

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 10 SEPTEMBER 2019

**PLANNING APPLICATION – STORE AND YARD ON SOUTH SIDE KINGSTON PLACE,
KINGSMUIR**

GRID REF: 347743 : 749241

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 19/00137/FULL for the erection of four dwellings and other associated works (including upgrades to Kingston Place) on land to the south of Kingston Place, Kingsmuir by West Developments (Scotland) Ltd. This application is recommended for conditional approval.

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

3.1 Full planning permission is sought for the erection of 4 dwellinghouses and other associated works, including upgrade of Kingston Place. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to approximately 3355sqm and comprises an area of open ground with a number of small sheds and a centrally located larger agricultural style building. It also includes a section of Kingston Place extending between the western edge of the site and the junction with Lownie Road. That part of the site that would be developed for housing has an agricultural field directly to the south and a commercial building to the northwest with existing houses bounding on other sides. The site is generally flat.

3.3 The application seeks planning permission for the erection of four 1½ storey detached dwellings. Each of the 4 bedroomed dwellings would have a flat roofed porch and 4 hipped roof dormers, two to the rear and two to the front. The dwellings would be finished in grey roof tiles and white dry dash render with timber cladding. The proposed plots measure between 418sqm and 529sqm and each would include private garden areas and space for bin storage and parking. Kingston Place would be upgraded to adoptable standard and a field access and turning head would be provided.

3.4 Amended Existing Site and Location Plans and a Proposed Site Plan were submitted which include an extent of Kingston Place within the application site and show 2 recently erected dwellings located at 4a and 4b Kingston Place. The application was re-notified, re-advertised and updated to take account of these changes. The Proposed Site Plan was also amended to show the relocation of the proposed field access further west within the site; to remove the indicative garages; and to include minor alterations to the proposed parking and plot visibility splays. A revised Road Upgrade Layout drawing was also submitted which includes additional measurements and revised surface water drainage arrangements to serve the road.

3.5 This application requires to be determined by the Development Standards Committee because it is recommended for approval in circumstances where there are five or more third party objections.

3.6 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

There is no planning history which is relevant to the current application.

5. APPLICANT'S CASE

5.1 The following documents have been submitted in support of the application:

- Bat Survey;
- Photographs of the current condition of Kingston Place.

5.2 The supporting information is available to view on the council's [Public Access](#) website and the Bat Survey is summarised at Appendix 2 below.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – has offered no objection to the proposal subject to conditions requiring improvements to Kingston Place and the provision of visibility splays at the proposed driveways. In relation to flood prevention it has offered no objection to the proposal subject to conditions to regulate the details of the surface water drainage arrangements and maintenance of existing and proposed drainage infrastructure.

6.2 **Scottish Water** – has offered no objection and advises sufficient capacity at local foul water treatment works but unable to confirm capacity at the local water treatment works.

6.3 **Community Council** – there was no response from this consultee at the time of report preparation.

6.4 **Archaeology Service** – has offered no objection to the proposal subject to a condition requiring a photographic survey of the existing buildings

7. REPRESENTATIONS

7.1 Seventeen (17) letters of representation have been received in objection to the proposal. The letters will be circulated to Members of the Development Standards Committee and a copy will be available to on the council's [Public Access](#) website.

7.2 The following matters have been raised and are discussed under Planning Considerations below: -

- The application site is not on land allocated for housing and the proposal is incompatible with the relevant policies of the local plan
- The 2 storey house design is not in keeping with the area
- Impacts upon residential amenity in relation to overlooking, privacy, outlook, sunlight, day light, over shadowing and noise
- Loss of the historic agricultural land/ holding and resultant impact upon the character of the area
- Sighting of bats leaving the existing building on the site and uncertainty over the findings of the submitted bat survey
- Impacts upon access, road and pedestrian safety as a result of inadequate private road, including a lack of lighting, pavements and space for parking or turning of vehicles, as well as poor sight lines
- Impacts upon the public right of way along Kingston Place
- Impacts upon foul and surface water drainage/ flooding, including concerns that the ground at the site is clay and unsuitable for soakaways.

Other matters raised include: -

- **Error in submitted plans** – The agent has amended the existing and proposed location and site plans to include the two recently erected dwellings at 4a and 4b Kingston Place located to the east of the site in order to address this point.
- **Use of Common Good land where there has been a lack of public consultation and there would be no public benefit** – This matter relates to land ownership and is not material to the determination of the application. A negative and suspensive condition could be used to require upgrade of Kingston Place before any other development takes place. Use of Common Good land is a separate matter that would be progressed under relevant legislative requirements.

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 As the application is not of strategic significance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Development Plan form the main basis for the consideration of the proposal. The relevant policies of the Angus Local Development Plan are reproduced at Appendix 3.
- 8.4 The application site relates to an area of ground located within the Kingsmuir Development Boundary as defined by the ALDP. Policy DS1 in the ALDP states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.
- 8.5 Policy TC2 deals with residential development and supports proposals within development boundaries where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. Policy TC2 also notes 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 application site is not allocated for development or protected for another use and ALDP policy is broadly supportive of proposals for housing development within established development boundaries. The site has previously been used for storage purposes, contains a reasonably large building and displays brownfield characteristics.
- 8.7 The site is located in a predominantly residential area and while there is a business located to the northwest, the proposed houses would be a similar distance to that property as existing houses. Those existing properties appear to coexist with the business without significant adverse impact on residential amenity and there is no evidence to suggest that the proposed houses would be affected by that business operation to any greater extent. The proposed house plots would be comparable with existing plot sizes in the surrounding area and would have a reasonable degree of privacy. There would be in excess of 100sqm of private garden ground per plot and adequate bin and recycling storage space. Adequate space for vehicle parking and turning has been indicated on the submitted plans. Housing development on the site would be compatible with surrounding land uses and the proposed development would provide a satisfactory residential environment for future occupants.
- 8.8 There are existing houses to the north, east and west of the proposed houses but they are sufficient distance that there are no significant issues in terms of privacy impacts when assessed in relation to relevant council guidance in Advice Note 14. The proposed houses are sufficient distance from neighbouring properties that they would not appear overbearing or over-dominant and they would not have any significant impact on daylight or sunlight enjoyed by occupants of the existing properties. In terms of availability of light the proposal would not result in an unacceptable level of overshadowing to surrounding properties due to the

proposed ridge height and the separation distances between properties. Vehicular movement associated with four additional houses is unlikely to give rise to significant amenity impacts, particularly having regard to the previous use of the site as a storage area. The proposal would not give rise to any other significant impacts on the amenity of occupants of neighbouring property.

- 8.9 The proposed houses follow a similar building line to other dwellings in the area and have ridges that run parallel to Kingston Place. The front elevations would face the roadway and the basic scale and form of the houses would be comparable to others in the wider area. The general scale and form of the proposed houses and the external finishing materials would be acceptable for the area. Limited information is provided in relation to proposed boundary treatments although a note on the drawings indicates that all new boundary fences would be 1800mm high close boarded timber. Fences of that nature fronting Kingston Place would not be consistent with the council's Design Quality and Placemaking Supplementary Guidance and would not be desirable as a boundary to the open fields to the south. However, the matter can be addressed by planning condition and a condition is proposed that would require approval of boundary details along with details of the proposed hard and soft landscaping. The existing building on the site is of little architectural merit but the Archaeological Service has indicated that sections of it may date from the 19th Century and it has requested a condition requiring a photographic survey. The proposal does not give rise to any significant issues in terms of the built environment.
- 8.10 The site is not subject of any natural heritage designation but the nature of the buildings on site have potential to accommodate bat roosts. A Bat Survey Report has been submitted in support of the application and it confirms that the site has been surveyed by a licensed bat worker. The report indicates that the outside and interior of all buildings on site were inspected. It indicates that the buildings were either highly unsuitable for roosting bats or had no bat roost potential. The report concludes that no signs of bats were recorded and none are considered to be present. It is further indicated that the proposed works pose a negligible risk of death or disturbance to European Protected Species. On the basis of available evidence the proposal would not give rise to significant impact on natural heritage interests.
- 8.11 The proposed houses would take access direct from Kingston Place and, following discussion, the application has been amended to include proposed works to upgrade that road to adoptable standard. The Roads Service has reviewed the proposed upgrade scheme and has advised it is acceptable in principle and that precise details would be controlled through the Road Construction Consent. The Roads Service has offered no objection to the application subject to the upgrade of Kingston Place to an adoptable standard and that matter can be controlled by planning condition. Vehicular traffic associated with four dwellings would not significantly affect recreational use of the core path which runs along Kingston Place and the proposed road improvements would include provision of a pavement.
- 8.12 In terms of drainage, foul drainage from the houses would be directed to the public drainage network and Scottish Water has advised that there is currently sufficient capacity at the local waste water treatment works. A condition is proposed that requires evidence of suitable water supply prior to commencement of development. In terms of surface water drainage, soakaways have been shown within each plot and the surface water drainage from the upgraded Kingston Place would be directed to an existing surface water system on Lownie Road. The Roads Service has offered no objection in principle to the proposed drainage arrangements and has indicated that the proposed road improvements and associated drainage scheme should reduce the likelihood of the road being flooded in future lower-return period rainfall events. The proposed arrangements are considered acceptable but precise details of the drainage arrangements can be regulated by condition.
- 8.13 The site is identified as prime quality agricultural land but a significant area is covered by an existing building and it is previously developed. ALDP policy allows for development of prime quality agricultural land where it would support delivery of the development strategy and policies of the plan. In this case the site is within the Kingsmuir development boundary and the ALDP indicates that infill or redevelopment will be supported in those settlements with development boundaries and that is reflected in the relevant policies. This proposal is consistent with policies of the ALDP and the loss of a small area of prime land within a development boundary is consistent with policy.
- 8.14 The proposal does not give rise to any other significant issues in terms of development plan policy and is of a scale and nature appropriate for the location.

- 8.15 In terms of material considerations it is necessary to have regard to the relevant planning matters raised in the letters of representation. As discussed above the principle of housing development within a development boundary is compatible with development plan policy. The design of the proposed houses is acceptable in the context of the village setting and the proposal would not give rise to any unacceptable amenity impacts when assessed in relation to council guidance. The existing building on the site is of little architectural or historic merit and the sites redevelopment would have little if any adverse impact on the character of the area.
- 8.16 Third party representations raise concern about the bat survey and suggest that bats have been seen at the site. However, the bat survey has been undertaken by a licensed bat worker in accordance with recognised best practice. The conclusions of the survey are clear and unambiguous; there is no evidence that there are bat roosts at the site. Third parties may have witnessed bats flying over or in the vicinity of the site but the licensed bat worker has confirmed that the proposed works pose a negligible risk of death or disturbance to bats.
- 8.17 Third parties have also raised concern regarding the suitability of the access arrangements and the ability of Kingston Place to accommodate additional traffic associated with the development. However, as indicated above the proposal provides for improvement to Kingston Place to bring it up to adoptable standard. Provision is made within the application site for adequate car parking for each house and there is also provision for a turning space, which could also be utilised by construction traffic. The Roads Service has indicated that it finds the proposals acceptable in terms of road traffic and pedestrian safety and it is likely that the upgrade of Kingston Place to adoptable standard would improve access for other users of the road.
- 8.18 The final substantive issue relates to drainage and flood risk. Porosity tests have not been undertaken but would be required through the building warrant process. A number of houses have been built in the surrounding area and there is no evidence to suggest that suitable surface water drainage arrangements cannot be achieved for the plots. However, a condition is proposed that requires precise details of surface water drainage arrangements prior to the commencement of development. Objectors have provided images that illustrate surface water flows on Kingston Place. Those flows appear to have been exacerbated by unauthorised works undertaken to Kingston Place, in particular the installation of kerbing to the north of the road by another party. The proposed road improvements would include provision of an appropriately designed surface water drainage system which would improve management of surface water in the area.
- 8.19 In conclusion, the proposal provides for the construction of four houses within a development boundary. It also provides for improvements to Kingston Place that would bring it up to adoptable standard. The matters raised in letters of objection have been taken into account and where appropriate planning conditions are proposed to deal with issues. Consultation bodies have raised no objection to the proposal subject to conditions. The proposal complies with development plan policy subject to the proposed planning 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 condition(s):

Reason(s) for Approval:

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

Conditions:

1. That no development in association with this planning permission shall be undertaken until evidence is submitted to and approved in writing by the Planning Authority to demonstrate that Kingston Place has been improved to a standard capable of adoption by the local roads authority.

Reason: To ensure that safe and suitable access and egress can be provided and to mitigate impact of the development on existing road users.

2. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

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

3. Prior to commencement of the development hereby approved, the following shall be submitted to and approved in writing by the Planning Authority:
 - a) A scheme of hard and soft landscaping of the site, including the location, design and materials of boundary treatments and the field gate. Thereafter the approved landscaping scheme, boundary treatments and gate shall be completed/installed prior to the occupation of the respective houses. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years shall be replaced by trees or shrubs of similar size and species to those originally approved in terms of this condition in the next planting season;
 - b) Evidence of approval from Scottish Water for connection of the houses to the public water supply. Thereafter the approved connection to the public water supply network shall be made prior to the occupation of the each house;
 - c) Precise details of the surface water drainage arrangements for the development, including the run off from development within each plot and for run off from Kingston Place. These details shall include maintenance arrangements for the surface water drainage. Thereafter the development shall be completed and maintained in accordance with the approved details;
 - d) Details of investigation works carried out on the "drain" lining the north of the site as shown on the OS Maps. If a drain is found details of how this would be protected from damage during development shall also be submitted to and approved in writing by the planning authority prior to the commencement of development. Thereafter the development shall be carried out in accordance with the approved protection scheme;
 - e) Details of existing and proposed ground levels and finished floor levels relative to a fixed datum and neighbouring houses. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: To ensure provision of appropriate landscaping and boundary treatments in the interests of visual amenity; to ensure an acceptable means of water supply; to ensure suitable drainage arrangements and to minimise flood risk; and to ensure acceptable finished ground and floor levels in the interests of visual and residential amenity.

4. Prior to the occupation of any house hereby approved, that house shall be provided with:
 - a) visibility splays at the junction of its driveway with Kingston Place giving a minimum sight distance of 25 metres in each direction at a point 2.0 metres from the nearside channel line of Kingston Place. Thereafter and notwithstanding the provisions of any Development Order, nothing in excess of 1050 millimetres in height above the adjacent road channel level shall be erected, sited or allowed to grow within the visibility splays;
 - b) three car parking spaces within the curtilage of the house. Thereafter, and notwithstanding the provisions of any Development Order, three parking spaces shall be retained within the curtilage of each plot.

Reason: To ensure a safe and suitable access and egress and adequate off-street car parking provision in the interests of road safety.

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: 2 SEPTEMBER 2019

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

Appendix 1: Location Plan



0 10 20 30 40 50

SCALE 1:1250 (A3) LENGTHS SHOWN IN METRES

All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for **STATUTORY** purposes only. This is not a **CONSTRUCTION** drawing.



Revisions :

a 15.07.19 properties between 2 and 6 Kingston Place added

Notes :

Red line denotes application site

Blue line denotes land under applicants ownership

Project Residential development		 JON FRULLANI ARCHITECT	
Client -			
Address Land at Kingston Place Kingsmuir		Drawing Title Location plan	
		Issue Status Planning	Drawing No. 5726_P_301
Designer KM	Date February 19	Scale 1:1250 @ A3	Revision a
<small>t: 01362 224828 m: 07808 726306 e: jon@farchitect.co.uk w: farchitect.co.uk f: facebook.com/farchitect a: unit 5, district 10, greenmarket, dundee, dd1 4qb this drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose, without getting prior written permission from jon frullani architect ltd</small>			

Appendix 2 – Summary of Applicant Supporting Information

Bat Survey

A Bat Survey Report, carried out by GLM Ecology, dated April 2019, was submitted in support of the application. The report details the survey methodology of the Preliminary Roost Assessment survey carried out at the site. The report concludes that no signs of bats were recorded and none are considered to be present. Following BCT Guidance the sheds were assessed as having negligible potential for roosting bats and no further survey work will be required. It is considered that the proposed works pose a negligible risk of death or disturbance to European Protected Species and it is safe to proceed.

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 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 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 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 PV20 Soils and Geodiversity

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

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

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

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

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