

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 12 NOVEMBER 2019

PLANNING APPLICATION – RIVERVIEW PARK, RIVERVIEW DRIVE, MONIFIETH

GRID REF: 349899 : 732237

SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No. 19/00626/FULL which seeks permission for the erection of a Monifieth Community Hub pavilion building including reception, activity hall, cafe, kitchen, meeting spaces, toilets and changing areas with associated parking and external hard and soft landscaping at Riverview Park, Riverview Drive, Monifieth for Monifieth Community Resource Group. This application is recommended for conditional approval.

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

3.1 Planning permission is sought for the erection of a Community Hub pavilion building on land at Riverview Drive Monifieth. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to approximately 2220sqm and comprises an existing area of open space located within Riverview Park. The site lies to the south of Riverview Drive and occupies an area of land lying between two existing pavilion buildings. It comprises undulating grassland used for informal recreational purposes. The proposal involves the erection of a pavilion style building with a footprint in the region of 900sqm that would accommodate a reception, activity hall, cafe, kitchen, meeting spaces, toilets and changing areas. The proposed building would be positioned adjacent to the public road and would measure approximately 6.3 metres in height at its highest point. It would be of contemporary design and would be finished predominantly in brick with large sections of glazing on the south facing elevation that would have steel shutters. External terraces and seating areas would be provided along with new paths linking to existing recreational facilities. A small parking area for 7 cars would be provided to the west of the building.

3.3 The applicant has indicated that the building could be used for a wide variety of purposes including as a crèche, nursery or day centre; for the provision of education and for the display of art; as a public or exhibition hall; as a cinema or concert hall; as a function venue; and as a hall for indoor sport and recreation. It would also accommodate a café and public toilets and changing space which would be available to the general public during opening hours which are indicated to be 9am to 9pm, but extended as appropriate to meet community need.

3.4 The application has been advertised in the press and was subject of statutory neighbour notification as required by legislation. The council has been notified of the application as land owner.

4. RELEVANT PLANNING HISTORY

There is no relevant planning history on this site.

5. APPLICANT'S CASE

The applicant has submitted information in support of the application which can be viewed on the council's [Public Access](#) system. It is summarised in Appendix 2 below.

6. CONSULTATIONS

6.1 **Scottish Water** – No objection.

6.2 **Community Council** – No response was received.

6.3 **SEPA** – No objection due to the low vulnerability of the use proposed. SEPA recommended a finished floor level of 6.5m AOD and suggested the use of flood resistant and resilient materials in the building design and construction to mitigate the residual risk of flooding. It also recommended that car parking retains existing ground levels, where possible, and no importation of material to limit any loss of floodplain. SEPA has indicated that safe, flood free access and egress to the site may not be available during flooding of surrounding areas.

6.4 **Angus Council Environmental Health** – No objection in relation to contaminated land following review of submitted information but requests conditions to control the matter. With regards to amenity impacts, Environmental Health has reviewed submitted information and has offered no objection subject to conditions being attached.

6.5 **Angus Council – Roads** – No objection subject to a condition being attached relating to the provision of cycle stands and an advisory note attached relating to the verge crossing being formed and constructed in accordance with the standards of Angus Council. No objection is offered in relation to the Road Services role as flood prevention authority.

6.6 **Angus Council Parks and Burial Grounds** – No objection. The Parks Service considers that although the proposal would take up some of the open space in Riverview Park, the facility would support and improve the existing amenities in the play area and park and therefore complements the use of the site as a recreational resource. It is suggested that the hub would enhance the area by providing additional activities in terms of sports and play. Moreover it would provide public toilet provision to the users of the park and also a café in the vicinity of the play area, which would allow parents to sit in the outside seating area and supervise their children playing in the park. It notes that the amount of open space used for development has been limited by keeping car parking to the minimum standard having regard to the existing parking provision available at various locations around Riverview Park.

7. REPRESENTATIONS

7.1 44 letters of representation have been received (30 supporting the application, 13 objecting and 1 providing general comment). The letters will be circulated to Members of the Development Standards Committee and a copy will be available on the council's [Public Access](#) website. The following matters have been raised in relation to the application and are discussed under Planning Considerations below: -

Support:

- Resource much needed, would enhance area and improve quality/ choice of facilities;
- Reduced car travel, good access links and environmental benefits;
- Sited for least disruption to open space;
- Provides facilities for all ages;
- Enhance tourism and economic benefits;
- Scottish Government supports community welfare.

Objection:

- Contrary to development plan policies;
- Loss of and adverse impact on open space;
- Harmful impacts on existing businesses and town centre;
- New church provides facilities for a range of activities;
- Poor accessibility, increased traffic, adverse parking impacts and associated road safety concerns, including accessibility by emergency services;
- Noise, air pollution and amenity impacts, including from antisocial behaviour;
- Design not in keeping with area;
- Management and financial viability of the facility;
- Loss of view.

8. PLANNING CONSIDERATIONS

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

8.2 In this case the development plan comprises:-

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

8.3 The application is not of strategic significance and the policies of TAYplan are not referred to in this report. The ALDP forms the main basis for the consideration of the proposal and the relevant policies are reproduced at Appendix 3.

8.4 Policy DS1 of the ALDP states that the focus of development will be sites allocated or otherwise identified for development within the plan, which will be safeguarded for the use(s) set out. It indicates that proposals for alternative uses will only be acceptable where they do not undermine the provision of a range of sites to meet the development needs of the plan area. The policy further states that 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 other relevant policies of the plan.

8.5 The application site is located within the Monifieth development boundary as defined by the ALDP. It is not allocated or otherwise identified for development but the ALDP does identify the land as forming part of an area of open space.

8.6 Policy PV2 of the ALDP seeks, amongst other things, to protect and enhance areas of open space of sporting, recreational and amenity value. It identifies circumstances where development involving the loss of open space will be permitted, including where the new development is ancillary to the principal use of the site as a recreational resource.

8.7 The application involves the formation of a new community facility and policy TC8 of the ALDP deals specifically with that type of development. The policy indicates that new community facilities should be accessible and of an appropriate scale and nature for the location. Where it is appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

8.8 In this case the proposed building would provide facilities that complement and improve the existing recreational amenities at this location. While it would reduce the provision of undeveloped recreational/amenity open space at this location, the Parks Service has offered no objection to that reduction and has indicated that it would provide a space that could be used for indoor sport and play, additional public toilet provision and a café in the immediate vicinity to the Blue Seaway play area, which would allow parents to sit in the outside seating area and supervise their children playing in the park. Monifieth seafront is reasonably well served by recreational and amenity open space (approximately 12ha) and the loss of the relatively small area (0.22ha) associated with this proposal for a development providing complementary facilities does not raise any significant conflict with development plan policy.

- 8.9 The proposal would provide facilities that are appropriate for and that are commonly found at seaside recreational areas. It would complement existing recreational facilities at the location and such benefit would not be realised at a town centre location. In these circumstances a town centres first approach is not considered appropriate. The site is within easy walking distance of the town centre and its associated public transport linkages. The underpasses that link areas to the south of the railway with the town to the north are narrow but both have footway provision and appear to be well used by pedestrians. Provision would be made within the application site for cycle parking and for some limited car parking. There is car parking provision in the wider area serving the seafront area and the Roads Service has indicated that it is appropriate for the development to utilise that provision as this proposal is intended to augment existing facilities. A Transport Statement submitted by the applicant concludes that the site has good accessibility. That document has been reviewed by the Roads Service and it is satisfied with its conclusions and with the detail of the proposal. Overall the site is considered to have good accessibility.
- 8.10 There is a single house located around 35m to the north of the application site. It sits immediately to the south of the railway line and adjacent to a small commercial workshop unit. The curtilage of the house is separated from the park by the carriageway of Riverview Drive. In addition there are two holiday caravan sites located to the east and west of the application site, both at a distance in excess of 90m. The design of the proposed building and its distance from those neighbouring uses is such that it would not give rise to any direct impact on occupants of the house or caravans. It is indicated that lighting would be provided to ensure safe public access and as no details of that have been provided a condition is proposed that would require those details to ensure they do not give rise to any significant amenity impacts.
- 8.11 The proposal would generate additional activity in the area and the nature of the proposed use could give rise to impact on the amenity of the area, including the amenity of occupants of the house and the nearby caravans. A noise impact assessment has been submitted and it concludes that the proposed uses could be undertaken in a manner that would not give rise to significant noise impact subject to mitigation measures. That document has been reviewed by the Environmental Health Service and it is satisfied that noise impacts arising from activity within the building could be adequately mitigated subject to appropriate planning conditions. General activity associated with daytime or early evening use of the building would be unlikely to give rise to significantly greater amenity impacts than existing activity in the surrounding area. Late night activity from persons leaving the premises could give rise to different impacts and those could not be readily addressed by planning conditions. However, there are two underpasses that link the area to the wider town and it is likely that both would be used by persons leaving the premises and as such any groups and associated impacts would likely dissipate at a relatively short distance from the premises. Resultant impacts would not be untypical of those found in urban areas and submitted information indicates that normal operating hours would be 9am to 9pm with the possibility of extended hours to meet occasional requirements.
- 8.12 The design provides a modern interpretation of a pavilion style building and would be seen in the context of other pavilion style buildings and static caravans that are common in the area. The floor level of the building has been set at 6.5m AOD to minimise flood risk and its predominantly flat roofed design minimises impact on the wider landscape. The design of the building is considered to be acceptable for this location and in general accordance with the guidance provided in the council's Design and Placemaking Supplementary Guidance.
- 8.13 The proposal does not give rise to any other significant issues in terms of development plan policy. It provides a new community building in a location that would complement and enhance existing recreational facilities. The nature and scale of the proposal is acceptable for the location and it has good accessibility. The proposal is compatible with development plan policy.
- 8.14 In terms of other considerations it is relevant to have regard to material planning issues that have been raised in letters of support and objection to the application.
- 8.15 The general nature of the letters of support are noted and the suitability of the site in terms of development plan policy is discussed above. The proposal would improve the range of facilities available at the location; the design is considered to be acceptable and minimises use of open space; and the location has reasonably good accessibility. The building would provide a reasonably adaptable space but there is little evidence to demonstrate that the

development would provide significant environmental or economic benefits. General government policy support for community welfare is noted but is not a significant consideration in determining the suitability of a specific development proposal on a specific site.

- 8.16 The letters of objection assert that the proposal is contrary to development plan policy. The relevant policies, including issues associated with loss of open space, are discussed above and for the reasons set out it is concluded that the proposal is compatible with the development plan. The proposal has been located in an area where it would complement existing recreational facilities and such benefit would not arise if a town centres first principle was adopted. The new church on the High Street may provide an adaptable space that could accommodate community use but that is not in itself a reason to refuse permission for an additional facility. No substantive evidence has been provided to demonstrate that the proposal would have an adverse impact on the town centre but the applicant has provided supporting information which indicates that there is some demand for additional facilities in addition to those currently available. The Roads Service has offered no objection regarding road safety matters and it is concluded in the policy discussion above that the site has reasonably good accessibility. There are fire hydrants reasonably close to the site, including on Riverview Drive, and issues regarding the approach adopted in the event of a fire would be addressed through the building warrant process in conjunction with Scottish Fire and Rescue. The Environmental Health Service has offered no objection in relation to amenity impacts subject to planning conditions and, as discussed in the policy section above, it is considered that the proposal would not give rise to unacceptable impacts on amenity. A number of parties have raised concern regarding the possibility of patrons being dropped off or picked up in neighbouring streets but that is something the planning system cannot control. Similarly the planning system cannot address existing antisocial behaviour issues in the area. The design is a modern interpretation of a pavilion building and is considered appropriate for a seafront location. Issues regarding the management of the building and the financial viability of the proposal are matters for the applicant to consider and are not significant issues in the determination of this application. Loss of view is not a material planning consideration but the development is unlikely to give rise to any significant issues on the outlook from any residential property.
- 8.17 In conclusion, the proposal provides for the construction of a new community facility comprising a modern building capable of accommodating a wide range of uses. It would involve the development of open space but the new building would complement existing recreational facilities in the area. Matters raised by third parties have been taken into account in preparing this report and the proposed planning conditions seek to mitigate impacts where appropriate. The proposal complies with the development plan subject to appropriate planning 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 reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposal provides for a new community facility within a development boundary in a manner that complies with the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission.

Conditions:

1. No development in connection with the planning permission hereby approved shall take place until a comprehensive review of the submitted Phase I Geo-Environmental Desk Study Report dated August 2019 has been submitted to and approved in writing by the planning authority. The review shall include a detailed intrusive investigation report addressing the points as specified within Section 5, Table 6 of the Phase I 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 to and approved in writing by 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.

Reason: In order to ensure that the site is suitable for the proposed use.

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 all external lighting. Those details shall be accompanied by sufficient information to allow consideration of light emission and potential impact on amenity of occupants of neighbouring property. Thereafter only the approved external lighting shall be installed and it shall be operated in accordance with the approved details;
 - (b) A noise management plan to minimise the impact of noise at local receptors. This plan shall be compiled by a qualified noise consultant and include measures to limit noise from amplified music and vocals, and patron noise. Thereafter the development shall be operated in accordance with the approved management plan;
 - (c) Precise details of all extraction and ventilation equipment. Those details shall be accompanied by sufficient information to allow consideration of potential impact on amenity of occupants of neighbouring property. The approved extraction and ventilation systems shall be installed before the building is brought into use and shall be operated in accordance with the approved details thereafter.

Reason: In the interests of residential amenity and to ensure any external lighting, noise and odour emission will not unacceptably affect occupants of neighbouring property.

3. The materials used in the construction of this building shall have a sound reduction index equal to or greater than that stated within table 7 presented in the Airshed noise impact assessment dated 7 October 2019.

Reason: In order to minimise potential for noise emission in the interests of reducing impact on occupants of nearby noise sensitive property.

4. That prior to the occupation or use of the proposed building, the proposed cycle stands shall be shall be covered and lit.

Reason: To ensure that suitable parking arrangements are provided in a timely manner and in order to encourage multi-modal means of travel.

5. Noise arising from amplified music and vocals shall be inaudible in all nearby residential properties and caravans between 2300 and 0700 hours.

Reason: In order to minimise potential for noise emission in the interests of reducing impact on occupants of nearby noise sensitive property.

6. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In order to minimise potential for noise emission in the interests of reducing impact on occupants of nearby noise sensitive property.

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

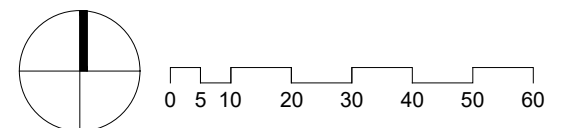
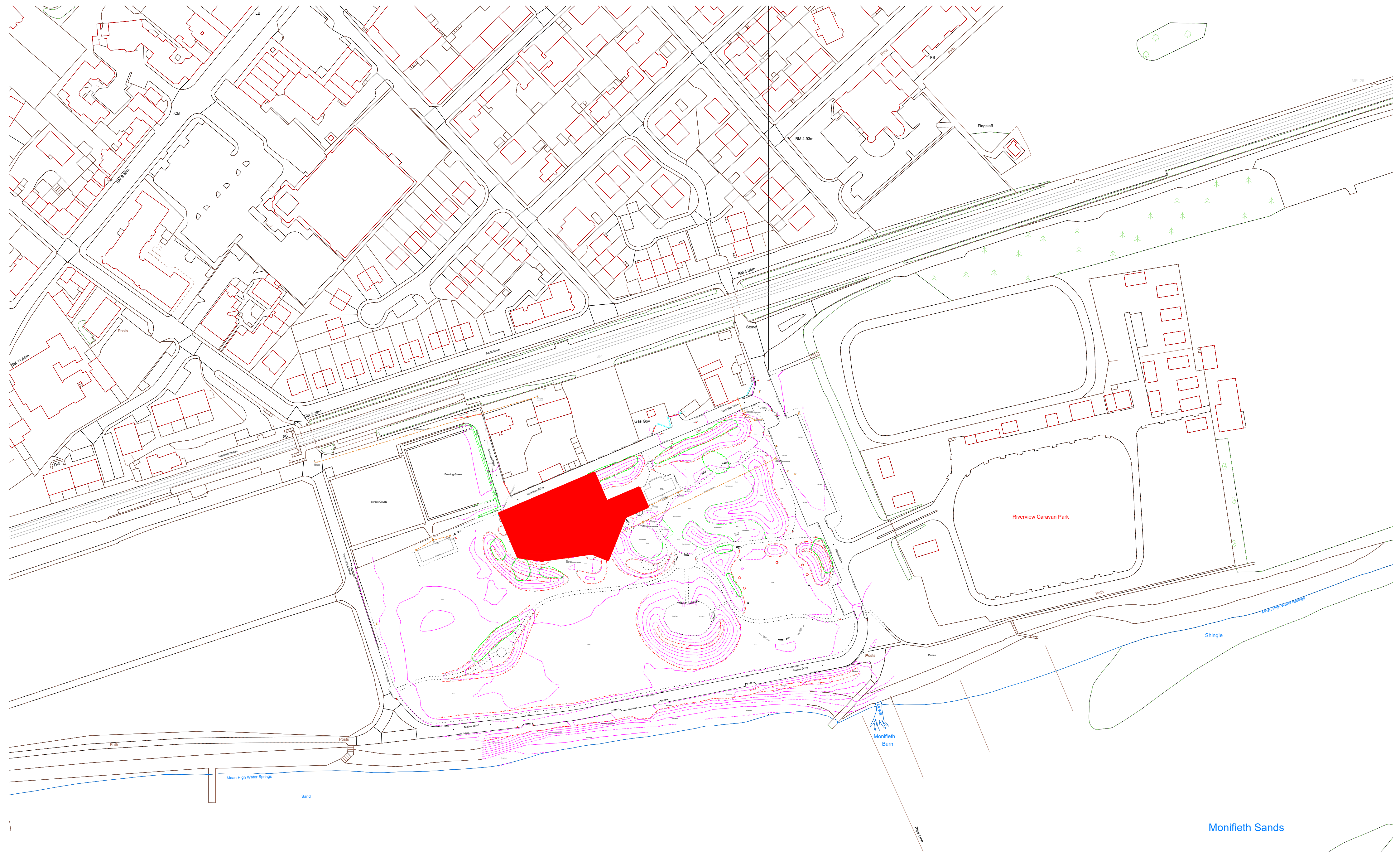
EMAIL DETAILS: planning@angus.gov.uk

DATE: 4 NOVEMBER 2019

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUPPORTING INFORMATION SUMMARY

APPENDIX 3: DEVELOPMENT PLAN POLICIES



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Rev	Description	Date
A	Planning boundary updated	04.04.19
B	Planning boundary updated	15.05.19
C	Planning boundary updated	09.08.19

Client:
Monifieth Community Resource Group

Project:
**Monifieth Community Pavillion
Waterfront Monifieth**



date	drawn	checked
25.03.19	NK	GY
scale	drawing size	approved
1:1250	A2	
Job no.	Dwg no.	Rev
18013	PL(00)01	C

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Title:
Location Plan

Monifieth Sands

Appendix 2: Supporting Information Summary

Design Statement:

Provides a history to the site which indicates that the present modular community cabin on Union Street has been providing space for community groups and is not equipped to meet the needs of all community groups. Earlier community asset appraisals have identified a substantial and worsening shortfall in community space in Monifieth for community activity, health & wellbeing groups. The Blue Seaway/ Monifieth Waterfront is in itself a great asset supporting sporting activities. The design and access statement considers key areas including Facility Location; Site Appraisal/ Site Feature; Planning Policy Guidelines; Access & Protection of Community Amenities; Building Design Principals/ Brief Development; Design Solution; Landscaping/ Site Integration.

It gives a community consultation history and identifies sites that were considered and discounted. It provides planning policy considerations including the Angus Local development Plan. The report refers to the site selection and design concept and references external finishes. Various 3D visualisations are shown within the document.

Drainage Report:

Confirms foul drainage going to the existing combined sewer network.

Following a percolation test, it was considered that the use of a soakaway would be the most appropriate means of dealing with surface water run-off. Any soakaway would also require to comply with the building regulations that require a minimum of 5m clearance from all buildings and boundaries. In order to achieve this, part of the car park is lined with impermeable membrane with an area of 16.8m x 6m provided with no membrane to allow the soakage to take place in this area only. Based upon the above results all water is contained within the system therefore adequate attenuation has been provided to cater all storm events up to the 1:200 year return period.

Flood Risk Assessment:

Provided a flood risk evaluation. In relation to flood risk the report indicates that given the finished floor level (FFL) has been set at 6.5m and the likely maximum water level will be 5.5m, then the risk from flooding is low (fluvial flood risk). In terms of surface water, the levels proposed and the combination of raised levels and permeable soil confirms the site to have a low risk of flooding from surface water. In terms of coastal flooding the report indicates that the minimum floor level should be set at 5.193 or above. The proposed floor level is 6.5m, a further freeboard of 1.307m. It concludes that the risk of flooding to the building from all sources (surface water, fluvial and coastal) is low.

Geo Environmental desk Study (Parts 1, 2, 3):

The site has remained undeveloped to the present day but is possibly the subject of infilling associated with landscaping of the recreational park. Potentially contaminative historical land uses within the close surrounding area are noted to have included a gas works, foundry and railway line.

Environmental risk assessment/Conceptual site model (CSM)

Development of the CSM and environmental risk assessment has identified limited potential for onsite sources of contamination based on historical review. The subject site appears to have been landscaped and may have been the subject of infilling with unknown materials. The potential for migration of near-by off-site contaminant sources is recognised. Based on the findings of this desk study, it is considered that the site poses an overall low to medium risk of harm to identified human, building and environmental receptors.

Potential geotechnical and mining constraints

Made ground soils are not considered to represent a suitable foundation horizon and as such, structural loadings resulting from the proposed community hub are recommended to extend beyond the depth of any made ground soils to bear onto suitable natural soils or bedrock. Suitable foundation depths for the proposed building should be assessed as part of an intrusive phase II geotechnical investigation.

Recommendations

Based on the findings of this investigation, a phase II geo-environmental and geotechnical investigation is recommended in order to provide confirmation of the status of the underlying soils, bedrock, groundwater and the underlying ground gas regime with respect to the proposed community hub.

Noise Impact Assessment:

States that the new building will include a function suite which will be used for a mixture of functions that may include the use of live and amplified music. Other noise generating activities are likely to include fixed plant, deliveries to site, site traffic and noise from patrons leaving the car park late at night. There are noise sensitive premises within 40m of the proposed pavilion, including the dwelling known as Kontagora as well as two caravan parks further away. It provides various assessments and concludes that noise from fixed plant is unlikely to be significant at any noise sensitive receptor.

It also concludes that noise from amplified music has the potential to affect the health and amenity of local residents. The mitigation measures proposed should ensure that noise from amplified music does not exceed NR15 inside the nearest dwellings with windows open for ventilation.

The impacts from fixed plant and car park activities associated with the proposed development are predicted to be of Neutral/ Slight Adverse Significance in terms of the Scottish Government's TAN.

Noise from the proposed installation is predicted to comply with WHO sleep disturbance criteria.

The proposed design should ensure that noise levels in the function suite can be reasonably loud without exceeding inaudibility criteria inside the nearest noise sensitive dwellings.

The report gives a list of proposed mitigation measures.

Transport Statement:

Describes the existing conditions and notes that the site is primarily accessed from Riverview Drive and that there are 2 No. accesses to Riverview Drive from South Street. Notes several footways and cycleways in the vicinity; that Monifieth Railway station is located approximately 100m to the northwest; and that public bus services run on the A930 High Street (approx. 250m to the northwest of the site). States coach provision will have a drop off point in South Street adjacent to the Rail Station. Mini Bus drop off will be available to the rear (North) of the proposed building on Riverview.

Concludes that the location of the development would suit pedestrians, cyclists and those using public transport links and will provide adequate vehicle access.

Monifieth Community Hub Operational Statement

A wide range of organisations and events would be accommodated within the building, meeting the needs of different age and interest groups within the community. It is suggested that the building could be used for nursery and crèche facilities; music/ dancing practice, tuition and performance; meeting space for a range of community groups and organisations; indoor sports and training facilities; exhibitions, events and functions; cinema performances; education, training and lunch clubs and a range of other uses. It would also provide general café facilities as well as toilet and changing facilities to complement facilities available within Riverview Park.

It is indicated that the Monifieth Community Resource Group is registered as a Scottish Charitable Incorporated Organisation and as such governed by the rules, regulations and reporting requirements of OSCR.

It is indicated that the Centre would be open from 9am to 9pm, 7 days a week but that opening hours might be extended in the future if community need dictates. It is suggested that the facility would be available for community wide events such as an annual flower show, art exhibition, Hogmanay parties, ceilidhs, and may also be used as a wedding venue and for private parties and celebrations.

The applicant has indicated that the toilets and changing spaces, which includes a Changing Places facility for Blue Seaway users, would be open to the general public.

It is indicated that the applicants existing premises has hosted birthday, Halloween parties etc with no problems or complaints. At New Year, the existing community Cabin has also hosted events, again with no complaints from nearby neighbours. Temporary alcohol licences have been granted for the premises, again with no negative repercussions. It is suggested that the new building would allow inclusive events to be run for the whole community in a responsible and professional manner. The applicant indicates that all events would be managed an overseen by the MCRG staff and community volunteers and that the requirements of any temporary alcohol licence would be met.

List of interested groups

The applicant has provided a list of groups and general activities that have an interest in using the building/ that might be undertaken from the building.

Appendix 3 – Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS2 : Accessible Development

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

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o 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
- o 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:

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

- o 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.
- o 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.
- o 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.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o 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 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:

- o The proposal would result in the provision of alternative facilities of equivalent community benefit and accessibility; or
- o The loss of the facility would not have an adverse impact on the community; or
- o The existing use is surplus to requirements or no longer viable; and
- o 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:

- o 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;
- o the building is incapable of being reused for its existing purpose or redeveloped for an appropriate local community or tourism use; or
- o 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 TC16 : Tourism Development

Proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. Such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.

Outwith development boundaries, proposals for new or improved tourism related facilities and accommodation will be supported where:

- o it has been demonstrated that the proposals cannot be located within a development boundary; or
- o there is a justifiable locational requirement for the development; and
- o the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- o there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Angus Council will attach occupancy conditions to prevent tourist accommodation being occupied as permanent residential accommodation. Applications to remove such occupancy conditions will not be supported.

Proposals to change the use or redevelop existing leisure or tourist facilities will only be supported where it is demonstrated:

- o that the existing business is no longer viable and there is no requirement for alternative tourist facilities in the location; and
- o that the existing business has been actively marketed for sale or lease as a going concern for a reasonable period at a reasonable market price.

Policy TC17 : Network of Centres

Angus Council will seek to protect and enhance the scale and function of the centres as set out in Table 2 below.

A town centre first policy is applied to uses including retail, commercial leisure, offices, community and cultural facilities that attract significant numbers of people. Support will be given to development proposals in town centres which are in keeping with the townscape and pattern of development and which conform with the character, scale and function of the town centres.

All development proposals within a Commercial Centre will have to satisfy criteria within Policy TC19 Retail and Town Centre Uses.

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:

- o the proposed development is ancillary to the principal use of the site as a recreational resource; or

- o 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
- o 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
- o 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 PV12 : Managing Flood Risk

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

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o 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:

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

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o 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.

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