be addressed by planning condition. However, the principle of two houses on the site is contrary to the detailed wording of Policy TC2 of the ALDP.
- 8.18 In addition to development plan considerations, account must also be taken of material considerations. In this case the relevant material considerations are the physical characteristics of the site and the representation made by Inveresk Community Council. As indicated above and identified by the Community Council the proposal does not comply with the detailed wording of the ALDP and its associated supplementary guidance. However, the site would sit between a house and a woodland belt which is around 10m wide, sits adjacent to a public road and

represents a substantial landscape feature. It would have a frontage along the track to the north of approximately 75 metres. The site has a strong sense of enclosure with long-established and well defined boundaries on three sides and in this respect has very similar characteristics to a qualifying gap site as defined by the ALDP. This is a general location where the ALDP is seeking to encourage new housing development and it is considered that the physical characteristics of this site, which create circumstances very similar to those where policy would allow two new houses, justifies a minor departure from development plan policy. Development on this site would not open up other areas for further housing development and would not create issues in terms of consistent application of development plan policy.

8.19 The proposed houses would have a backdrop against rising land when viewed from the south and the woodland to the east would provide some landscape framework. As indicated above, the proposed houses would be cut into the site and would not give rise to unacceptable landscape impact or visual impacts. The design of the houses is fairly simple and both the design and the proposed palette of materials is appropriate for a rural setting and are consistent with government guidance provided in Planning Advice Note 72 which deals with housing in the countryside. The position of the houses has been amended during consideration of the application and additional plans have been submitted to illustrate the relationship between Park Cottage and the proposed development. The proposed houses could be accommodated within the site without adversely impacting on the existing house or wider rural area.

8.20 In conclusion, the proposal seeks permission for two new houses in a Category 2 RSU. This is an area where the development plan generally seeks to enable new housing development on appropriate sites which can help support important rural services. This proposal does not comply with the detailed wording of the policy that allows for two houses in this area as the site does not fully meet the definition of a gap site as provided by the ALDP. However, the site is located between the curtilage of an existing house and an established area of woodland that sits adjacent to a public road, and it has a frontage to the track to the north which is compatible with gap site requirements. The site has long-established and well defined boundaries that provide a reasonable degree of enclosure and provide similar characteristics to a gap site as defined by the ALDP. In these particular circumstances and where the proposal is otherwise in accordance with relevant policy and the overall development strategy of the ALDP, a minor departure from the terms of the development plan is considered appropriate. The representation from the community council is noted and discussed above and the material planning issues raised have been taken into account in the preparation of this report. The design and associated impact of the development on occupants of neighbouring property and the wider amenity of the area is consistent with relevant national and local guidance. There are no other 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 for Approval:**

The proposal does not comply with the detailed wording of the policy that allows for two houses in this area as the site does not fully meet the definition of a gap site as provided by the ALDP. However, the site is located between the curtilage of an existing house and an established area of woodland that sits adjacent to a public road, and it has a frontage to the track to the north which is compatible with gap site requirements. The site has long-established and well defined boundaries that provide a reasonable degree of enclosure and provide similar characteristics to a gap site as defined by the ALDP. In these particular circumstances and where the proposal is otherwise in accordance with relevant policy and the overall development strategy of the ALDP, a minor departure from the terms of the development plan is appropriate.

### **Conditions:**

1. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

2. No works in connection with the development hereby approved shall commence unless precise details of landscaping and boundary enclosures has been submitted to and approved in writing by the planning authority. Thereafter all hard boundary treatments shall be erected prior to the occupation of any dwelling hereby approved and the approved scheme of landscaping shall be completed within six months of the occupation of the first house hereby approved and any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within 5 years shall be replaced by trees or shrubs of similar size and species to those originally approved in terms of this condition.

*Reason: To ensure the provision of suitable landscaping and boundary treatments in the interest of maintaining the residential amenity of the adjacent dwelling and the visual amenity of the surrounding area.*

3. No works in connection with the development hereby approved shall commence unless precise details of existing and proposed ground levels and finished floor levels relative to existing buildings and a fixed ordnance datum have been submitted to and approved in writing by the planning authority. Thereafter, each house shall be completed in accordance with the approved levels prior to its occupation.

*Reason: In order that the planning authority may verify the acceptability of the finished levels in the interests of visual and residential amenity.*

**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 any material extent in

preparing the above Report.

**REPORT AUTHOR: KATE COWEY**  
**EMAIL DETAILS: PLANNING@angus.gov.uk**  
**DATE: 31 OCTOBER 2018**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES

**Appendix 1: Location Plan**



## **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 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 TC2: Residential Development**

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

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

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

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

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

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination
- or an incompatible land use;
- single new houses where development would:
- round off an established building group of 3 or more existing dwellings; or

- meet an essential worker requirement for the management of land or other rural business.
- in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites
- (as defined in the Glossary) may be developed for up to two houses.

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

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

### **Policy TC3: Affordable Housing**

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

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

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

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

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

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

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

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

#### National Sites

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

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

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

#### Regional and Local Sites

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

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

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

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

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

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

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

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

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

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

### **Policy PV20: Soils and Geodiversity**

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

### **Policy PV21: Pipeline Consultation Zones**

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.