

## AGENDA ITEM NO 8

REPORT NO 296/19

### ANGUS COUNCIL

#### DEVELOPMENT STANDARDS COMMITTEE – 10 SEPTEMBER 2019

#### PLANNING APPLICATION - SUNNYSIDE ROYAL HOSPITAL, HILLSIDE MONTROSE (PHASE 1C)

GRID REF: (E) 370792 (N) 761719

#### REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

##### Abstract:

This report relates to application No 19/00389/MSCL for the Approval of Matters, 1a -1l of Planning Permission ref 17/00190/PPPM for the Erection of Phase 1c Housing Comprising Erection 45 New Build Dwellings, and the Conversion of the Hospital Ward Building to form 31 Dwellings at the Former Sunnyside Royal Hospital for Sunnyside Estate 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 The applicants seek the approval of matters 1a-1l of planning permission in principle ref: [17/00190/PPPM](#) in order to facilitate the erection of a phase of housing development identified as phase 1b at the Former Sunnyside Royal Hospital, Hillside. A plan showing the location of the site is provided at Appendix 1. The matters covered by condition 1 of permission 17/00190/PPM and the information requirements associated with condition 2 of that permission are set out at Appendix 2.

3.2 Planning permission ref: 17/00190/PPPM made in-principle provision for the redevelopment of former hospital and grounds consisting of the formation of roads, drainage infrastructure and landscaping, new build development, the change of use and alteration of existing buildings, all to accommodate residential and non-residential development comprising community uses and uses within class 4 (Business), Use Class 7 (Hotels & Hostels), Use Class 8 (Residential Institutions) and Use Class 11 (Assembly & Leisure). That permission was granted on a 'whole site' basis and covers the wider 26ha site.

- 3.3 Phase 1c comprises the erection of 45 new build dwellings, and the conversion of the Category B listed Hospital Ward Building to form 31 dwellings and associated landscaping, access and drainage arrangements. The housing mix in the phase would provide for 31 affordable houses.
- 3.4 The site measures around 3.29 ha and is divided into sections that describe the existing characteristics of the areas to which each area of development relates. For the purposes of this application the areas are Westpark and Orchard West which relate to the west part of the southern extent of the site which lies to the north of Scott Crescent and an area to the west of the site that lies to the north of Orchard West and to the south of the Hospital Ward Building. The affordable housing development would take place within the Hospital Ward Building which lies in the northwest section of the wider site. The Hospital Ward Building is a significant building built in the Jacobean style that is characterised by projecting bays and Dutch gables. It is a category B listed building. The development would take place within the landscape framework that is approved as part of application ref: 18/00531/MSCM. The application site includes the site of Booth House, a category C listed building that has listed building consent for demolition.
- 3.5 The application has been subject to statutory notification procedures.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 The wider Sunnyside estate has been subject of a number of minor planning applications relevant to its former use as a hospital however that history is not particularly relevant to the consideration of this application. The following is considered to be the most relevant planning history:
- 4.2 15/00741/LBC for listed building consent to demolish the Chapel Building, Angus House and Outbuilding, Laurel Cottage and brick shed attached to Stable Block was approved subject to conditions on 15 March 2016. This consent has been implemented and remains effective.
- 4.3 17/00190/PPPM for mixed use redevelopment of former hospital & grounds consisting of the formation of roads, drainage infrastructure & landscaping, new build development, the change of use & alteration of existing buildings, all to accommodate residential, & non-residential development comprising community uses & uses within class 4 (business), use class 7 (hotels & hostels), use class 8 (residential institutions) & use class 11 (assembly & leisure) was considered by the Development Standards Committee at the meeting of 31 October 2017 ([Report No 365/17](#)) when planning permission in principle was granted subject to conditions.
- 4.5 17/00331/LBC for listed building consent for the demolition of boiler house, service block, garage & fire station, nurses' home garage, booth house and relocation of west gate lodge surrounding walls & gate piers, and relocation of home lodge surrounding walls & gate piers was validated on approved on 28 August 2019.
- 4.6 18/00522/LBC for conversion of former main hospital building to 34 residential units and community space.
- 4.7 18/00611/LBC for demolition of courtyard buildings and internal and external alterations and extension to form nine flats.
- 4.8 [18/00531/MSCM](#) for Approval of Matters, 1a -1l of Planning Permission ref 17/00190/PPPM for the Erection of Phase 1a Housing Comprising Erection of 99 New Build Dwellings, the Conversion of the Main Hospital Building to form 34 Dwellings and Community Space, and the Conversion of Water Tower Building to form 9 Dwellings and Associated Landscaping, Access and Drainage Arrangements was approved by the Development Standards Committee at its meeting on 09 April 2019 ([Report No 102/19](#)). That application was accompanied by listed building consent applications 18/00522/LBC and 18/00611/LBC. Those application are in the process of being approved under delegated powers.

- 4.9 19/00381/MSCSL for Approval of Matters, 1a -1l of Planning Permission ref 17/00190/PPPM for the Erection of Phase 1b Housing Comprising Erection of 54 New Build Dwellings and Associated Landscaping, Access and Drainage Arrangements was submitted concurrently with the application that is subject of this report and will be considered at the same meeting.
- 4.10 19/00366/LBC for alterations to the Hospital Ward Building has also been submitted and will be determined under delegated powers.
- 4.11 In addition to these applications it is relevant to note that Angus Council approved a development brief to guide the regeneration of the Sunnyside Hospital Estate in October 2002. The development brief was updated in January 2017 to reflect changes in planning policy and guidance and changes to the listed status of some of the buildings on the site. The [updated development brief](#) was approved by the Development Standards Committee at its meeting on 5 January 2017 ([Report No 16/17 refers](#)) and Committee agreed to note that the brief would be used as a material consideration in the determination of planning applications for the site.

## 5. APPLICANT'S CASE

The application is for the approval of specified matters contained within Condition 1 of planning permission ref: 17/00190/PPPM. The planning permission also requires that any application for approval of matters specified in Condition 1 shall be accompanied by information detailed in condition 2 of that permission. The information submitted in support of the application information is available to view on the [Public Access website](#) and is summarised below: -

- a. A Contextual Masterplan has been submitted that shows the proposed phase in the context of potential future development areas and the surrounding area. This Masterplan is accompanied by a Planning and Design Statement that gives context to the development of proposals for the site. The master planning exercise that has been undertaken is considered to be adequate for the purposes of the consideration of the current phase of development. It does not fundamentally conflict with the aims of the Sunnyside Hospital Site Development Brief.
- b. A Planning and Design Statement. The Planning and Design Statement meets with the requirements of this condition for the purposes of assessing this phase.
- c. A Traffic Management Plan was submitted at the time of application ref 18/00531/MSCM. The Traffic Management Plan is considered to adequately address matters relating to construction traffic management for the purposes of assessing this application.
- d. A Travel Plan has been submitted and has been considered in consultation with the Roads Service. The Travel Plan is adequate for the purposes of assessing this application.
- e. The application is supported by arboriculture surveys and reports and a detailed landscaping plan which are adequate for the purposes of assessing this Phase 1a application.
- f. A drainage Impact Assessment has been undertaken and has been assessed in consultation with the Roads Service (Flood Prevention). The DIA is adequate for the purposes of the consideration of this Phase 1a application.
- g. As no noise generating uses are proposed the requirement to undertake an NIA is waived on this phase of development.
- h. An Energy Statement was prepared in support of the application. The statement rules out the use of district heating at this time for reasons relating to development economics and the logistics of providing a single system with piped connection throughout a phased development. A lack of available local heat sources is also highlighted. The Energy Statement indicates that energy efficiency would primarily be achieved through the use of passive technologies that

would be integrated into individual properties in accordance with current standards.

- i. The full range of update survey information requisite to this phase of development has been provided. The information and the conclusions and recommendations made therein are considered to be adequate for the purposes of assessing this phase of development.
- j. Archaeological recording has been undertaken in as far as it relates to this phase of development. This work has been undertaken in consultation with Aberdeenshire Council Archaeology Service who indicate that the work undertaken is sufficient for the purposes of assessing this phase of development.

## **6. CONSULTATIONS**

- 6.1 Community Council – No response.
- 6.2 Angus Council – Roads (Traffic and Flood Prevention) – No objection.
- 6.3 Scottish Water – No objection.
- 6.4 Aberdeenshire Council Archaeology Service - Advises that all archaeological mitigation required in the proposed phase has been completed. No further archaeological work is required in relation to the phase.
- 6.5 Scottish Environment Protection Agency (SEPA) - No objection to the proposal on the basis of flood risk or site drainage.
- 6.6 Angus Council Housing Service - Satisfied that the proposed housing types could meet current demand for affordable housing.
- 6.7 Angus Council - Parks and Burial Grounds - No objection.

## **7. REPRESENTATIONS**

There have been no representations received in relation to the proposal.

## **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.
- 8.3 In this case the development plan comprises:-
  - [TAYplan](#) (Approved 2017)
  - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.4 The relevant development plan policies are reproduced in full at Appendix 2.
- 8.5 The application is for the approval of matters specified in condition and the applicant seeks approval for matters included in condition 1 of planning permission in principle ref: 17/00190/PPPM in order to bring forward a phase of housing development on the site. The

matters covered by that condition are set out at Appendix 2.

- 8.6 The principle of development on the site has been established by planning permission in principle 17/00190/PPPM. Accordingly consideration of the application is limited to the matters set out in condition 1 of that permission and other material considerations. While the planning permission in principle has been granted on a whole site basis, this application relates to a phase of development denoted on the submitted plans as Phase 1c.
- 8.7 Information required by condition 2 of permission 17/00190/PPPM and as referenced at Section 5 of this report has been submitted and is available on the [Public Access website](#). As the application relates to a housing only phase of development the submitted information comprises information necessary to inform a decision in relation to such use. It is also relevant that some of the information required by condition 2 has already been approved as part of the consideration of application ref: 18/00531/MSCM. That information has been assessed and has been determined to be adequate for the purposes of assessing this application. The specified matters are discussed below.

**(a) Site Layout**

- 8.8 Although indicative site layouts were produced at the time of planning application ref: 17/00190/PPPM, these layouts were not approved as part of that planning permission, primarily due to the fact that they were not supported by sufficient information to allow that to happen at the planning permission in principle stage. Furthermore, indicative layouts had been worked up mainly to demonstrate site capability.
- 8.9 The layout of new development proposals needs to be considered in the context of Policy DS3 in the ALDP as well as the general compatibility and amenity considerations of Policy TC2 and Policy DS4. Policy DS3 relates to Design Quality and Placemaking and seeks to deliver a high design standard which draws upon aspects of landscape and townscape that contribute positively to the area. The policy is supported by Angus Councils [Supplementary Guidance on Design Quality and Placemaking](#). The supplementary guidance highlights several key themes that are apparent in Angus towns and villages that should be taken into account when considering the layout of new places. These can be summarised as:
- perimeter block layouts with principal elevations facing public areas and private areas to the rear of buildings;
  - a varied street hierarchy that offers permeable and well-connected streets;
  - good quality public realm features such as boundary treatments, active building frontages and landscaped public spaces which are of appropriate scale and which offer a variety of functions;
  - varied plot widths and building types in terms of size, design and height that create visual interest and which do not result in unreasonable loss of natural light and overlooking and which accord with Angus Councils published amenity standards.
- 8.10 The proposed layout for the Phase 1c housing relates to development at the southwest, west and northwest of the wider Sunnyside site. The current phase continues the theme of bringing forward discreet areas of development set within the wider established landscape network, and network of key buildings and their setting in a manner that is reasonably consistent with the key aims of the council's published supplementary guidance. The proposed phase is a natural and logical extension of the earlier approved phase 1a, and phase 1b which is subject of Report No. 295/19. Furthermore, the proposed development areas relate reasonably well to the fairly suburban style of nearby existing development. Both Dalgarno Park to the north and the area to the south comprising Scott Crescent, Dickson Avenue and Downie Way/ Houghton Drive are mid density suburban areas with a mix of single and two storey houses. The proposed development is fairly consistent with the pattern of development in the wider area and other approved and proposed sub phases.

- 8.11 The proposed layout would feature two discreet new build areas that form part of a wider network of development areas that would be set within primary and secondary streets that would broadly follow the established circulation pattern through and around the site. The main landscape framework of the site would be maintained as a series of formal and informal open spaces. The phase would not significantly impact on the main structural planting around the site. New housing areas would follow the perimeter block principle with houses facing into streets and onto landscaping and open spaces with private amenity areas contained to the rear. The phase would take place on a part of the site that is relatively free of significant tree planting although a number of dispersed individual trees would be felled on the Westfield area. This would not however impact significantly on the wider network of structural planting around the site. The proposal is considered to strike a reasonable balance between the retention of those areas of landscaping that provide the main structure of the site and enabling a level of development that will help to facilitate the redevelopment of regionally important built heritage assets. Supplementary planting is proposed elsewhere in the wider site where more significant landscaping is located as part of the wider approved landscaping proposals for Phase 1.
- 8.12 The phase contains a fairly broad housing mix ranging from single bedroom flats to 5 bedroom detached houses. Terraced, single storey and semi-detached properties would be included in the housing mix. The proposed layout would result in a fairly varied and interesting street scene when considered in combination with other proposed and approved phases. The layout has been assessed in terms of its potential impacts on neighbouring amenity and in terms of potential impacts on natural light. The proposals would not lead to any significant or unacceptable shortcomings in terms of the council's published guidance in these respects.
- 8.13 The proposed phase involves the redevelopment of the Category B Listed Hospital Ward Building. These proposals are also subject of a separate Listed Building Consent application. The formation of housing in that building would involve significant alteration in terms of the removal of accretions and inter connecting corridors however the building is acknowledged as being in an extremely poor condition internally and lends itself to a form of redevelopment that retains the main external elements only in order to maintain the main presence of the building in the landscape. Historic Environment Scotland (HES) has been consulted on the accompanying Listed Building Consent application and is supportive of this approach. The proposals would not conflict with the aims of Policy PV8 in terms of effects on the integrity of the listed building or its setting. The proposed landscaping approach for the wider site seeks to maintain a reasonable amount of the parkland setting to the south of the main listed buildings. Policy PV8 makes some provision for justification of erosion of setting on the basis of significant, social, economic or environmental benefit and the proposed scheme is considered to strike a reasonable balance which is also reasonably consistent with the requirements of the published development brief. The proposed development would also see new houses built on the site of Booth House which has listed building consent for demolition. Issues regarding that are discussed below.
- 8.14 The layout proposed is acceptable in terms of the distribution of uses and the number of residential units to be provided, road layout, car parking, turning space, open space, landscaping and facilities for waste/recycle storage and collection. As the proposal relates to a phase of housing development, waste recycling and collection would in the main be limited to domestic collection which can be accommodated readily within the curtilages of buildings. The proposal does not conflict with the amenity, compatibility and placemaking aims of the development plan, supporting supplementary guidance or with the site development brief.

#### **(b) Phasing**

- 8.15 Phasing plans for the site have been submitted in the form of annotation on the submitted Masterplan drawings and in the form of a detailed programme of works and an accompanying document that highlights key milestones (Appendix 4) and links them to the provision of infrastructure and to a programme of ongoing works on key listed buildings. The provision of

housing on the site at this stage in combination with previously approved phases will not exceed anticipated housing delivery numbers in the ALDP. The phasing links new housing delivery within the sub phases of Phase 1 to the delivery of housing within the Water Tower, The Main Hospital Building and the Hospital Ward Building which is now anticipated to come forward at an early stage in the development. The phasing makes provision for the timing of enabling demolitions within relevant phasing and the undertaking of relevant roads and infrastructure works as well as the implementation of a scheme of ongoing maintenance and management of woodland areas and listed buildings not included in early phases. The proposed phasing is acceptable and will be utilised as a means of monitoring site progress and progress on listed building works relevant to progress on new development.

**(c) Demolition Details and Maintenance of Listed Buildings**

**(k) Maintenance of Listed Buildings**

- 8.16 This phase makes specific provision for the redevelopment of a Category B Listed Building. A site condition report has been submitted with the application which outlines the condition of the main listed buildings and outlines that there is a scheme of ongoing external and internal inspection in place that seeks to maintain the buildings in a watertight and leak free state. As indicated above the implementation of a scheme of ongoing management and maintenance of listed buildings is a requirement of the permission and the undertaking of an up to date condition report and ongoing maintenance plan is a feature of the site phasing. Current maintenance provisions and the ongoing commitment to a scheme of defect identification and remedial action are sufficient to address this matter. Ongoing identification and clearing of roof defects is also included within the proposed factoring arrangements for the site.
- 8.17 The most notable related impact on built heritage arising from the phase would be the loss of Booth House. The demolition of Booth House is consented through Listed Building Consent ref: 17/00331/LBC and while the demolition does not form part of this application, it is appropriate to acknowledge that part of the development would take place on land that is currently occupied by the Category C Listed Building. The application for the demolition of the building was considered in consultation with Historic Environment Scotland (HES) who accepted that it was unlikely to be possible to save all of the buildings in the wider Sunnyside site. HES indicated that it was willing to accept the loss of Booth House if it allowed development to commence at the site that would lead to the beneficial reuse of other notable assets. The demolition was assessed as being required to assist in delivering significant benefits to the wider community in the form of the redevelopment of the redundant site including the reuse and rehabilitation of assets that are of greater significance and which are more readily convertible to other uses, including the Hospital Ward Building which is included in this phase.

**(d) The Siting and Design of New Build Dwellings**

**(e) Levels**

**(h) Boundary Enclosures**

- 8.18 Similar to specified matter 1(a), consideration needs to be given to the appropriateness of the design of new buildings in terms of the amenity and placemaking aims of policies DS3 and DS4 as well as the general considerations that apply to housing development within Development Boundaries under the provisions of Policy TC2. The application is accompanied by a planning and design statement that outlines the design approach that has been taken. The proposed new build house designs reflect the traditional Scottish rural vernacular with rectilinear forms, gables and a simple materials palette which would consist of white render, slate coloured roofs with steep pitches and cladding materials that reflect the use of timber in traditional buildings. The use of facing brick is proposed in a tone to reflect the tones of the stonework used on the existing buildings within the site and traditional features such as defined window banding would also be incorporated.
- 8.19 The proposed house types are deliberately modern and the proposed use of materials reflects

this and is considered to be preferable to any attempt to introduce pastiche architecture. Modern materials are also a feature of housing on adjacent land to the north and south of the site. The overall design concept for the houses would not compete with the bold styles of the main listed buildings which are rich and varied in terms of their detailing and use of materials. This juxtaposition would reaffirm the dominance and importance of the main buildings to be retained. The construction of the main buildings spans a reasonably long time period and they are built in various recognised international styles of architecture that document the transition between the 19<sup>th</sup> and 20<sup>th</sup> centuries. To this end the buildings are distinct and individual. It is therefore fitting that the proposed new development does not attempt to compete with the existing built heritage assets within the site.

- 8.20 In terms of the assessment of siting, this matter has already been discussed in relation to site layout above and the proposed siting of new build housing within the phase is acceptable. A topographical survey has been submitted and proposed levels are indicated in layout drawings. The site slopes in a north to south fashion and some degree of levels change is inevitable as is the use of under build and retaining walls on some plots. No unacceptable or significantly detrimental level changes are proposed within the phase.
- 8.21 Boundary enclosures are proposed to be a mixture of beech hedging and metal railings throughout the site. This approach would help to soften the edges of built areas and would also help in enhancing the biodiversity potential of the site whilst complementing the style of the proposed dwellings and also complementing the established landscape network within the site. While this approach is welcomed, it does come at the risk of individual householders choosing to supplant the boundary treatment with something that is a low maintenance option or something that gives a more immediate element of screening. The applicant has indicated that this could be controlled through title deed restriction. This is a legitimate approach but does require someone to enforce the terms of the deed in the future. In order to safeguard against uncontrolled and incremental change that would damage the aesthetic that is sought it is considered to be appropriate to attach a condition which removes householder permitted development rights to erect and alter boundary enclosures. This approach does not place an outright moratorium on boundary treatment replacement but rather retains a degree of management to any incremental change that could result in harm to the level of amenity that is sought through the use of soft landscaping as boundary treatment.

#### **(f) Detailing and Timing of Access Arrangements**

- 8.22 Information relating to the detailing of access arrangements on Hospital Road and Marykirk Road was submitted and approved as part of application ref: 18/00531/MSCM. Swept path information relating to access to the site by buses and refuse vehicles has also been submitted for this phase. The proposed access details have been assessed by the Roads Service and no objection has been raised. The timing of the various elements of access improvements is controlled through the phasing of the development. It is initially proposed that the Marykirk Road access would be improved prior to commencement of development as this would be the main site access during the construction phase. The north access would thereafter be formed prior to occupation of any dwelling and the carriageway on Hospital Road would be widened to 6 metres. As indicated at the time of the consideration of application ref: 18/00531/MSCM, a previous requirement to provide an additional footway on the east side of Hospital Road has been rescinded as so doing would have resulted on a significant detrimental impact on the integrity of adjacent woodland when combined with the road widening requirements. As an alternative, a safe route through the site between the West Lodge and Home Lodge accesses on Hospital Road would be required to be formed prior to the occupation of any dwelling as an alternative and this would include the connection into the existing footpath network.

#### **(g) Drainage**

- 8.23 Drainage arrangements for the development would be via a combination of foul drainage to public



sewer and Sustainable Urban Drainage System (SUDS) draining to a public surface water drainage system. This approach is consistent with the aims of Policy PV15 in the ALDP. The SUDS system for the site would consist of 2 dry SUDS basins and a SUDS detention pond. The first SUDS basin was approved as part of phase 1a housing under the provision of application ref: 18/00531/MSCM. The second dry basin in the Orchard Central/West area forms part of the Phase 1b application 19/00381/MSCL. The phasing for the development makes provision for the formation of detention pond immediately following the completion of phase 1 of the development as well as for the formation of the two dry basins to adoptable standard before occupation of any dwelling within each of the phase 1 sub phases.

- 8.24 Scottish Water has offered no objection to the proposed means of drainage for the development. It has indicated that capacity is available for foul connection and has indicated that attenuated surface water discharge to the Marykirk Road surface water sewer would be permitted. SEPA has indicated no objection to the proposed means of drainage and the Roads Service (flood prevention) has assessed the submitted Drainage Impact information and indicates that subject of clarification of certain points of detail by condition, there is no objection to the SUDS and drainage proposals. Site drainage proposals are acceptable.

**(i) Provision of Open Space**

**(i) Maintenance of Open Space**

- 8.25 The provision of open space within the site needs to be calculated at a ratio of 24,300sqm of open space per 1000 head of population in accordance with Policy PV2. The open space requirement for the 76 dwelling development equates to 4617sqm. Open space provision established at the time of the consideration of Phase 1a amounts to 57000sqm consisting of a mix of amenity woodland, open formal parkland, and formal play areas. Taking account of the 8600sqm requirement of that phase combined with the current phase, there would still be an adequate provision of open space in the wider site. In addition, this phase makes provision for around 11, 500sqm of open space in the form of the western woodland belt through which north – south pedestrian access would be routed and the formal landscape setting to the south of the Hospital Ward Building. There is no issue with the proposed amount of open space. A landscaping scheme has been submitted along with factoring proposals. Detailed designs for the proposed neighbourhood play area were approved as part of the consideration of application ref: 18/00531/MSCM and the timing of the provision of these facilities is included in the phasing for the wider scheme.

- 8.26 Landscaping and open space provisions for the phase have been assessed in consultation with the Parks and Burial Grounds Service. Proposed factoring arrangements for communal open spaces and unadopted communal areas have also been submitted. The factoring arrangement would cover grounds maintenance and grass cutting, hedge trimming and clearance of woodland detritus, road and footpath clearing and spraying, litter clearing, drainage maintenance, close and bin area cleaning, and roof and rainwater goods clearing. Separate woodland maintenance provision is also made. The landscaping and open space proposals as well as proposals for ongoing maintenance have been assessed and are acceptable.

**(j) Public Transport Provision**

- 8.27 The development plan seeks to ensure that development is accessible by a variety of transport modes. The current planning permission for the wider site carries a requirement to make provision for the accommodation of public transport services within the site should a new service be established. The wider hospital site was previously served by public transport when it was in healthcare use. Previous discussions with the Transport Service have established that it is unlikely that a service would be extended to the site in the early phases of development although it was indicated that the local service provider may be willing to extend a service at an appropriate point in the future. There is however existing public transport infrastructure nearby. In the long term it is proposed to install the necessary provisions that would enable buses to serve the site.

This includes the widening of Hospital Road to 6m and the upgrading of a route through the site in a north to south manner between the two Hospital Road access points in a manner that can accommodate bus circulation. A site for the installation of bus infrastructure (shelter, display, raised kerb etc.) should it be required was identified at the time of the consideration of phase 1a and this would be provided by the developer should a service become established. The infrastructure would not be installed unless a service has been established however. The decision to take a bus service into the site would be one for a commercial operator to consider. Should this happen, adequate provision within the site would be in place to accommodate any service that may be established. Part of the primary access that would potentially function as a bus route forms part of the current phase and is appropriately detailed. The proposal does not conflict with what policy DS2 in the ALDP seeks to achieve.

- 8.28 From the foregoing discussion, it has been determined that subject to the additional conditions identified as being necessary above, the submitted information is sufficient to address the matters that were specified for further consideration at the time of the approval of planning permission in principle ref: 17/00190/PPPM in as far as they relate to the proposed phase of development. Furthermore, the submitted supporting information meets the requirements of Condition 2 of the planning permission for the purposes of assessing this application for phase 1c housing.
- 8.29 Having considered the submitted information in terms of the development plan, other material considerations also need to be taken into account. As noted the development brief for the site is a material consideration in the assessment of this application. The proposal does not conflict with what the brief sets out to achieve which is the satisfactory redevelopment of the site in a manner that respects its important built heritage and landscape assets.
- 8.30 In summary, the principle of housing development on this site is already established and this application is for the approval of matters specified in conditions attached to the planning permission in principle in order to allow a phase of housing development to proceed. The details submitted with the application provide for an acceptable layout and design in a manner that is consistent with relevant provisions of the development plan. It will help secure the reuse of an important listed building. The site can readily support the development of 76 dwellings in addition to the phase that has already been approved for 142 dwellings and a community facility, and the 54 dwellings proposed by application No 19/00381/MSCL. The information and details submitted are acceptable to purify the relevant specified matters in as far as they relate to the application for phase 1c housing. The proposal complies with the development plan subject to the proposed conditions and there are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, 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 decision 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 reasons, and subject to the following condition(s):

### **Reason(s) for Approval:**

The design and general layout of the proposal is acceptable and the level of supporting information is sufficient to meet with the requirements of the planning permission in principle ref: 17/00190/PPPM in a manner that is compatible with the development plan and other relevant guidance. The development would not result in an unacceptable impact on listed buildings or their setting. There are no material considerations that justify refusal of the specified matters application.

### **Conditions:**

- 1 That notwithstanding the provisions of Class 3E of Schedule 1 of Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) (or any order revoking and re-enacting that Order with or without modification), boundary treatments around domestic properties within the phase of development hereby approved shall not be altered or augmented in any way without the express grant of planning permission following the submission of an application to the planning authority.

*Reason: To enable the planning authority to consider the amenity implications of any boundary alterations on the amenities of the area.*

- 2 That the development hereby approved shall be undertaken in full accordance with the phasing detailed in the Sunnyside Overall Phasing Plan and the associated Sunnyside Estate written phasing document (Dated 02 September 2019).

*Reason: In order to ensure that new build development within the site is adequately related to the undertaking of a scheme of rehabilitation and maintenance that safeguard built and natural heritage assets within the site in the interests of the amenity of the area.*

- 3 That prior to the commencement of development a scheme that provides for a footway between the northeast side of Hospital Road opposite Rosemount Primary School and the south most vehicular access shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. No dwelling within the development shall be occupied unless the footway has been provided in accordance with the approved details.

*Reason: In order to ensure provision of an appropriate link in the interests of pedestrian and cycle safety and to encourage multi modal transport within the site.*

- 4 That prior to the commencement of development the following details shall be submitted to and approved in writing by the Planning Authority:

- The specification of the woodland walk footway to the west of the site adjacent to the Hospital Ward Building and the Orchard West and Westpark areas of the site.

Once approved the pathways shall be formed thereafter in complete accordance with the approved specification prior to the occupation of any dwelling in The Hospital Ward Building, Orchard West or Westpark.

*Reason: To ensure that proposed footpaths outwith the road network of the site are formed to an appropriate standard in the interests of pedestrian and cycle safety and to encourage multi modal transport within the site.*

- 5 That prior to the commencement of development, the following shall be submitted to and approved in writing by the planning authority:
- Details of SUDS maintenance;
  - Confirmation that drainage design is in accordance with Sewers for Scotland 4th Edition;
  - Evidence of technical approval from Scottish Water for drainage elements of the development.

Thereafter once formed, SUDS maintenance shall be undertaken in accordance with any approved scheme and drainage infrastructure will be formed in full accordance with any technical approval granted.

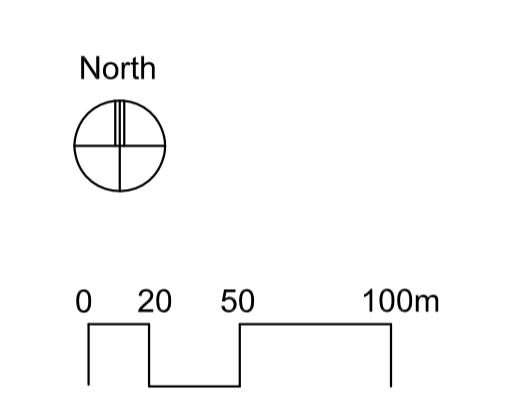
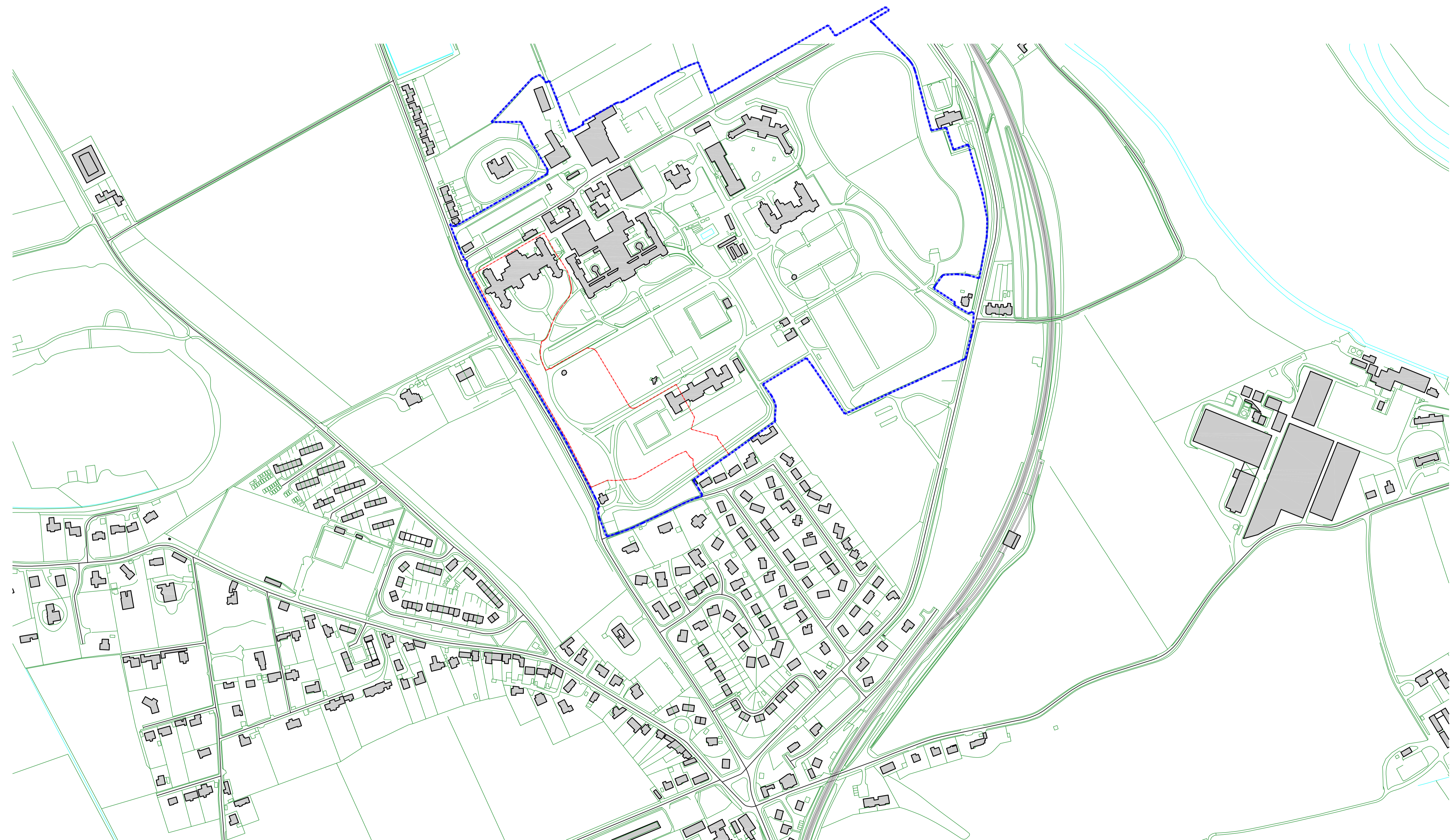
*Reason: In order to ensure that site drainage infrastructure is formed and maintained to an acceptable standard in the interests of the amenity of the area.*

**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](mailto:PLANNING@angus.gov.uk)**

**DATE: 3 SEPTEMBER 2019**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: PLANNING PERMISISON IN PRINCIPLE 17/00190/PPPM - CONDITIONS 1 & 2  
APPENDIX 3: DEVELOPMENT PLAN POLICIES  
APPENDIX 4: UPDATED PHASING MILESTONES DOCUMENT (02 September 2019)



Masterplan Planning		
Project Proposed Residential Development Sunnyside Estate, Hillside for Pert Bruce Homes Ltd		
Title Phase 1c Location Plan		
Job No 195	Rev. -	Drawing No LP01
Scale 1:2500	Paper A1	Date February 2018
garry adam architect		
1 Old Orchard, Kirkton of Craig Montrose DD10 9TT		
01674 675 610 adam.garry@gmail.com www.garyadamarchitect.co.uk		

## Appendix 2: Planning Permission in Principle 17/00190/PPPM

### CONDITION 1

*That, plans and particulars of the matters listed below, shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given for the matters listed below and the development shall be carried out in accordance with that approval. The matters are:*

- (a) the layout of the site, including the distribution of uses and the number of residential units to be provided, road layout, car parking, turning space, open space, landscaping and facilities for waste/recycle storage and collection. For the avoidance of doubt the indicative site layout and associated development areas submitted with the application are not approved;*
- (b) a phasing plan for the entire development, including any approved demolition works; the timing and number of dwelling units to be released in each phase which shall not exceed 140 dwellings in the period to 2021 and 265 overall in the period to 2026 unless in accordance with Policy TC1 and Allocation Policy M3 in the Angus Local Development Plan or any phasing set out in a subsequent Local Development Plan that details land release beyond 2026, the provision of development within other land uses approved, the phasing of works to listed buildings linking such works to the completion of individual phases of new build development and restricting progress on subsequent new build development in later phases until listed building works linked to preceding phases are complete (This can provide for works to listed buildings to be undertaken over more than one phase of development) with all listed building works to be completed prior to the release of the final phase of development; details of the provision of infrastructure; road construction; provision of street lighting; open space areas; landscaping; drainage infrastructure; and the formation of the new and improved pedestrian/cycle connections;*
- (c) full details of all demolitions to be undertaken and other works to retained listed buildings;*
- (d) the siting, design and external appearance of the new build dwellings and other buildings relevant to the other use classes approved;*
- (e) the existing and proposed ground levels and finished floor levels of the new build houses and other buildings relative to a fixed ordnance datum;*
- (f) the precise details and timings of the means of accesses to the development, including:*
  - visibility splays for accesses with the A937 Marykirk Road, with a minimum sight distance of 43 metres in each direction at a point 4.5 metres from the nearside channel line of that road. Within the visibility splays formed nothing shall be erected or planting permitted to grow to a height in excess of 1050 millimetres above the road carriageway;*
  - visibility splays for accesses with Hospital Road with a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of that road. Within the visibility splays formed nothing shall be erected or planting permitted to grow to a height in excess of 1050 millimetres above the road carriageway;*
  - the provision of a footway on the north east side of Hospital Road between the existing footway opposite Rosemount Primary School and the north most vehicular access point into the site on Hospital Road to be provided before the occupation of the first dwelling or other property within*
  - the development;*
  - the widening of the carriageway of Hospital Road adjacent to the site boundary to a width sufficient to facilitate access to the site by public transport with any required widening works*

- to be completed prior to the occupation of the first dwelling or other property within the development;*
- *specification and timing of all roads, lighting and road drainage, car parking provision and garage layouts in accordance with the National Roads Development Guide.*
- (g) *the means of drainage for the development. Buildings must not be constructed over any existing drain (including any field drain) that is to remain active. For the avoidance of doubt the foul drainage from the development will be directed to the public sewage system and surface water shall be disposed of by Sustainable Urban Drainage System (SUDS). No development within any specific phase of development within the site shall commence until evidence is provided to the planning authority to demonstrate that the public sewer has capacity to accommodate development of that phase. All water retention/detention features shall be designed to minimise danger to the public and shall be fully landscaped so as to maximise biodiversity opportunity;*
- (h) *all boundary enclosures within any phase of development;*
- (i) *the provision of open space, at a minimum of 2.43 hectares per 1000 head of population comprising 2/3 open amenity and sports provision and 1/3 equipped and informal play provision, including a scheme for its provision and on-going maintenance in perpetuity;*
- (j) *a public transport scheme that details provision for suitable bus layby(s), bus shelter(s) (with real time display, bus stop pole and raised kerb(s)) within the site;*
- (k) *a scheme that details what measures will be implemented to ensure on-going management and maintenance of unused listed buildings within the site up to the point of their re-use, or conversion;*
- (l) *a scheme for the management and maintenance of all open space or amenity areas, roads or paths, and infrastructure within the site which is not within the curtilage of a dwelling. Thereafter the infrastructure will be managed and maintained in accordance with the approved details in perpetuity.*

## **CONDITION 2**

*That any application for approval of Matters Specified in Condition 1 above shall be accompanied by the following for the further written approval of the planning authority:*

- a. *A Masterplan for the entire application site which shall fully accord with the requirements of Angus Council Sunnyside Hospital, Hillside Site Development Brief (Updated January 2017);*
- b. *a Design and Access Statement in accordance with the requirements of Part 3 Regulation 13 (5) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;*
- c. *An overall design concept for the layout of the site and dwellings within the site taking account of the setting of listed buildings, building orientation, building height, use of materials, and a palette of colours and textures to be used in the construction of dwellings;*
- d. *A Traffic Management Plan that shall consider arrangements for the following:*
  - (i) *agreement with the Planning Authority on the routing for construction traffic;*
  - (ii) *any proposed accommodation works/mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street*

*furniture;*

*(iii) the restriction of delivery traffic to agreed routes;*

*(iv) the timing of construction traffic to minimise impacts on local communities, particularly at school start and finish times, during refuse collection, at weekends and during community events.*

- e. A Travel Plan that shall have regard to the provision for walking, cycling and public transport access to, and within the site and shall identify the measures to be provided for the management, monitoring, reviewing, reporting and duration of the plan.*
- f. full details of structural landscaping and planting within and around the site, including details of those trees to be retained and measures for their protection during development.*
- g. A Drainage Impact Assessment in accordance with an agreed methodology with the planning authority in consultation with the flood prevention authority;*
- h. A noise impact assessment in accordance with an agreed methodology with the planning authority in consultation with Angus Council Environmental Health;*
- i. An Energy Statement informed by a Feasibility Study that demonstrates how the proposal will meet the requirements for providing district heating onsite. This should be prepared in line with the Scottish Government's online planning advice, Planning and Heat and should assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available existing or proposed sources of heat (within or outwith the site) and other factors such as where land will be safeguarded for future district heating infrastructure. A Design and Access statement which demonstrates how the findings of the Energy Statement have been incorporated into the design and layout of the proposed development should also be provided.*
- j. Up-to Date ecological surveys consisting of:*
- A badger survey to be carried out prior to the development of any section of the site covered by grassland, scrubland or woodland;*
  - Surveys for roosting bats on any parts of the site where tree felling or tree surgery is proposed; A Stage 1 bat roost potential assessment where any buildings are to be demolished or have work carried out on them;*
  - A Stage 2 bat survey to identify and establish protection or licencing requirements where Stage 1 surveys identify bat roost potential;*
  - A bat activity survey on any part of the site where significant new build development is to take place to establish what species are active and to establish whether building activity will impact on them;*
  - A nesting bird survey where and clearance of shrubs, trees or ground cover may take place between 01 March and 31 July in any year or where work on buildings is to take place in the same period.*
- k. A programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.*



## **Appendix 3 Development Plan Policies**

### **Angus Local Development Plan 2016**

#### **M3 Mixed Use - Sunnyside Hospital, Hillside**

Sunnyside Hospital Estate is allocated for mixed use development including residential, Class 4 (business), Class 7 (hotels and hostels), Class 8 (residential institutions), Class 11 (assembly and leisure) and community uses.

Around 265 dwellings will be released within the plan period including a first phase of around 140 dwellings in the period to 2021, and the remaining 125 dwellings permitted in the period to 2026. The scale of any further land release in the period beyond 2026 will be determined by a future Local Plan.

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

Proposals should be supported by a Transport Assessment.

#### **Policy DS1 : Development Boundaries and Priorities**

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

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

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

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

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

#### **Policy DS2 : Accessible Development**

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.

- appropriate planning obligations in line with Policy DS5 Developer Contributions.

### **Policy DS3 : Design Quality and Placemaking**

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

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

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

### **Policy DS4 : Amenity**

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

Angus Council will consider the impacts of development on:

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

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

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

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

### **Policy TC1 : Housing Land Supply / Release**

The Angus Local Development Plan allocates land to meet the housing land requirements set out in the TAYplan Strategic Development Plan for the period to 2026. Where appropriate, sites are released over

two phases of the plan: 2016 - 21 and 2021 - 26. However, land allocated in the latter phase of this plan (2021-2026) may be released for earlier development, unless a delay is justified.

The scale and distribution of housing land release across the four Angus Housing Market Areas is set out in Table 1 (below). A schedule of all sites identified by the Angus Local Development Plan which contribute to meeting the housing requirements set out in TAYplan Strategic Development Plan is included in Appendix 3.

To support delivery of a generous supply of effective housing sites and introduce additional flexibility Angus Council will support proposed residential development on appropriate sites as set out in Policy TC2 Residential Development Principles.

To ensure that a 7 year effective land supply is maintained at all times, land identified for residential development will be safeguarded from development for other uses. The continued effectiveness of sites will be monitored through the annual Housing Land Audit process.

Where the annual housing land audit identifies a shortfall in either the five years' or the seven years' effective housing land supply, the council will work with landowners, developers and infrastructure providers to bring forward additional housing land. The early release of sites planned for later phases of the plan, as well as sites identified as constrained or non-effective in the audit, will be considered first. If the shortfall is not met from existing sites, proposals for housing development on other housing sites may be supported where they are consistent with the policies of the plan.

## **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.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

\*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

### **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 TC8 : Community Facilities and Services**

The Council will encourage the retention and improvement of public facilities and rural services.

Proposals resulting in the loss of existing public community facilities will only be supported where it can be demonstrated that:

The proposal would result in the provision of alternative facilities of equivalent community benefit and accessibility; or

- The loss of the facility would not have an adverse impact on the community; or
- The existing use is surplus to requirements or no longer viable; and
- No suitable alternative community uses can be found for the buildings and land in question.

The Council will seek to safeguard rural services that serve a valuable local community function such as local convenience shops, hotels, public houses, restaurants and petrol stations. Proposals for alternative uses will only be acceptable where it can be demonstrated that:

- the existing business is no longer viable and has been actively marketed for sale as a going concern at a reasonable price/rent for a reasonable period of time;
- the building is incapable of being reused for its existing purpose or redeveloped for an appropriate local community or tourism use; or
- equivalent alternative facilities exist elsewhere in the local community.

New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

### **Policy TC15 : Employment Development**

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, subject to the application of the sequential approach required by Policy TC19 Retail and Town Centre Uses for office developments of over 1,000 square metres gross floorspace.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- there are no suitable or viable sites available within an employment land allocation or existing employment area; or
- the use is considered to be acceptable in that location; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- the criteria relating to employment development within development boundaries are met;
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- the proposal constitutes rural diversification where:
  - the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
  - the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

### **Policy PV1 : Green Networks and Green Infrastructure**

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

### **Policy PV2 : Open Space Protection and Provision within Settlements**

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

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

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

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

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

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

### **Policy PV3 : Access and Informal Recreation**

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

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

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

### **Policy PV5 : Protected Species**

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

#### **European Protected Species**

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

#### **Other Protected Species**

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

### **Policy PV6 : Development in the Landscape**

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

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

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

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

- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape. Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

### **Policy PV7 : Woodland, Trees and Hedges**

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

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

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

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

### **Policy 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 PV9 : Heat Mapping and Decarbonised Heat**

Angus Council will support the preparation and application of a heat map identifying existing and future opportunities for new heat networks, heat storage and energy centres. Development proposals will be encouraged to investigate the feasibility of district heating or combined heat and power installations. Opportunities for Angus Council, developers and existing businesses to install facilities or identify routes for pipework within development for future integration into heat networks should be identified in appropriate development proposals.

#### **Policy PV11 : Energy Efficiency - Low and Zero Carbon Buildings**

All qualifying new buildings must demonstrate that the installation and operation of low and zero-carbon generating technologies will avoid at least 10% of the projected greenhouse gas emissions from their use by 2016, and at least 15% by 2018.

This requirement does not apply to extensions, changes or use or conversion of buildings; stand-alone ancillary buildings under 50 sqm; buildings with a planned life of less than two years or which will not be heated or cooled for purposes other than frost protection.

Development proposals should be accompanied by a statement of the level of sustainability achieved to demonstrate compliance with the above standards.

Development proposals should also consider energy efficiency measures where possible including:

- siting, form, orientation and layout of buildings to maximise solar gain, natural ventilation and light;
- the use of landscaping and boundary treatment to modify temperature extremes such as shelter belts; and
- the re-use and/or local sourcing of building materials.

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

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

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

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

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

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

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

#### **Policy 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.

## **Appendix 4 Phasing Milestones Document Sunnyside Phasing Plan**

### Before commencement of works on any new-build housing the developer will: -

Complete demolition works on the Chapel, Angus House, Laurel Cottage and outbuildings in accordance with listed building consent 15/00741/LBC  
Initiate the use of Carnegie House as site office accommodation (and thereafter maintain building in a wind and watertight condition)  
Provide updated condition reports for Main Building, Ward Building, Water Tower and Northesk Villa (and thereafter implement an ongoing programme of inspection and maintenance in accordance with those reports)  
Apply for a building warrant for conversion of the Water Tower to 9 residential units  
Apply for PP and LBC for phase 1b & 1c which shall include conversion of the Ward Building (and a free-standing application for any other uses not included within the scope of the PPP within that phase)  
Demonstrate to the written satisfaction of the council that an agreed contract is in place for the provision of the affordable housing units associated with phase 1a  
Provide visibility splays on Marykirk Road, for construction Access

### Before occupation of any units the developer will: -

Widen the carriageway of Hospital Road  
Provide visibility splays on Hospital Road  
Form and maintain a safe pedestrian route from Northfields area to West Lodge site entrance/ Hospital Road  
Provide roads and associated infrastructure relevant to the phase in accordance with RCC requirements  
Apply for a building warrant for conversion of the Ward Building in accordance with a relevant PP and LBC

### Before occupation of any main-stream new-build housing unit the developer will: -

Commence works on the conversion of the Water Tower in accordance with a relevant PP and LBC  
Form the Orchard East SUDS basin to adoptable standard  
Implement a programme of maintenance of the open space areas to the south of the Main Building and Carnegie House  
Implement a programme for the management and maintenance of woodland areas

### Before occupation of more than 20 main-stream houses the developer will: -

Apply for a building warrant for conversion of the Main Building in accordance with a relevant PP and LBC  
Complete works on the Main Building to create a single marketing flat and show home.

### Before occupation of more than 50 main-stream houses the developer will: -

Obtain a completion or habitation certificate under the Building (Scotland) Acts for the 9 residential units within the listed Water Tower  
Commence works on the Ward Building in accordance with a programme that has been approved in writing by the Planning Authority  
Commence works on the Main Building in accordance with a programme that has been approved in writing by the Planning Authority  
Commence and complete demolition works on garage, boiler house and stables in accordance with listed building consent 17/00331/LBC

### Before commencement of any works associated with construction of a new-build mainstream house in phase 1b & 1c the developer will: -

Demonstrate to the written satisfaction of the council that an agreed contract is in place for the provision of the affordable housing units associated with phase 1c, including the reuse of the Ward Building  
Commence and complete demolition works on Booth House in accordance with listed building consent 17/00331/LBC

Before occupation of any new-build unit within phase 1b & 1c the developer will: -

Form the Orchard West SUDS basin to adoptable standard

Before occupation of more than 80 main-stream houses the developer will: -

Obtain a completion or habitation certificate under the Building (Scotland) Acts for residential units within the listed Ward Building in accordance with a relevant PP and LBC

Before occupation of more than 100 main-stream houses the developer will: -

Obtain a completion or habitation certificates under the Building (Scotland) Acts for a minimum of 5 residential units as per residential units within the listed Main Building.

Before occupation of more than 140 main-stream houses the developer will: -

Obtain a completion or habitation certificates under the Building (Scotland) Acts for all residential units within the listed Main Building.

Before commencement of any works on new-build development in any phase other than Phase 1a or 1b the developer will: -

Form the main spine road/ primary route from Northfields to Orchard Central area to adoptable standard and make provision for bus infrastructure, including shelters and real-time information (all to be provided by the developer once a bus service is established)

Form the central play area and provide the play equipment in the open space area to the south of the Main Building

Form the SUDS basin to the south of Carnegie House to adoptable standard

Provide an updated phasing plan for the remainder of the site. This shall include detail of the phasing for release of new-build houses, affordable housing and the conversion of North Esk Villa and Carnegie House.