

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 MAY 2019

PLANNING APPLICATION - PLAYPARK NEWBIGGING DRIVE ARBROATH

GRID REF: 362644 : 740988

SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 18/00799/FULL for Erection of 38 Affordable Housing Units with Associated Roads, Drainage, Landscaping, Play Area and including Demolition of Existing Blocks of Flats at the site Playpark, Newbigging Drive, Arbroath, for Angus Council. 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 Planning Permission is sought for the demolition of 32 flats and the erection of 38 new affordable housing units with associated roads, drainage, landscaping and play area at Newbigging Drive, Arbroath.

3.2 The application site encompasses an area of around 1.06HA and contains blocks of three storey flats, open space and 33 garage/ lock-ups to the north and a public park to the south. Vehicular access to the site is taken from Spitalfield Place to the west and Emislaw Drive to the east. A public footpath leads south east diagonally through the park towards Arbirlot Road. The site is bound at the north west and south west by housing on Newbigging Drive, at the north east by existing housing on Emislaw Drive and at the south east by Emislaw Park.

3.3 The development would contain a mixture of flatted dwellings and houses arranged in 10 no. two storey buildings with parking mainly provided in front gardens. The development would provide 16 no. one bedroom flats; 4 no. two bedroom flats; 13 no. two bedroom houses; and 5 no. three bedroom houses. The buildings would have pitched roofs finished with grey concrete tiles, buff colour render and brown brick walls with grey uPVC windows and doors. The development would provide a vehicular connection between Spitalfield Place and Emislaw Drive with housing arranged adjacent to the new road. The proposed buildings would be located in a similar position to the buildings to be demolished. Boundary treatments would consist of feature walls and high level timber fences. A new equipped play facility and cycle route would be provided in the park. The existing pedestrian connection to Newbigging Drive at the north of the site would be retained

and enhanced with new ramp connection to the site. 41 car parking spaces would be provided. Surface water would be managed via a new sustainable drainage system and foul drainage would be directed to the public sewer.

- 3.4 The application has been amended in response to objections received and housing has been removed and relocated further away from the existing housing at 34-46 Emslaw Drive and 29-35 Newbigging Drive.
- 3.5 The application was subject of neighbour notification and was advertised in the local press.
- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation of approval where Angus Council has a financial interest in the development and where the application has attracted letters of objection.

4. RELEVANT PLANNING HISTORY

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

5. APPLICANT'S CASE

- 5.1 The applicant has submitted a Bat Survey, an Ecological Appraisal, Drainage Calculations, a Tree Survey Report and information on the loss of existing lock-up garages with the application. Those can be viewed on the [Public Access](#) website but are summarised below.
- 5.2 The Bat Activity Survey consists a Preliminary Roost Assessment and five dawn/dusk activity surveys. The report concludes no bat roosts were identified during the surveys and the proposed demolition works can proceed without the requirement for a licence or further surveys.
- 5.3 The Ecological Appraisal involved two site visits including external and internal building surveys, garage building inspections and tree inspections. The existing buildings, garages and trees were assessed as having negligible potential to support roosting bats. The trees and shrubs within the site boundary provide suitable nesting habitat for birds. The report recommends good practice to minimise the potential to impact on nesting birds.
- 5.4 The Tree Survey Report provides a detailed assessment with regard to the nature, extent and condition of the trees at the site and indicates six trees would be removed to facilitate development and a further single tree for arboricultural reasons. The details of the trees to be removed are provided in the tree schedule and annotated on the accompanying Tree Protection Plan.
- 5.5 The information on the loss of the lockup garage at the site indicates the proposal would involve the demolition of 5 blocks containing 33 garages at Spitalfield Place and Emslaw Drive. Around half of the garages (16) have been vacant for a significant period of time (16 months to 10 years) and another 16 have been vacant for a period exceeding 6 months. The 32 dwellings identified for replacement have limited parking and the proposal would provide 41 parking spaces.

6. CONSULTATIONS

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Angus Council - Parks and Burial Grounds** - Offered no objection confirming that the revised landscaping of the area meets Parks requirements. Request a planning condition to ensure that all soft landscaping and play equipment is completed in accordance with Council standards.
- 6.3 **Angus Council - Roads** - Offered no objection subject to the attachment of a condition regulating access; road layout design, and specification and construction (including the provision of street lighting and surface water drainage). The Roads Service has commented that the parking requirement for a development of this scale would equate to a total of 31 spaces and as such the level of parking proposed exceeds the minimum requirement (41 spaces to be

provided).

6.4 **Angus Council - Flood Prevention** - Offered no objection provided that the written approval of Scottish Water is obtained which confirms that they will adopt the proposed surface water drainage system for the scheme and proposed the rate of discharge.

6.5 **Scottish Water** - Offered no objection to the proposal.

7. REPRESENTATIONS

7.1 Three letters of representation were received objecting to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's [Public Access](#) website.

7.2 The main points of concern were as follows: -

- Insufficient parking provision;
- Traffic and pedestrian safety concerns relating to the new road and play park locations.
- Impact on amenity of existing property at Emislaw Drive in terms of loss of light, privacy, noise and amenity.
- Proposal could impact on right of way

These matters are addressed in the Planning Considerations Section below.

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 states that proposals for sites not allocated or otherwise identified for development, but within development boundaries, will be supported where they are of an appropriate scale and nature. It indicates that 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. Policy TC2 deals with residential development proposals. It indicates that proposals for new residential developments within development boundaries will be supported where the site is not protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. It also identifies a number of criteria for consideration of proposals.

8.5 The site is located within the Arbroath Development Boundary and is not allocated or otherwise identified for development. The site is located within an established residential area and a significant proportion is occupied by existing dwellings. Those properties are in poor condition and no longer considered suitable to meet the needs of the community. The principle of erecting new dwellings on those areas of the site occupied by existing residential units is compatible with the development plan.

8.6 There are also areas of open space within the site and the development would involve the construction of new residential units on some of that space. Policy PV2 indicates that development involving the loss of open space will only be permitted in limited circumstances

including where (amongst other things) it is demonstrated that there is an excess of open space of that type to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; 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 in the local area.

- 8.7 The development would result in a net loss of around 1,900sqm of open space, leaving an area of around 9200sqm (0.92HA). The council's Open Space Audit indicates that the provision of open space within Arbroath significantly exceeds the Playing Fields Association (Six Acre) standard of 2.43HA per 1000 per head of population (at 4.23HA per 1000 per head of population). The draft Audit also indicates that Emislaw Park would benefit from improvement through the provision of new play equipment, acknowledging that the existing equipment in the site is dilapidated. The loss of 1,900sqm of open space would not result in the quantity of open space in the area surrounding the site falling below council standards and the provision of new play equipment would improve the quality of the open space at Emislaw Park. In these circumstances the loss of open space to accommodate affordable housing does not raise any significant conflict with Policy PV2. The broad principle of redevelopment of the site for residential use is acceptable subject to the proposal being of an appropriate scale and nature and the development being consistent with the character and pattern of development in the area.
- 8.8 The site is located in a predominantly residential area and Emislaw Park which is located to the south of the application site currently co-exists with residential uses on this site. Residential development on the site would be compatible with surrounding land uses.
- 8.9 The area surrounding the site is characterised by predominantly two storey buildings, with ridges running parallel to the streets they face and private garden areas to the rear. Houses in the surrounding area have a mix of different roof coverings and external wall materials and colours. The proposed two storey buildings would be arranged around a new vehicular connection between Spitalfield Place and Emislaw Drive with buildings arranged in a pattern which resembles other housing in the surrounding area. The external materials proposed would not look out of place in the surrounding mixed townscape. Boundary treatments would be a mix of feature walls, timber fencing and a combination of walls and fencing. A planning condition is proposed to ensure that all boundaries which front onto public areas are of an appropriate quality in accordance with the Design & Placemaking Supplementary Guidance (SG) which indicates large areas of fencing or blank elevations will not be acceptable where they form a public/private interface. The development would represent a significant physical improvement to the site and surrounding area and the proposed design solution is acceptable in the context of the character and pattern of development in the surrounding area.
- 8.10 In terms of residential environment to be provided, the proposed plots range from around 100sqm to 150sqm in area with garden areas ranging from 40-109sqm. Private garden areas would be available for each of the houses with shared gardens for the flatted dwellings. Parking would be provided in curtilage or close to each property and bin storage is identified on the plans with space for recycling. The houses would be an acceptable distance from existing dwellings when assessed against council guidance. The development is designed to provide a mix of house sizes to accommodate differing needs in the local community. The plot sizes are comparable with those in the wider area. The improvements proposed to Emislaw Park would ensure that the development is well served by open space including play equipment and a kick about area. The proposed dwellings would provide an acceptable residential environment for future occupants
- 8.11 The redevelopment of the site would have some impact on occupants of neighbouring property and development plan policy seeks to ensure that such impacts are within acceptable tolerances. Guidance on matters such as window to window distances and overlooking from upper floor windows is provided in the Council's Advice Note 14 which deals with small housing developments and the redevelopment of the site is broadly in accordance with that guidance. The two storey terrace of housing in Block A would be around 9 metres from the mutual boundary with housing on Newbigging Drive and Spitalfield Place but those gardens are currently subject of some overlooking from existing housing at a similar distance. The flats contained within Block D would also be around 9 metres from the mutual boundary with property to the north which is a similar separation distance to the three storey block which would be

removed from that position. The layout has been amended to address concerns regarding the impact of proposed houses on properties at 34 to 38 Emslaw Drive. The alterations to the layout would ensure that amenity impacts associated with the development would not be unacceptable and would be typical of those found in the area. The existing vehicular accesses at Emslaw Drive and Spitalfield Place would be utilised but they currently serve a similar number of residential units and the proposal is unlikely to result in materially different impacts.

- 8.12 The site is not subject of any form of designation for natural or built heritage. Ecological survey information has been submitted which indicates that the buildings and trees have negligible potential to support roosting bats. The information identifies good practice to minimise the potential to impact on nesting birds and other wildlife such as undertaking tree works outwith the bird nesting season (March to August) and the installation of protective fencing surrounding retained trees. The proposal would require the removal of 7 trees, mostly in the south west corner of the site to accommodate the row of two bedroom dwellings identified as Block A. Compensatory planting would be provided elsewhere in the development and the adjacent Emslaw Park. Taking account of the new planting identified in the landscaping scheme, the proposal would result in unacceptable impacts on the natural environment and biodiversity in and around the site.
- 8.13 Spitalfield Place at the west and Emslaw Drive at the east would be connected by a new vehicular route through the site. Accessibility into the site would be enhanced with a new ramped access between 27 and 29 Newbigging Drive and a new 3m wide cycle path through Emslaw Park would be provided. Parking provision within the site would exceed the minimum standard with 41 spaces provided. The Roads Service reviewed the proposed development and offered no objection subject to a planning condition to ensure that infrastructure is constructed in accordance with the standards of Angus Council.
- 8.14 The proposed dwellings would be connected to the public water supply and foul drainage system. The drawings indicate that a SUDS area would be formed to the east via a stormcell system which would be buried beneath an area of the open space. The Roads Service has offered no objection on the basis of flooding and drainage and a condition is proposed requiring evidence that Scottish Water will adopt the proposed surface water system. The development would not give rise to any significant issues in terms of other infrastructure in the area and the Council's approved Supplementary Guidance on Developer Contributions and Affordable Housing does not require any contributions from the development. A planning condition is proposed to ensure that the properties are provided and maintained as affordable housing.
- 8.15 The improvements to open space proposed as part of the development would result in the installation of new play equipment and an informal kick about area. The Parks and Burial Grounds Service offered no objection to the proposed works subject to the submission of precise details of the proposed play equipment and soft landscaping including details for future maintenance.
- 8.16 The proposal does not give rise to any other significant policy issues. It is of a scale and nature appropriate to the location and complies with relevant development plan policy.
- 8.17 In relation to material considerations it is relevant to note that a number of objections have been submitted to the proposal. Those representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. In relation to the level of parking provision proposed, the Council's standards require the provision of 31 spaces for a development of this nature and scale. The proposal includes 41 spaces and the proposed level of parking exceeds Council standards. The Roads Service is satisfied that this level of parking is acceptable and the proposal makes provision to encourage different modes of transport other than the private car. While concerns are raised regarding traffic and pedestrian safety relating to the new road layout and play park location, those concerns were raised at a time when a different road layout was proposed. The road layout has been redesigned so that the route meanders through the site which would naturally calm traffic speeds. The proposed play park is now located further from the new road and would be a similar distance from the public road network as existing play equipment. There is no reason to consider the two could not safely coexist. Existing routes through the site would be enhanced and there would be no loss

public access through the site, save for some temporary disruption through the construction process.

- 8.18 Objection has been received which raises concerns regarding a number of different amenity impacts on housing at Emslaw Drive. The proposal was subject to amendment to address those objections and houses are no longer proposed in the area immediately to the rear of 34-38 Emslaw Drive. The housing in block J is now located around 22m from the rear garden boundary of 34 Emslaw Drive which is well in excess of the minimum standards detailed in Advice Note 14. As detailed above, amenity impacts associated with the proposal are considered to be acceptable.
- 8.19 In conclusion, the proposal provides for the erection of 38 affordable homes on a previously developed site within a defined development boundary in a manner which is of an appropriate scale and nature. While the proposal would result in the reduction of available open space in and around the development, the quality of that open space would improve as a result of the development and there is an excess provision of open space in Arbroath when measured against Council guidance. The letters submitted in objection to the proposal by third parties are noted and discussed above and the material planning issues raised have been taken into account in preparation of this report. Significant changes have been made to the proposed layout to address those concerns. The proposal is considered to comply with the relevant policies of the development plan, subject to stated conditions, and there are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the application be approved for the following reason and subject to the following conditions:

Reason for Approval:

The proposal complies with the relevant provisions of the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of the application.

Conditions:

1. That prior to the commencement of development (but excluding works for demolition) the following shall be submitted to and approved in writing by the Planning Authority: -
 - i) A detailed scheme of boundary enclosures. That scheme shall provide boundary enclosures designed in accordance with the guidance contained within Angus Council's Design & Placemaking Supplementary Guidance. Thereafter the

- approved boundary enclosures shall be provided for each dwelling prior to its occupation;
- ii) Written confirmation from Scottish Water that it will adopt the surface water drainage system at the site. Thereafter the approved surface water drainage system shall be constructed and fully implemented prior to the occupation of the first dwelling house.
 - iii) Precise details of the proposed play equipment and soft landscaping including details for future maintenance. Thereafter, the play equipment shall be provided prior to the occupation of any residential property hereby approved, the soft landscaping shall be provided in the first planting season following occupation of the final dwelling in the development, and the maintenance scheme shall be implemented.

Reason: In order to ensure that appropriate boundary treatments are provided in accordance with the Design Quality and Placemaking Supplementary Guidance; and in order to ensure that surface water infrastructure is appropriately formed and maintained in order to protect the environment and manage flood risk; in order to ensure a satisfactory standard of landscaping and play equipment for future adoption by Angus Council.

- 2. All details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage shall be formed and constructed in accordance with the standards of Angus Council.

Reason: In order to ensure a satisfactory standard of road construction for future adoption by Angus Council.

- 3. The development shall be carried out in accordance with:
 - i) Section 1.6 'Recommendations' (page 8) of the document "Emislaw Drive, Timmergreens, Arbroath, Bat Activity Survey September 2018", prepared by Brindley Associates Ltd, and dated September 2018 unless otherwise modified by conditions of a European Protected Species (EPS) bat licence;
 - ii) Section 1.6, Table 3 'Recommendations' (pages 12-13) of the document "Emislaw Drive, Timmergreens, Arbroath, Ecological Appraisal - Rev A September 2018", prepared by Brindley Associates Ltd, and dated September 2018.

Reason: In order to protect European Protected Species, nesting birds and other potentially affected species.

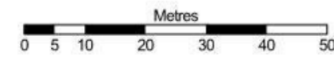
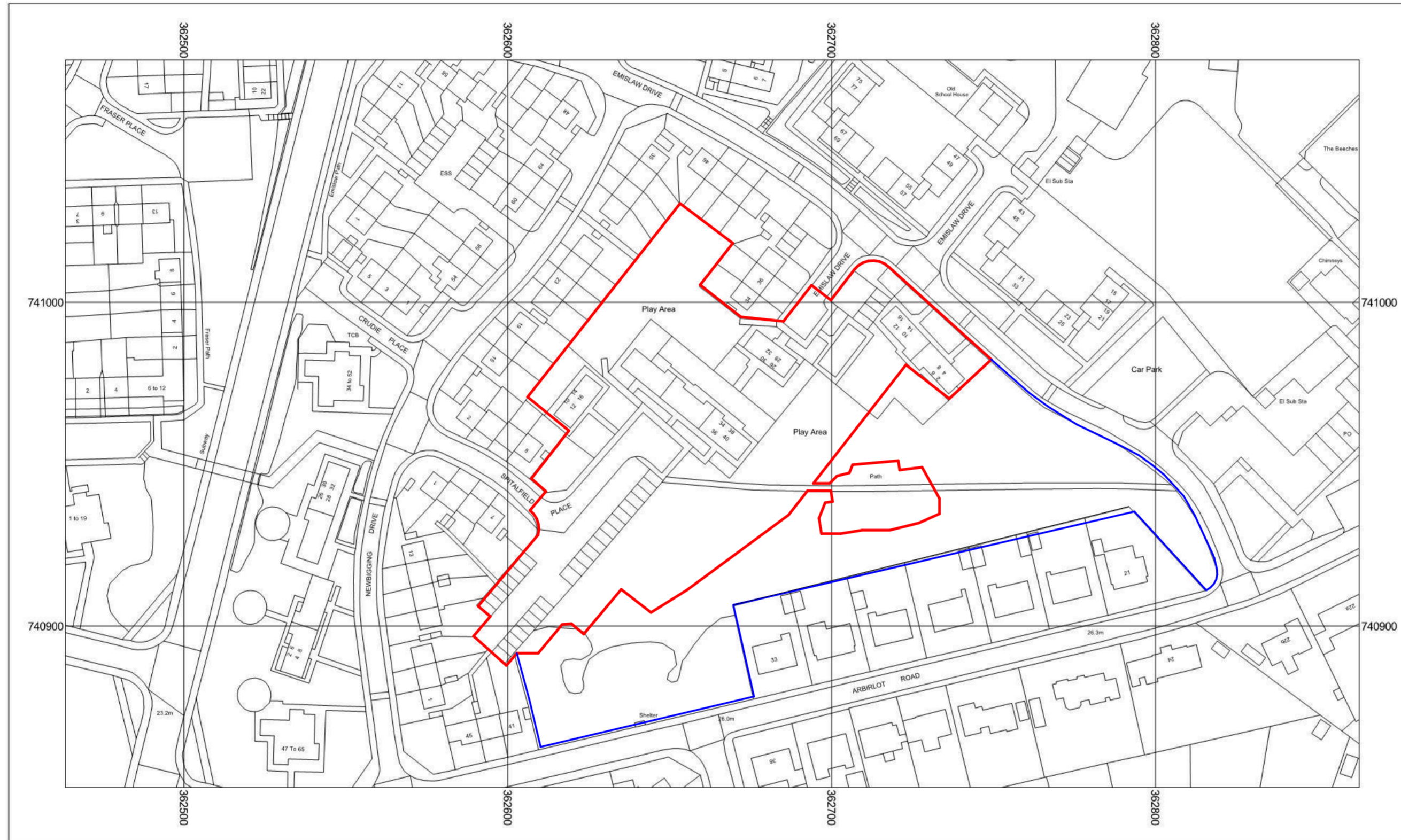
- 4. That the development of residential units hereby approved is to comprise solely of affordable housing, that is to say housing of a reasonable quality that will be affordable to people on modest incomes. The residential units shall be owned, managed, leased or otherwise provided in perpetuity as such by Angus Council or by a registered social landlord or other body having similar objectives, as approved of in writing by the Planning Authority.

Reason: In order to ensure that the development is built and occupied as affordable housing as that is the basis upon which the application has been assessed.

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: 7 MAY 2019

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



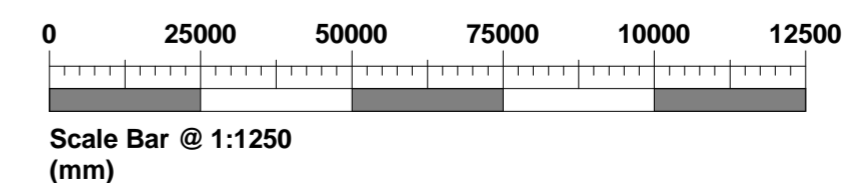
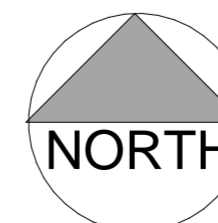
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INVESTOR IN PEOPLE

HEALTH AND SAFETY RISK ASSESSMENT CONSEQUENCE TABLE	Likelihood		Consequences				
			1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	5	5	10	15	20	25	
Likely	4	4	8	12	16	20	
Possible	3	3	6	9	12	15	
Unlikely	2	2	4	6	8	10	
Rare	1	1	2	3	4	5	

Site Area: 0.78Ha

Under Angus Council Ownership

Site Boundary

Rev	Description	Auth	Date
A	Site boundary amended	GSG	04.13.19

STAMP

PROJECT STATUS
 Technical Design

DRAWING TITLE
 Site Location Plan

PROJECT
 Affordable Housing at Emislaw Drive, Arbroath for CCG / Angus Council

DATE CREATED: 14.06.17
 DESIGNER: GSG
 SCALE @ A2: As indicated

DRAWING NUMBER: 5626(4)LP001
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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 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 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 PV3 : Access and Informal Recreation

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

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

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

Policy 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 PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

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

Policy PV13 : Resilience and Adaptation

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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