

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 8 OCTOBER 2019

PLANNING APPLICATION – SITE AT NORTH STREET, NEWTYLE

GRID REF: 329657 : 741494

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 17/00090/FULL for a Housing Development Comprising 32 Units and Formation of a Community Woodland for Newtyle Property Company on land at North Street, Newtyle. 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. BACKGROUND

3.1 At its meeting on 9 November 2010 the Development Standards Committee resolved to approve planning application [10/00008/FULL](#) subject to conditions and the conclusion of a Section 75 Planning Obligation. The application provided for a housing development comprising 36 units and a day care centre and the formation of a community woodland on a site at North Street, Newtyle (Reports [697/10](#) and [831/10](#) refer).

3.2 The necessary planning obligation was not concluded within an appropriate timescale and the application was declared dormant on 18 November 2015. The application being declared dormant necessitated the submission of this revised planning application.

3.3 The current proposal retains the general road and plot layout from the previous application. The number of houses proposed is reduced to 32 units comprising 24 retirement houses and 8 affordable housing units. The two storey building types have been removed from the proposal with all the building types now being single storey in height. The three and four bedroom properties have been removed with the development comprising two bedroom properties. The day care building has also been removed from the proposal. The SUDS, community woodland and footpath provision would remain largely unaltered in comparison to the proposal Committee resolved to approve.

4 INTRODUCTION

4.1 The applicant seeks full planning permission for a housing development comprising 32 units and a community woodland on land at North Street, Newtyle. A plan showing the location of the site is provided at Appendix 1.

4.2 The application site measures some 5ha in area in the north of the village of Newtyle. The site comprises a mix of vacant and productive agricultural land, a disused railway embankment and a vacant fuel storage area and dump. It is bounded by agricultural land to the north,

residential properties to the south, a track leading to the residential properties known as Linden and Garthway to the west and Newtyle Park and a bowling green to the east.

- 4.3 The development proposal comprises an area of housing located in the southeast portion of the site which is bounded by the recreation area, North Street housing, a driveway access and the disused railway embankment to the north. Beyond that to the north and west, a community woodland is proposed which extends to both sides of the B954. Within the woodland formal access paths would be provided that would connect into the existing path network located to the northeast and southwest of the woodland. Access to the housing would be taken directly from the B954 approximately 200m to the north of the Dundee Road/Coupar Angus Road/North Street crossroads. The proposed new access road would run in an easterly direction from the B954 through the proposed community woodland before cutting through the disused railway embankment and into the area proposed for housing. The proposal also makes provision for a sculpted gateway feature to be created at the entrance to Newtyle on either side of the B954.
- 4.4 The housing would be arranged around a cul-de-sac layout with 24 of the units being retirement housing for elderly people with the remaining 8 units being affordable houses. The dwellings would consist of two bed properties within a combination of semi-detached and detached buildings that are single storey. The affordable housing units would have in curtilage parking for 1 car with the retirement housing having in curtilage parking for 2 cars. A communal garden area measuring around 400sqm is proposed within the area of the site accommodating the retirement housing. The development would be connected to the public drainage network with surface water dealt with by a SUDS detention basin located within the area of community woodland located to the east of the B954. A pedestrian access link would be provided from the site to Newtyle Park to the northeast with a further pedestrian access provided to North Street between 8 and 10 North Street.
- 4.5 The application has been subject of variation to the layout and number of houses; the deletion of a day care centre and the reconfiguration of internal roadways in the site.
- 4.6 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

5. RELEVANT PLANNING HISTORY

At its meeting of 9 November 2010 the Development Standards Committee resolved to approve an application for planning permission (Appn. [10/00008/FULL](#) refers) for a Housing Development Comprising 36 Units and a Day Care Centre and the Formation of a Community Woodland on the current application site subject to conditions and the conclusion of a Section 75 Planning Obligation by (Report Nos. [697/10](#) and [831/10](#) refer). The application was declared dormant on 18 November 2015 as the Section 75 Planning Obligation had not been concluded.

6. APPLICANT'S CASE

- 6.1 The following documents have been submitted in support of the application:
- Statement on Need and Delivery of the Development;
 - Arboricultural Impact Assessment;
 - Drainage Strategy; and
 - Commentary on the consultation responses and letters of representation.
- 6.2 The supporting information is available to view on the Council's [Public Access](#) system and is summarised at Appendix 2 below.

7. CONSULTATIONS

- 7.1 **Angus Council – Roads** – has indicated no objection to the application subject to a number of conditions. No objection is offered in relation to flooding and drainage. *The Roads Service has subsequently confirmed that the council has approved variations to speed restrictions on the approaches to Newtyle and those are due to be implemented. Those variations have resulted in amendments to the proposed planning conditions and to the visibility sightline requirements.*

- 7.2 **Angus Council – Environmental Health** – has not objected to the proposal in respect of amenity impacts. In respect of land contamination, the Service is satisfied that subject to conditions the site does not pose a significant risk of harm to the proposed use from land contamination.
- 7.3 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development. The proposed 8 affordable housing units would meet the required contribution from the site. The Housing Service has also advised that the provision of retirement housing would contribute towards meeting an identified national and local housing need in an area where there is a high level of demand. The provision of these units could also be through a range of different tenure types.
- 7.4 **Angus Council – Social Work** – has indicated there has been a reduction in demand for dedicated supported accommodation for people 65 and over following the introduction of Self-directed Support in Scotland and people are preferring to remain in their own homes with support packages in place. The retirement unit types and sizes would suit the accommodation requirements of older people in terms of their likely future needs.
- 7.5 **Angus Council – Parks & Burial Grounds** – The development proposes the formation of a new 2.7HA community woodland and this coupled with the resident's garden created by deletion of the day centre provides adequate open space. Arrangements for ongoing maintenance of the open space and community woodland should be provided and footpath connections from the development into the adjacent Newtyle Park should be enhanced.
- 7.6 **Aberdeenshire Council Archaeological Service** – has advised no archaeological mitigation is required from the development.
- 7.7 **Scottish Water** – has advised that there is currently sufficient capacity at the water and waste water treatment works for the proposed development.
- 7.8 **Community Council** – has commented on the application in relation to access, traffic, paths and street lighting serving the proposed development. The full submission from the community council will be circulated to members of the Development Standards Committee and is available to view on the council's [Public Access](#) system.

8. REPRESENTATIONS

- 8.1 14 letters of representation have been received raising objection. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's [Public Access](#) website.
- 8.2 The following matters have been raised as objections and are discussed under Planning Considerations: -
- **Adverse impacts on residential amenity from the development.**
 - **Adverse impacts on existing trees.**
 - **Road traffic and pedestrian safety.**
 - **Flood risk and drainage issues.**
 - **Control of the occupancy of the development.**
 - **Inaccuracies in plans submitted**

In addition the following matters have been raised: -

- **Who would utilise the proposed day care centre** - The applicant has deleted the day care centre from the development proposal.
- **Possible adverse impact on school accommodation in Newtyle** - Newtyle Primary School has sufficient capacity to accommodate children that can reasonably be anticipated from the new development. Newtyle is located in a split catchment area for secondary school education and in this respect might place additional pressure on Monifieth High School. Notwithstanding this the council's published guidance on developer contributions indicates contributions towards education facilities will not be sought from affordable housing or sheltered/ supported housing.

- **Relocating the pedestrian access to the garages at North Street would raise a number of issues** - A pedestrian access adjacent to the garaging on North Street is not proposed.
- **Loss of access to repair boundary enclosures if the development is approved** - This matter is not material to the determination of this planning application as it is a civil matter.
- **Approval of the application could result in a breach of the Human Rights Act** - This matter is discussed under Section 10 below. However, it is well established that the lawful operation of the planning system will not result in a breach of the Human Rights Act

9. PLANNING CONSIDERATIONS

9.1 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.

9.2 In this case the development plan comprises:-

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

As the application is not of strategic significance the policies of TAYplan are not referred to in this report. The relevant policies of the ALDP are reproduced at Appendix 3.

9.3 The application site relates to land located within, and land located outwith but adjacent to the Newtyle 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. For sites outwith but contiguous with a development the policy states that proposals will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm that there is a need for the proposed development that cannot be met within a development boundary.

9.4 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.

9.5 All of the houses proposed by this application are located within the Newtyle development boundary and the land they would be constructed on is not identified, allocated or otherwise safeguarded for any other purpose. The development strategy for Newtyle set out in the ALDP offers support for the redevelopment of vacant, under-used and brownfield sites within the defined development boundary. Housing development would be compatible with surrounding land uses and the general principle of housing development within the development boundary is compatible with the ALDP.

9.6 The access to the housing site, surface water drainage basin and community woodland would be located outwith and in part contiguous with the development boundary of Newtyle. It comprises prime quality agricultural land as well as an area of land that has historically been used for a variety of uses, including fuel storage. The development would involve the formation of a cutting through the railway embankment. The text supporting policy DS1 indicates that the development boundaries seek to protect the landscape setting of towns and prevent uncontrolled spread of development.

9.7 The railway embankment forms a significant feature to the north of Newtyle that effectively defines the built extent of the village. It largely screens views of the village from the north. The formation of the new roadway and associated development would result in some landscape impact but that arrangement is necessary to provide safe access to a proposed housing

development site that is otherwise compliant with ALDP policy. The cutting through the railway embankment would result in a fairly significant change in the local landscape but the provision of the proposed community woodland would limit that impact. It would also ensure that the village remains largely screened when approaching from the north on the public road. The proposal would not result in any significant conflict with what the development boundary policy is seeking to achieve.

- 9.8 In addition, the applicant has indicated that the proposal would provide affordable and retirement housing units. The Housing Service has indicated that there is some evidence of need and demand for both forms of accommodation in the housing market area. In this respect there is some public interest in allowing provision of necessary infrastructure outwith but adjacent to the development boundary to allow this type of accommodation within the defined boundary.
- 9.9 In terms of the council's Design and Placemaking Supplementary Guidance, the 32 residential units would be arranged around a central access road that connects to the B954. The shape of the site offers little potential for a grid layout to reflect the historic settlement pattern of Newtyle and a more organic layout has been pursued to reflect previous modern developments in the village. The number of units proposed on the site has been reduced in order to minimise impacts on trees around the perimeter of the site and to reflect limitations associated with the railway embankment. The community woodland would provide a landscape setting around the northern perimeter of the site within which a SUDS basin and new paths would also be accommodated. The layout provides for a new pedestrian linkage to Newtyle Park and makes use of an existing shared vehicular and pedestrian access to North Street which would assist in integrating the development with the village. The development provides for single storey detached or semi-detached two bedroom houses with the affordable housing units occupying the south east portion of the site and the retirement housing occupying the other areas of the site south of the railway embankment. The proposed house types have pitched roofs, gable ends and simple rectilinear openings. The plans do not indicate proposed external materials and a planning condition is proposed to secure approval of these details.
- 9.10 The layout and building design relates more closely to adjacent modern housing development than to the historic pattern that is otherwise evident in the village. However, it has been designed in part to meet the requirements of a particular client group and the Social Work Service has indicated that the retirement unit types and sizes would suit the accommodation requirements of older people in terms of their likely future needs. The development offers a variety of plot sizes and while some are relatively small a centrally located resident's garden area is proposed. Roadways and car parking in the development would be particularly evident but given the nature of the likely occupants and the sites relatively discreet location the design solution is acceptable having regard to the mixed townscape quality of the area surrounding the proposed development.
- 9.11 In terms of the residential environment to be created, the proposed plot sizes and associated private garden areas are broadly consistent with those found in other recent affordable and specialist needs housing approved elsewhere in Newtyle and Angus. All of the houses would contain two bedrooms and would have access to at least 70sqm of private garden ground. The level of private garden ground provision is considered appropriate having regard to nature of the surrounding area and the type of accommodation proposed. The houses have been arranged throughout the site in a manner that is generally acceptable and would not give rise to significant issues in terms of the amenity that would be provided for prospective residents. Car parking is provided in accordance with Council standards and comprises in-curtilage parking. The use of fencing to the rear of houses is acceptable in terms of providing privacy in areas that are not readily visible to the public. Where private garden areas abut roadways or footpaths fencing is not considered to be appropriate considering the visual prominence of some of these boundaries and a planning condition is proposed requiring precise details of all boundary enclosures throughout the site in order to ensure that they are appropriate for their function and prominence. The Environmental Health Service has reviewed available information in relation to ground contamination, including historic mapping and aerial photography and is satisfied that the site can be remediated to an acceptable standard, but has advised further intrusive site investigations are required. Planning conditions are proposed to deal with the remediation of the site. Overall the proposed development would provide a reasonable living environment.
- 9.12 The erection of houses on the site has the potential to impact directly on occupants of existing

houses at North Street to the south and west of the site. In relation to the properties to the south of the site impacts are limited to areas of the site where proposed dwellings back onto existing houses. There is at least a 12m separation distance between the proposed houses and existing dwellings in this area of the site which accords with the minimum distances specified in council guidance. It is noted that some of these properties are elevated above the application site however the proposed houses are single storey which limits the potential for overlooking of existing housing. No details have been provided of the boundary treatments to be erected at the rear of the houses and it is proposed to deal with this matter by planning condition. The provision of 1.8m high timber fencing between the rear garden areas of the existing and proposed houses would allow for the maintenance of a reasonable level of garden privacy. The properties to the north west of the site (Garthway and Linden) are located in excess of 20m from the proposed houses and would be screened from the development through the existing landscaping along the northwest boundary of the site. The community woodland is unlikely to have any significant impacts on the availability of daylight to existing housing given the level difference between the field in which the woodland would be located and existing housing. The proposed layout does not give rise to any unacceptable impacts on the amenity of those that currently live in the vicinity of the site. Impacts associated with vehicle movement are discussed below.

- 9.13 In terms of impacts on the nearby road network, it is proposed to connect the housing site to the B954 Dundee Road through a new access and roadway. Angus Council Communities Committee ([Report 239/19](#) refers) recently agreed to implement amendments to the speed limit on the southbound approach to Newtyle on Dundee Road to create a 40mph buffer speed limit which will reduce the speed of vehicles approaching the new access. The Roads Service has reviewed the submitted information, including the relevant third party objections, and has raised no concern regarding the ability of the proposed access to safely accommodate the anticipated level of traffic from the development. The Roads Service offers no objection to the application subject to a number of planning conditions. It is relevant to note that Committee has previously determined that a vehicular access from the B954 to serve 36 houses does not give rise to unacceptable impacts and the proposed access arrangements are compatible with Angus Council standards.
- 9.14 The applicant advises in the supporting information that it is proposed to connect the houses to the public sewer network for foul drainage and to connect to the public water supply. This is appropriate within the development boundary. Scottish Water has not offered any objection to this arrangement. The site is not within an area which is identified as being at risk of flooding in the SEPA indicative flood maps and the Roads Service has indicated it is satisfied that the site is not subject to an unacceptable flood risk. Surface water drainage would be dealt with by a Sustainable Urban Drainage System. This system would connect to an attenuation basin located in the community woodland which would discharge to an existing field drain to the north east of the site. The attenuation of the detention basin would be controlled to restrict run-off rates to greenfield equivalent and this would ensure there is no unacceptable impacts on the field drain. The Roads Service has advised that the surface water drainage proposals to serve the housing development are generally acceptable and has offered no objection to the proposal. Overall the proposed drainage arrangements are compatible with relevant policy requirements.
- 9.15 The application site comprises in part prime agricultural land (grade 2). Policy PV20 allows for the loss of prime land where the development would support delivery of other policies of the local plan. In this case the proposed access road is required to deliver the provision of affordable and retirement housing and the development strategy for Newtyle supports the redevelopment of vacant, underused and brownfield sites within the development boundary. There is no evidence to suggest that the provision of the access road and community woodland on prime agricultural land would affect the viability of any farm unit.
- 9.16 The application site is not subject of any natural or built heritage designation however there are existing trees around the perimeter of the site and an Arboricultural Impact Assessment has been provided which details the works required to facilitate the proposed development. The extent of tree works proposed would be similar to what was previously deemed to be acceptable with the important trees around the perimeter of the housing site being retained. The plans submitted indicate that 6 trees require to be removed in order to accommodate the vehicular access and associated visibility splays. However, the reduction in speed limit to 40mph at the site access would reduce the visibility splay requirements and consequently the number of trees that require to be removed is likely to be less than the 6 identified in the plans. The provision of the community woodland to the north of the embankment minimises

the potential visual impact of the breach in the railway embankment. Specific details of the landscaping have not been provided in respect of all areas and a condition is proposed that requires provision and further approval of that detail. A condition is also proposed for the protection of those trees to be retained during development. Overall, subject to the suggested conditions the development would not result in an unacceptable impact on the natural environment.

- 9.17 Policy TC3 and the Developer Contributions and Affordable Housing Supplementary Guidance indicates that 25% of the total number of residential units proposed should be affordable. The application has been submitted on the basis that 8 of the units would be affordable with the remaining 24 units being retirement housing. The applicant has indicated that the development would be delivered through the private sector. The Housing Service has indicated the provision of retirement housing would meet an identified housing need with the house type proposed being suitable for retirement accommodation. The provision of affordable housing units would also meet needs within the Housing Market Area. The number of affordable housing units proposed accords with the requirements of Policy TC3. The Housing Service has acknowledged that the development is not reliant on public funding and is supportive of the provision of additional affordable and retirement housing units at this location. In order to ensure that the units to be provided are occupied as affordable and retirement housing a condition is attached that requires restrictions on occupation.
- 9.18 Policy DS5 indicates that developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure. The Developer Contributions and Affordable Housing Supplementary Guidance indicates where such contributions will be sought. In this instance the development proposal relates to the provision of affordable and retirement housing and the Supplementary Guidance confirms that this type of accommodation will be exempt from education contributions where the nature of the occupation is subject to restriction. Accordingly, while a contribution is not required a restriction limiting the nature of the units provided is necessary and is dealt with by a proposed planning condition. The Parks and Burial Grounds Service initially indicated some concern regarding the appropriateness of the proposed community woodland as on-site open space provision. However, the proposal has been amended to include a communal garden area and the issue of the community woodland has been subject of further discussion with that Service. The community woodland would be reasonably extensive and would include footpath provision that would link to the development and the wider path network. In these circumstances and having regard to the other onsite provision and proximity of the site to the existing park, the proposed provision is considered to be acceptable. However, the provision, retention and maintenance of the community woodland is important and is addressed by the proposed planning condition.
- 9.19 In general terms the proposal is of an appropriate scale and nature and is compatible with development plan policy subject to the proposed planning conditions.
- 9.20 It is also relevant to have regard to the material planning consideration and in this respect it is relevant to have regard to the planning history of the site and to the planning matters raised in the letters of objection.
- 9.21 As indicated above the Development Standards Committee resolved to approve a similar development on the same site at its meeting on 9 November 2010. That proposal included a larger number of houses and some 2-storey units. While a decision on that application was not issued, Committees resolution is a material consideration in the determination of this application. It merits some weight as the basic policy presumption in favour of housing development within development boundaries has been reinforced in the intervening period. This proposal provides for a reduced number of units and all units are now single storey.
- 9.22 Third parties have raised concern that the development would adversely affect the amenity of occupants of existing housing. The separation distances that would be provided between existing and proposed dwellings accord with those required by council guidance and are reflective of those found in the surrounding area. Compared to the previous scheme proposed for the site the development comprises single storey properties which further reduces potential impacts on the amenity of neighbouring properties. There is no evidence to suggest that the pedestrian footpath link from the site to North Street would result in adverse impacts on the amenity of the existing housing located adjacent to this footpath and a condition is proposed requiring its improvement. It is noted that Committee has previously considered

such a pedestrian linkage to be acceptable and would not give rise to unacceptable amenity impacts.

- 9.23 Concern has also been raised regarding the potential loss of trees to accommodate the development. The development would result in the loss of a small number of trees however the development makes provision for a new community woodland which in part compensates for the trees to be lost whilst also assisting in reinforcing the landscape setting of the village.
- 9.24 Concern has been raised regarding the impact on amenity and road safety associated with the proposed vehicular access. The Roads Service is satisfied that the traffic associated with the level of residential development proposed would not have an adverse impact on road traffic or pedestrian safety. Similarly the use of public roads for the volume of additional traffic associated with a residential development would not give rise to any unacceptable amenity impacts. Roads has also indicated that the proposed drainage arrangements are also acceptable and it is relevant to note that the proposals in relation to access and drainage are similar to those that were previously considered to be acceptable by Committee.
- 9.25 Restrictions to ensure that the housing is occupied as affordable and retirement units can be secured through the proposed planning obligation which is required by condition. There are no issues that give rise to significant conflict with policy or that give rise to unacceptable amenity, environmental or road safety impacts. Amended plans have been submitted to address inconsistencies between the proposed plans and elevations and the site layout.
- 9.26 In conclusion, the principle of housing development within the development boundary is compatible with development plan policy. The layout and design of the proposed development responds to the constraints of the site and provides a reasonable level of amenity for the new residents without unacceptable impact on the amenity of occupants of existing nearby residential property. The proposal would increase the number of vehicles on the local road network but there is sufficient capacity to accommodate development traffic.
- 9.27 Access to the site requires formation of a roadway and drainage infrastructure that is outwith the development boundary. Those works are necessary to allow delivery of the development and, when combined with the proposed landscaping, their landscape impacts are not considered to be unacceptable. The proposal would provide affordable and retirement housing units within a Housing Market Area where there is identified need for that type of accommodation.
- 9.28 The Development Standards Committee has previously resolved to grant planning permission for a housing development of 36 units at the site along with a day care centre and community woodland. Committee's resolution is a material consideration in the determination of this application. Third parties have raised concern regarding the proposal and those matters have been taken into account in the preparation of this report. No issues are raised that are considered to justify refusal of the application and, where appropriate, relevant matters are addressed by the proposed planning conditions.
- 9.29 The development of the site in the manner proposed is generally consistent with relevant development plan policy subject to the proposed conditions. Account has been given to the matters raised by third parties and these have been dealt with in the discussion above. However, there are no material considerations that justify refusal of the application.

10. 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.

11. 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 will secure the provision of affordable and retirement housing within a development boundary in a manner that generally complies with the relevant policies of 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. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until a planning obligation pursuant to s.75(1)(a) of the said Act relating to the land has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation shall provide that:

- (a) 25% (8 units) of the units shall be delivered on site as affordable housing;
- (b) 24 of the units shall be subject to an occupancy restriction requiring each unit to be occupied by one or more persons aged 65 years or over at the time of purchase or lease and for there to be no occupation by school age children.

Reason: In order to ensure that the housing is restricted to use as affordable housing and retirement housing because that is the basis on which the application has been assessed and because unrestricted housing would not be exempt from education contributions in accordance with policies DS5 and TC3 of the Angus Local Development Plan (2016).

2. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:
 - (a) Precise details of existing and proposed ground levels across the entire site and proposed floor levels for the dwellings, relative to a fixed ordnance datum. The details shall show the finished ground levels and floor levels of the proposed development relative to existing ground levels, a fixed ordnance datum point and neighbouring property. Thereafter the development shall be undertaken in accordance with the levels as approved prior to the occupation of the dwellings hereby approved.
 - (b) Precise details of the proposed breach in the railway embankment. For the avoidance of doubt this shall include contour plans and cross section drawings relative to existing and proposed ground levels, a fixed ordnance datum point and neighbouring property. Thereafter the breach in the railway embankment shall be formed in accordance with the approved details.
 - (c) All external building materials and hard surfaces (including the gateway feature, roads surfaces, parking areas, driveways and pathways). Thereafter the development shall be undertaken in accordance with the approved details.
 - (d) Revised boundary enclosure specifications. The submitted information shall make provision for the erection of boundary walling on public interfacing boundaries. Thereafter the approved boundary treatments shall be provided in each plot prior to the occupation of the respective dwellinghouse.

- (e) A comprehensive contaminated land investigation report. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution “The Investigation of Potentially Contaminated Sites – Code of Practice” (BS 10175: 2011). The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. Where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the Planning Authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the Planning Authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the Planning Authority.
- (f) Evidence of written consent from Scottish Water for a connection to the public drainage system for the development. Thereafter the development shall not be occupied unless the approved drainage connection has been made.
- (g) A landscaping plan for the site. The plan shall include precise details for the phasing of all landscaping and specific provision for the community woodland and associated footpath to be formed in the first planting season following formation of a breach in the former railway embankment. All landscaping shall be undertaken in accordance with the approved details and phasing plan. Any plants or trees which, within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- (h) A scheme for the management and maintenance of the community woodland, all open space or amenity areas, roads or paths, and infrastructure within the site which is not within the curtilage of a dwelling or adopted by a public authority. That scheme shall include provision for the community woodland to be available for public access and use as public open space. Thereafter the community woodland, open spaces, outdoor communal areas and unadopted infrastructure shall be managed and maintained in accordance with the approved details in perpetuity.
- (i) Plans and particulars of all details relating to access; road layout design; specification and construction, including the provision of street lighting and surface water drainage. Within 6 months of the occupation of the penultimate residential unit the infrastructure shall be formed and constructed in accordance with the approved details to their final specification to the adoptable standards of Angus Council.
- (j) A scheme for the provision of an asphalt footpath that extends from the housing development to a point 3m into Newtyle Park. Thereafter the proposed footpath shall be provided in accordance with the approved scheme prior to the occupation of any dwelling within the development.
- (k) A scheme for the provision and improvement of the pedestrian access to North Street between 8 and 10 North Street. Thereafter the pedestrian access shall be formed in accordance with the approved details prior to the occupation of any dwelling within the development.

Reason: In order that the planning authority may control the specified details in the interests of the amenity, environmental quality and road safety of the area, and to ensure the development is undertaken and maintained in accordance with the approved details.

3. Prior to the commencement of any other works hereby approved, visibility splays shall be provided at the junction of the proposed access with the B954 Dundee – Meigle Road giving a minimum sight distance of 90 metres in both directions at a point 2.4m from the adjacent channel line of the B954 Dundee – Meigle Road. Once formed nothing shall be erected, or planting permitted to grow within the visibility splays to a height in excess of 1050mm above the adjacent road channel level.

Reason: In the interests of road safety and pedestrian safety and to ensure a satisfactory standard of visibility at the junction of the proposed access with the public roads is maintained.

4. That notwithstanding the provisions of any Development Order, no walls or fences shall be permitted to be erected within 2m of the roadway.

Reason: In order to ensure that no boundary enclosures are erected over service strips adjacent to the road in order to allow for the maintenance of services within the development and in the interests of visual amenity.

5. Before development commences protective fencing in accordance with BS 5837: 2012, shall be erected around all trees to be retained as identified in the Arboricultural Impact Assessment, North Street Newtyle by Arboretum Internationale dated 1 June 2017. The protective fencing shall enclose the protected root zones as detailed in the Arboricultural Impact Assessment. This fencing shall remain in situ until development is completed and there shall be no passage of vehicles; excavations; storage of soil, plant, vehicles or other materials within the protective fencing.

Reason: In order to prevent unnecessary damage to trees on and adjacent to the site.

6. No tree felling or other tree works associated with the construction of the development hereby approved shall take place on or adjacent to the site in the period of 1 February to 31 August in any given year.

Reason: In order to prevent disturbance to nesting birds.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

REPORT AUTHOR: KATE COWEY

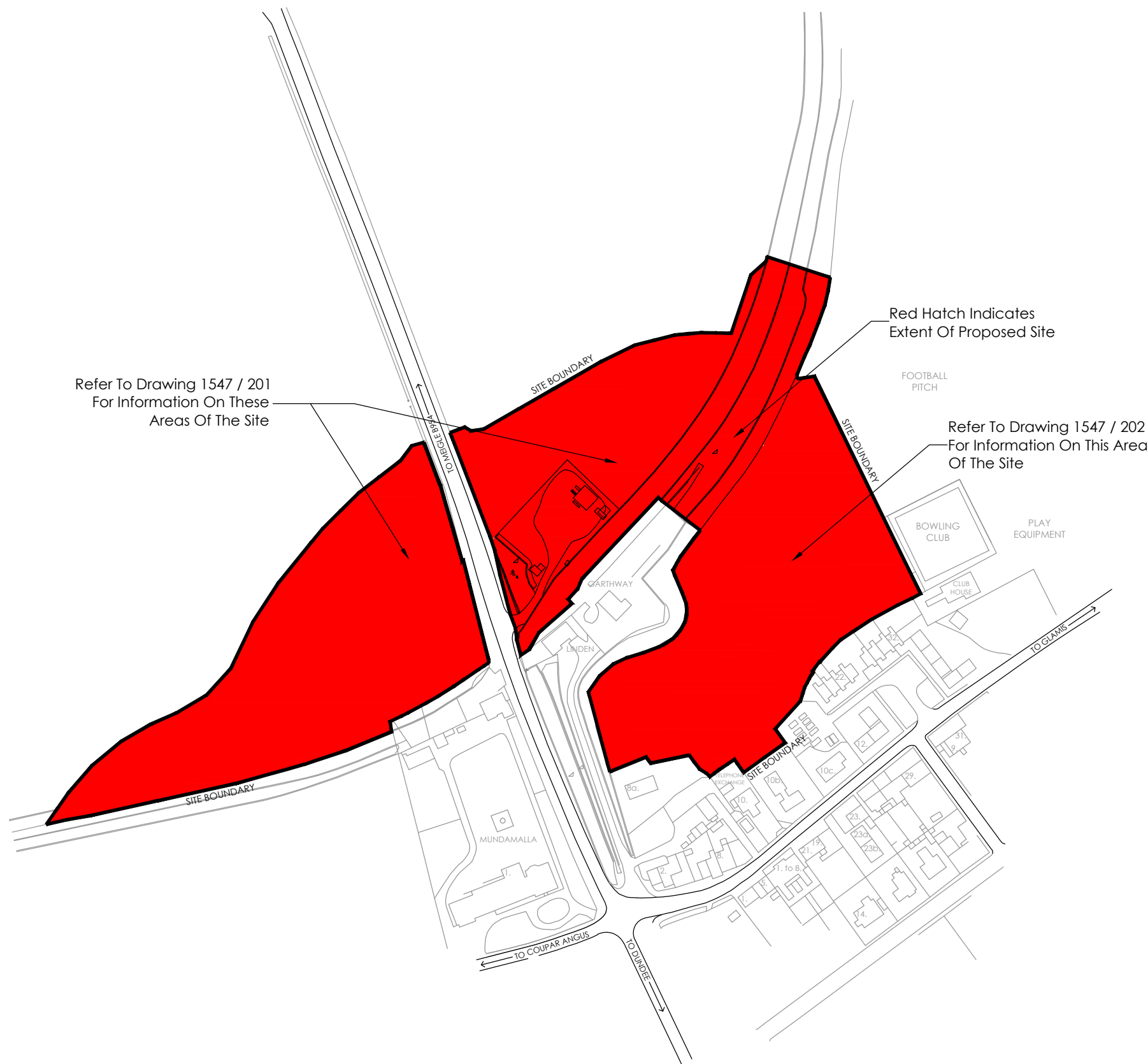
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 1 OCTOBER 2019

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES



LOCATION PLAN
Scale 1:1250

DO NOT SCALE-if in doubt-ASK

©Project Management Scotland Ltd. 2009

REV.	DESCRIPTION	DATE
A	MUNDAMALLA BOUNDARY	OCT 17
	UPDATED	
A	8A BOUNDARY UPDATED	OCT 17
A	DRAWING DATE UPDATED	OCT 17

pm

project management scotland limited
WESTER MEATHIE, INVERARITY, BY FORFAR, DD8 1XJ
TELE: 01307 467744 FAX:01307 467766
E-MAIL: architect@pm-scot.com

CLIENT
Newtyle Property Company

PROJECT
Housing Development at
North Street
Newtyle
Angus

DRAWING
Location Plan

DRAWING STATUS
 Feasibility For Client Approval
 Planning Building Warrant
 Construction As Built

SCALE
1:1000

DATE
October '17

DRAWN BY
P. Birse

CHECKED BY

DRAWING No.
PMS 1518/100

REV.

CAD REFERENCE. (1518)Planning

Appendix 2 – Summary of Applicant Supporting Information

Statement on Need and Delivery of the Development – this provides the applicant's assessment of the proposal against the provision of the Development Plan and other material considerations including numerous publications on retirement housing. This indicates there is considerable support for the provision of additional affordable housing and in particular, housing for the elderly. The proposed development will help to achieve outcomes identified within the Angus Local Housing Strategy 2017-22. In terms of delivery the development is not reliant on public subsidies with many housing providers now providing a range of housing options including provision of retirement housing. If the development receives a planning approval the site will be formally marketed to both RSL providers and other private housing sector housing developers by the applicant's residential marketing agents.

Arboricultural Impact Assessment – this report details the assessment of arboricultural features found on site; outlines the impacts to be expected from development of the site; and provides general mitigation, including tree protection, and enhancement measures to be included or considered at the design stage. This indicated there are no significant trees growing within the proposed development site; there is tree cover immediately adjacent to the north and west boundaries of the site. Fifteen significant, individual trees were identified with six identified for removal as they present a significant barrier to vehicle sight lines. The railway embankment contains self-set young trees with a small number of individual early mature and mature specimens. The trees within the site do not appear to have been appropriately managed for many years however, a lack of maintenance has not had a significant effect on the health and vitality of the trees. Retained trees will be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.

Drainage Strategy – this details the drainage arrangements proposed to serve the proposed development. This indicates all properties within the site will be connected to the foul drainage network. Surface water drainage will be dealt with through a detention basin to treat and attenuate run off. Runoff from roads, footways and property roofs will be conveyed by new surface water sewers to the detention basin. The detention basin would have a depth of 2.2m with the sides of the basin having gradients of 1:4, 1:10 and 1:12. The permanent water level of the basin would be to a depth of 0.3m with the 1 in 30yr water level being to a depth of 0.714m and the 1 in 200yr water level being to a depth of 0.887m. The flow restriction of the detention basin would be controlled by a hydrobrake to restrict discharge to 4.1 L/S. A 3.5m wide maintenance track is to be formed around the perimeter of the basin. The outfall from the basin would be located at its north east perimeter and connect into an existing field ditch to the north east of the basin.

Commentary on the consultation responses and letters of representation – this reviews the responses from consultees and representations from third parties. Where required further information has been provided to satisfy consultees or the proposal has been amended to address matters that consultees have raised. In relation to footpath links and connectivity the design and specification of the paths through the community woodland would be a crushed stone/whindust path construction with a width of 2m. The footpaths will be maintained as part of the framework for the maintenance of the community woodland area. Cycle safety barriers are proposed at the crossing points on both sides of the B954 which is in accordance with the guidance provided by the Roads Service of the Council. The applicant does not accept the suggestion that the new paths should extend beyond the boundaries of the application site as this involves land outwith the control of the applicant. The application footpaths that run along the north of the community woodland area are proposed to extend and link up with the existing railway embankment footpaths. In relation to the pedestrian connectivity to the public park forms part of the adoptable road design for the site and would be an adopted footpath link. The route of the footpath link to North Street can be made safer/more attractive with managed grass or low growing shrubs as suggested. In terms of the on-going availability of public access over the link to North Street (outwith the site boundary) we can confirm that this footpath link is owned by the applicant with access rights for the adjacent properties. In terms of drainage for the site manholes and surface water sewers are to be offered for vesting in Scottish Water, gullies and gully tails on adoptable roads will be offered to Angus Council for adoption. Internal plot drainage upstream of plot disconnection manholes will remain private. The tree works proposed by the application is the same as that associated with planning application 10/00009/FULL. The existing Lime trees on the edge of plots 8 and 9 would not be removed. Appropriate tree protection measures will be put in place to prevent damage during construction works in accordance with BS 5837:2012 Trees in relation to design, demolition and construction.

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.

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 DS5: Developer Contributions

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

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

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

Contributions may be sought for the following:

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

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

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

Policy TC2: Residential Development

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

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

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

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

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

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

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

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

Policy TC3: Affordable Housing

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

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

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

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

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

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

Policy 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 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 PV12: Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

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

Policy PV15: Drainage Infrastructure

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

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

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

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes

can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

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

Policy PV18: Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.