

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 JUNE 2019

PLANNING APPLICATION – THE WALLED GARDEN, TEALING HOUSE, TEALING

GRID REF: 341399 : 738017

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 18/00689/FULL for the Erection of 6 No. Dwelling Houses (Re-application) for Western Developments SPV 1 Ltd at The Walled Garden, Tealing House, Tealing. 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 Full planning permission is sought for the erection of 6 dwelling houses at The Walled Garden, Tealing House, Tealing. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site measures approximately 6700sqm and consists of a listed walled garden and existing access track adjacent to Tealing House. The walled garden is listed for its group value and an opening along the northern boundary of the wall has been formed. The site is a vacant area of land which has been scrapped and cleared in preparation for development.

3.3 The application seeks planning permission for the erection of 6 dwellings within the walled garden. The proposed dwellings would be detached single and two storey buildings with a mixture of mono pitched and conventional ridged roof designs arranged around a courtyard with access taken from the north. The external finishes for the dwellings would include zinc standing seam for the roof, natural stone, cream render and cladding on the walls. Plot sizes would range between 776sqm to 1201sqm. The proposed dwellings would be served by private drainage systems with mounded foul water and surface water soakaways within each plot. The existing breach in the walled garden would be altered with returns constructed to facilitate vehicular access into the site which would connect onto an existing access with the Tealing to Auchterhouse road.

3.4 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation as affecting the setting of a listed building.

4. RELEVANT PLANNING HISTORY

4.1 An application for planning permission ([07/01346/FUL](#)) for the Erection of Four Dwellinghouses within the Walled Garden was approved subject to conditions on 31 March 2008. The corresponding listed building consent application [07/01347/LBC](#) approved the

formation of an opening in the northern boundary wall to permit vehicular access into the site.

- 4.2 Subsequent applications to extend the time available to implement the 4 house development were granted for planning permission through applications [13/00170/FULL](#) and [16/00028/FULL](#).
- 4.3 Planning application [18/00172/FULL](#) for the Erection of Six Dwellinghouses was withdrawn on 11 May 2018.
- 4.4 Listed building consent application [19/00332/LBC](#) for alterations to walled garden to facilitate a vehicular access into the site is currently being assessed.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
- 3D images of the site / Overview images;
 - Supporting Planning and design statement;
 - Agents Supporting Letter Dated 04 October 2018;
 - Letter from Agent – Response to representations 20 March 2019;
 - Letter from Agent– Response to representations 27 March 2019;
- 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 (Traffic)** – has no objection to the proposal and is satisfied that the access to the development could be formed as a private driveway. Roads has indicated that a 2.4m x 43m visibility splay currently exists within the road verge but some minor removal of overhanging foliage from low hanging tree branches is required to maintain that splay. Roads has requested a planning condition to secure precise details of the driveway to be formed between the public road and the proposed houses.
- 6.2 **Angus Council – Housing Service** – advised that an affordable housing contribution is required. This would normally equate to the provision of 1.5 units for a 6 house development but a commuted payment was made as part of the earlier 4 house development and therefore the requirement applies to 25% of the two additional houses proposed.
- 6.3 **Angus Council – Parks & Burial Grounds** – Note that open space would not be provided within the development and in those circumstances a financial contribution towards (i) public park and amenity open space and (ii) formal and informal play space is required in accordance with the Council's approved Supplementary Guidance. For the development of 6 units this currently amounts to £1,008 per dwelling.
- 6.4 **Scottish Water** – No objections. Noted that there is currently sufficient capacity in the Clatto Water Treatment Works for water supply but there is no public drainage infrastructure in the vicinity of the site.
- 6.5 **SEPA** – No objections. Noted the applicant proposes to install six individual deep-mounded soakaways and six individual treatment plants to serve the dwellings. The mound systems should be constructed in accordance with BRE guidance and that matter would be secured through the building warrant process and the private drainage systems would be subsequently registered with SEPA.
- 6.6 **Community Council** - There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

- 7.1 Nine letters of objection and one letter indicating that they did not submit objections to the application were received. The letters of representation 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 and are discussed under Planning Considerations: -

- **overdevelopment of site;**
- **design not in keeping with surrounding properties;**
- **impacts on listed walled garden;**
- **road traffic and pedestrian safety concerns;**
- **loss of wildlife and mature trees;**
- **developer contributions should be sought towards parks, footpaths and education requirements;**
- **amenity impacts – overlooking, overshadowing and loss of privacy;**
- **drainage impacts - no mains drainage in area and the proposed foul drainage / surface water proposals reduces amenity space;**
- **ownership matters – it is alleged that the access track is in separate ownership and east boundary wall is mutually owned by Balnagar;**

In addition the following matters have been raised: -

- **Letter received from Mr Iain Brown which indicates that he has not submitted an objection to the application and has not resided at Garland Place for a number of years because the property is fire damaged and uninhabitable.**

While the validity of one of the representations has been questioned, all material planning matters contained within the letters submitted have been considered in the assessment of the application.

8. PLANNING CONSIDERATIONS

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

8.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.3 In this case the development plan comprises:-

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

8.4 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 3 and have been taken into account in the preparation of this report.

8.5 Policy DS1 states that proposals for sites within development boundaries not allocated or otherwise identified for development will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP. Policy TC2 deals with residential development proposals and 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 requires that new residential development must be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

8.6 The site is located within the Tealing development boundary and is not protected for any particular use or otherwise identified for development.

8.7 The majority of residential development in Tealing village is characterised by a ribbon of low density housing fronting onto the main road through Tealing village. The application site sits within a group of residential and non-residential buildings associated with Tealing House

which is south and west of the public road. This group of buildings has a different character to other parts of the village containing a large mansion house, Tealing Home Farm agricultural buildings and a number of detached houses set within and visually contained by mature trees. The development of six houses within the walled garden would not result in any significant impacts on the character and pattern of development of the surrounding area and the site would be visually contained by the walled garden and surrounding mature trees. The proposed houses have been designed so that they do not significantly project above the walled garden when viewed from public areas to the north. Tealing contains a number of different styles of housing with a number of modern bungalows in the village close to the site. The houses proposed are different from those found elsewhere in the village and include features such as mono pitched standing seam metal roofs; but similar materials and roof styles can be found elsewhere in the village on agricultural buildings and are not uncommon in rural Angus. The houses have been designed around a courtyard and would sit down within the walled garden and the proposed design solution and external materials (stone/cladding/cream render) are considered to be acceptable having regard to the character and pattern of development of the surrounding area. Planning permission has previously been granted for four dwellings of a similar design within the site and the additional two houses proposed would not significantly increase impacts on the character of the surrounding area.

- 8.8 The predominant land use in the surrounding area is residential and residential development on the site would be compatible with surrounding land uses. The proposed development would create a satisfactory residential environment with plot sizes ranging from 776sqm to 1201sqm with ample private garden ground for each house. The plot sizes would be comparable with those in the wider area. Parking would be provided in curtilage and there would be space for bin storage and recycling. The houses would be an acceptable distance from existing dwellings when assessed against council guidance.
- 8.9 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. The proposed development is compatible with that guidance. Balnagar to the east would be 24m from the nearest house and Tealing House to the west would be 41m from the nearest house, well in excess of the minimum distances set out in the guidance. The houses proposed would be in a similar position to those previously approved within the site and the wall surrounding the site would reduce overlooking of neighbouring property.
- 8.10 In terms of impacts on the built environment, the site is located within a Category C listed walled garden which is listed for its group value with Tealing House. The proposal would result in the formation of 6 houses within the walled garden and alterations to the wall to form an access. The site is also located 30m east of Tealing House, a category B listed manor house. The proposed development would have a significant direct impact on the walled garden by introducing six large dwellinghouses within it and changing its function and character; as well as forming a new opening in the north wall. In judging the acceptability of that impact, it is noted that the local plan inquiry Reporter recommended inclusion of the land at Tealing Walled Garden in the settlement boundary of Tealing to allow residential development 'to round off the settlement and assist the future security of the listed structure'. Allowing development would provide a means to secure ongoing maintenance of the walled garden structure and a planning condition is proposed which would secure that. While the impact of housing within the walled garden would be significant, the proposed houses would not significantly project above the wall when the site is viewed from the public road to the north. When viewed from the south, the development would be seen alongside Tealing House but there would be a reasonable separation between the manor house and the development and the houses would be backclothed by mature trees and the garden wall. Impacts on the walled garden would not be significantly different from those associated with the previous permission for four houses within the site. An opening was partly formed in the north elevation of the wall as part of an earlier listed building consent and this opening would be modified with returns formed. This form of intervention has been carried out successfully at other listed walled gardens in Angus. While the impact of the development on the walled garden would be significant, that impact is not unacceptable having regard to the previous planning permissions approved on the site and the opportunity the proposal provides to secure ongoing maintenance of the walled garden structure.

- 8.11 The site has no designation for natural heritage but there is a Tree Preservation Order protecting the 5 mature horse chestnut trees to the north of the walled garden and outside of the application site. These trees would be largely unaffected by the works (other than some trimming of low hanging foliage in the public road verge to maintain the existing visibility splay) to form the houses or improve vehicular access from the public road but a condition is proposed to secure the erection of protective fencing to ensure that the areas around the trees are not affected during development works. Within the site there are 9 self-seeded trees around the periphery of the walled garden. Those trees are semi-mature and do not make a significant contribution to the amenity of the area. Their loss and replacement as part of the development would be acceptable and information submitted with the application indicates that they are interfering with the integrity of the walled garden structure. A planning condition is proposed to secure appropriate landscaping including new tree planting.
- 8.12 An existing access onto the Tealing to Auchterhouse road would be utilised for vehicular traffic. The Roads Service has considered the proposal in the context of road traffic and pedestrian safety and has offered no objection. Adequate visibility exists at the junction of the site with the public road where speed is limited to 30mph and traffic is slowing to manoeuvre round a bend in the road. A planning condition is proposed requiring the submission of a scheme for the upgrading and subsequent completion of the short track leading to the houses.
- 8.13 The site is not located within the public drainage network and private drainage arrangements are proposed. Mounded soakaways would be constructed within each plot and SEPA has offered no objection to the proposed drainage approach provided the soakaways are constructed in accordance with BRE 478. That matter would be regulated through the building warrant process. Scottish Water has indicated that there is capacity in the public water supply network to accommodate the development. The site is not located within an area where there is a known flood risk and there is no reason to consider that suitable water supply and drainage arrangements could not be provided.
- 8.14 Policies TC3, DS5 and PV2 relate to affordable housing, developer contributions and open space provision and the Developer Contributions and Affordable Housing Supplementary Guidance provides further detail of the requirements for developments of this nature. In terms of affordable housing, 25% of the total number of residential units of a development of this scale should be affordable (i.e. where the site exceeds the 0.5ha). The Housing Service has indicated that a commuted sum is an appropriate method of securing affordable housing from this type of the development. A financial contribution towards affordable housing has previously been paid in support of an earlier planning permission for four houses at the site. As such, the requirement for affordable housing provision associated with the development only applies to the two additional units. The Parks and Burial Grounds Service has requested a contribution for public park and amenity open space and for formal and informal play space in accordance with policies PV2 and DS5. These contributions could be used to improve open space at Inveraldie. A planning condition is proposed to secure affordable housing and open space contributions.
- 8.15 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.
- 8.16 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.
- 8.17 Objection has been received which raises concerns regarding a number of different amenity impacts on housing surrounding the site but the proposed housing would be well in excess of the minimum separation distances identified in Advice Note 14. The proposal would not result in any significant or unacceptable impacts in terms of overshadowing, overlooking or other loss of amenity at the distances involved and having regard to the screening provided by the walled garden. There would be some noise generated through the construction process but this would be a temporary impact and not at a level which would be uncommon in towns and villages in Angus. Concern is raised about overdevelopment of the site but the plots sizes range from 776sqm to 1201sqm which is comparable to plot sizes in the surrounding area.
- 8.18 The applicant has indicated that that all of the site including the access track is within their ownership and has certified that position. The mature trees to the north of the site are

subject of a TPO and would not be felled as part of the proposal. Some minor pruning may be required to low hanging foliage on trees overhanging the road verge to ensure that the 2.4m x 43m visibility splay is maintained, but those works would not result in any significant impact on the protected Chestnut trees. The nine trees within the site which would be felled are semi mature, close to the garden wall and are not of any significant wildlife or amenity value. Compensatory planting would be carried out following completion of the development and the building group would continue to benefit from a mature wooded setting provided by trees outside of the site.

- 8.19 The proposed vehicular access arrangements have been considered by the Roads Service who has offered no objection to the proposal. The existing access would be improved and is located within a 30mph zone and there is no reason to consider that the proposal would result in unacceptable road safety issues. It is not uncommon for roads through the smaller rural villages in Angus to be without footway provision and a development of this scale would not significantly impact on road traffic or pedestrian safety in Tealing. Impacts on the listed walled garden would not be significantly greater than those impacts previously deemed to be acceptable for the 4 house development approved within the site. The houses have been designed so that they do not significantly project above the higher parts of the garden wall when viewed from public areas to the north and the opening into the garden would be improved with the construction of returns which would minimise the visible void created in the wall to provide access. The design and external finishes of the proposed houses is considered to be suitable for the site having regard to the character of existing housing and other rural buildings in the surrounding area.
- 8.20 Developer contributions in accordance with the Council's Developer Contributions and Affordable Housing Supplementary Guidance (2018) are required to secure improvements to open space and affordable housing in the surrounding area. There is no requirement in that guidance for contributions for education infrastructure or footpaths for a development of this scale in this location. The proposed drainage arrangements have been subject of discussions with SEPA who is satisfied that the proposed mounded soakaways would be suitable for managing treated foul and surface water discharge. While those soakaways would impact on the availability of useable garden ground, the plots sizes are such that adequate private amenity space would be available. Communication has also been received questioning the validity of the source some of the representations submitted but the material planning matters raised in all representations have been considered in the assessment of the proposal.
- 8.21 Also material to the assessment of the application is the history of planning permissions for housing on the site. Permission was granted in 2009 (and has subsequently been renewed) for four large detached houses of a similar design to those proposed as part of the current application. The site remains in the development boundary and the local development plan supports housing within boundaries. The application represents an opportunity to secure the ongoing maintenance of a deteriorating listed building, which was part of the Reporter's rationale for recommending inclusion of the site within the development boundary through the 2009 local plan.
- 8.22 In conclusion, the proposal would provide for the erection of 6 new houses on a site within a defined development boundary in a manner which is of an appropriate scale and nature. While the proposal would result in the increase in the number of houses within the site from the four houses previously approved to six, the site and proposed design solution could accommodate that number without any unacceptable impacts on the character or pattern of development of the surrounding area. 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. Conditions are proposed to ensure suitable access arrangements, protection of mature trees, appropriate developer contributions and requiring ongoing maintenance of the walled garden. The proposal is considered to comply with the relevant policies of the development plan subject to proposed conditions and there are no material considerations that justify refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

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

Reason(s) for Approval:

The proposal would provide for the erection of 6 new houses on a site within a defined development boundary in a manner which is of an appropriate scale and nature for its location. While the proposal would result in a reasonably significant impact on the character of the walled garden, it represents an opportunity to secure its ongoing maintenance. The proposal is in accordance with policies of the development plan and there are no material considerations that justify refusal of the planning permission.

Conditions:

1. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 27(4)(a)-(f) of the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to the development, until a planning obligation pursuant to s.75 of the said Act relating to the land has been made and lodged with the planning authority and the planning authority has notified the persons submitting the same that it is to the planning authority's approval. The said planning obligation provide that:
 - (a) A scheme for the delivery of 0.5 affordable housing units or a suitable alternative provision in accordance with Policy TC3 of the Angus Local Development Plan (2016) and the Angus Council Developer Contribution and Affordable Housing Supplementary Guidance or any subsequent policy or guidance that replaces it shall be provided.
 - (b) a financial contribution of £1,008 per dwelling (index linked) shall be provided towards the cost of improving public park / amenity open space and formal / informal play space in the local area.

Reason: To ensure a contribution towards affordable housing and open space provision in accordance with policies TC3, DS5 and PV2 of the Angus Local development Plan (2016) and the associated Developer Contributions and Affordable Housing Supplementary Guidance (2018).
2. 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 detailed levels survey of the site. The detailed survey drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter each house shall be completed in accordance with the approved levels prior to its occupation.
 - (b) Precise details of the proposed external cladding and render. Thereafter each house shall be completed in accordance will the approved external materials prior to its occupation.
 - (c) A landscaping and boundary treatment scheme for the site which shall include replacement tree planting to compensate for the trees to be felled. The approved landscaping and boundary treatment scheme shall be completed no later than the first

planting season following completion of each respective house. Any plants or trees that within a period of 5 years from the completion of development die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species.

- (d) A scheme for the formation of a shared driveway between the proposed plots and the public road (C6 Dundee to Tealing to Auchterhouse). The scheme for the shared driveway shall include a construction specification in accordance with the council's planning advice note; PAN 17 – Miscellaneous Planning Policies. The approved scheme for the shared driveway shall thereafter be completed prior to the occupation of any dwelling house hereby approved.
- (e) A method statement detailing the materials to be used (including type of mortar) in creating the returns and other alterations in the listed wall. The approved method statement shall thereafter be followed and the returns / alterations completed prior to occupation of any dwellinghouse.
- (f) A scheme for the erection of protective fencing in accordance with BS 5837: 2012, around all trees outwith but adjacent to the application site between the walled garden and the Tealing to Auchterhouse public road. This fencing should remain in situ until development is completed and there shall be no passage of vehicles; excavations; storage of soil, plant, vehicles or other materials within the protective fencing.
- (g) A scheme of restoration works and ongoing maintenance for the listed walled garden. Thereafter the approved scheme shall be implemented prior to the occupation of any dwellinghouse hereby approved.

Reason: In order to ensure that the houses are finished at a suitable level and in suitable external finishes to minimise impacts on the setting of the walled garden; in order to ensure appropriate replacement planting is carried out and boundary enclosures are installed in order to ensure a satisfactory residential environment is created; in order to ensure a satisfactory standard of road construction; in order to ensure appropriate materials are used in the formation of returns in the walled garden in the interests of protecting the fabric of the listed building; in order to safeguard retained trees during the construction process; and in order to ensure the ongoing maintenance of the listed walled garden.

Advisory Note:

1. The verge crossing at the proposed access shall be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the council website for the purpose.

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.

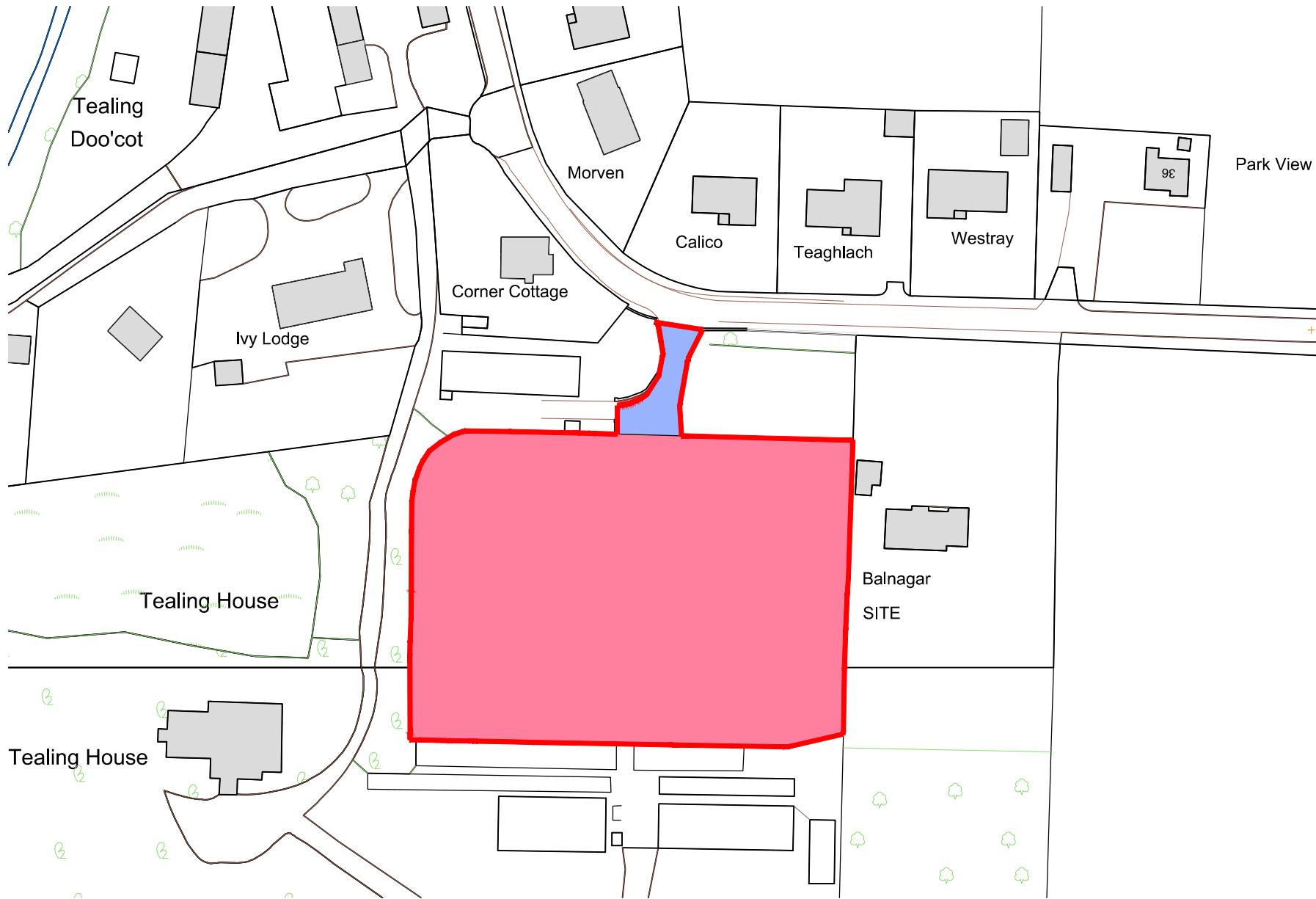
REPORT AUTHOR: KATE COWEY
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 7 June 2019

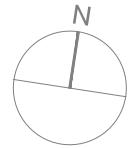
APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: DEVELOPMENT PLAN POLICIES

Project No.	Drawing No.	Rev.
1022	LOC	D

Rev. Date	Amendment
A. OCT 18	ACCESS ROAD COLOUR AMENDED.
B. JUN 19	ALTERATION TO BOUNDARY TO NORTH.
C. JUN 19	ALTERATIONS TO BOUNDARY TO NORTH.
D. JUN 19	ALTERATIONS TO BOUNDARY TO EAST.



- DEVELOPMENT SITE
- MUTUAL ACCESS



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



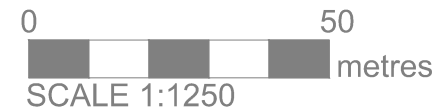
187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
 e : enquiries@arktx.co.uk

PROJECT TITLE
 PROPOSED RESIDENTIAL DEVELOPMENT
 AT
 WALLED GARDEN TEALING HOUSE
 TEALING
 FOR
 WESTERN DEVELOPMENTS SPV 1 LTD

Element
 LOCATION PLAN

Date	Drawn By	
AUG 18	RM	
Scale	CAD Ref.	
1:1250 @ A4	NEW BUILD	
Project No.	Drawing No.	Rev.
1022	LOC	D

LOCATION PLAN | 1:1250



Appendix 2 – Summary of Applicant Supporting Information

Supporting Planning & Design Statement August 2018 – indicates that two additional units are proposed over the development which was previously granted planning permission. The statement indicates that stone from existing wall will be reused and that new stone will be locally sourced. States that the material used will be similar to the previous application which will be zinc standing seam roof, locally sourced natural stone, render (colour cream). Instead of timber cladding, Eternit Cedral Cladding is also proposed.

Supporting Letter (received 04 October 2018) – Provides a response to the representations indicating that the proposal has been carefully considered to ensure that the height and area of site developed is the same as the previously approved 4 units. Indicates that the proposed access meets with Roads standards. Regarding ownership, the statement indicates that the access is entirely within the applicant's title. Indicates that road safety during construction would be the responsibility of the contractor who will be required to meet Health and Safety legislation. The site has been empty for a number of years and the applicant intends to start work once approvals have been received.

Supporting Letter (received 20 March 2019) – Provides a response to objections and suggests that there would not appear to be anyone residing at 12 Garland Place and 11 Parker Street (addresses used for objections). Suggests that the proposal would not result in overdevelopment of the site and additional hedges would be planted. Comments that the aesthetics of the approved development have also been retained and the access will be considerably improved from what exists at present. Comments that pavements could be provided within development boundary but the applicant is not responsible for the public road network outwith the site. The previous owner was responsible for removal of trees and dumping of spoil on site.

Supporting Letter (received 27 March 2019) – Provides a response to objections from Michelle McCusker and Mrs Zelda Pringle. Indicates that the approved development reflects a courtyard design and that the additional units will have negligible impacts on the road network and the development would provide a significant improved junction to what is there at present. The buildings are at the same height as originally approved and it is impossible for the new development to overshadow 'Balnagar' which lies to the east, as the buildings are over 25 metres apart. There would be no overlooking and there are no alterations to the east boundary wall (only remedial works).

3D images and Site Overview Images - this information was submitted to provide a visual representation of the finished development.

Further information was also submitted to explain the proposed approach to drainage within the site in order to deal with the SEPA consultation response and this indicates that

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 DS3: Design Quality and Placemaking

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

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

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above.

Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4: Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

Policy DS5: Developer Contributions

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

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

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

Contributions may be sought for the following:

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

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

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

Policy TC2: Residential Development

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

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

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

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

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

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

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

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

Policy TC3: Affordable Housing

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

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

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

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

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

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

Policy PV2: Open Space Protection and Provision within Settlements

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

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

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

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

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

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

Policy PV7: Woodland, Trees and Hedges

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

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

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

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

Policy PV8: Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy PV15: Drainage Infrastructure

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

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

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

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

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

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.