

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 4 FEBRUARY 2020**

**PLANNING APPLICATION – WHITEHILLS PRIMARY SCHOOL, FYFE STREET, FORFAR  
DD8 3EQ  
GRID REF: 346309 : 751245**

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

**Abstract:**

This report deals with planning application No 19/00843/FULL, submitted by Angus Council, which seeks permission to allow Whitehills Primary School, Fyfe Street, Forfar to be operated without complying with condition 3 of Planning Permission 05/01817/REM. Condition 3 currently requires that public access shall be provided to the car parking and pick-up/drop-off area at all times during school hours and for evening functions. This application is recommended for conditional approval.

**1. RECOMMENDATION**

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

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

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

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

**3. INTRODUCTION**

3.1 The application site comprises Whitehills Primary School, Fyfe Street, Forfar and its location is identified at Appendix 1. The school was constructed in and has been operational since 2008.

3.2 The application has been submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, the applicant seeks permission to develop the land without complying with conditions to which the previous planning permission was granted. Specifically the application seeks permission not to comply with condition 3 of permission 05/01817/REM. The conditions attached to permission 05/01817/REM have been reproduced at Appendix 2 but condition 3 and its associated reason state: -

*That to the satisfaction of the Director of Planning & Transport public access shall be provided to the car parking and pick-up/drop-off area at all times during school hours and for evening functions.*

*Reason: In order that adequate parking provision is made in the interests of road safety and convenience.*

3.3 The car park and its associated pick-up/drop-off area have been constructed in accordance with the terms of the previous permission. However, the applicant effectively seeks deletion of condition 3 in order to allow the school flexibility to determine when the gates to that area are open or closed. The application does not propose any alteration to the physical characteristics of the school as constructed.

- 3.4 Planning legislation indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application (Section 42(2)(b)). If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly (Section 42(2)(a)). The effect of granting permission for a Section 42 application is such that a new and separate permission exists, with any conditions attached as appropriate.
- 3.5 The application has been advertised in the press and was subject of statutory neighbour notification as required by legislation.
- 3.6 This application requires to be determined by Committee because the application has been submitted by Angus Council and is recommended for approval in circumstances where it has attracted objection.

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

- 4.1 Outline planning permission [04/01448/OUT](#) was approved on 13 May 2005. That application provided outline permission for the erection of a two stream primary school subject to a number of conditions.
- 4.2 The subsequent reserved matters application [05/01817/REM](#) was approved on 22 March 2005. That application approved detailed matters relating to the associated outline permission for the erection of the primary school subject to a number of conditions. The school has since been constructed and is in operation.

#### **5. APPLICANT'S CASE**

Supporting information has been provided and is available to view on the Council's [Public Access](#) system. In summary terms the supporting information states:

- Correspondence from Whitehills Parent Partnership - states that Whitehills Parent Partnership, with the support of Senior Staff at Whitehills Primary School, would like to formally apply for a Section 42 of planning application to remove Condition 3 of planning permission ref: 05/01817/REM.
- Correspondence from Whitehills Head Teacher – this outlines safety issues that have arisen through operation of the existing drop-off and pick-up arrangements. It suggests that the trial closure of the gates improved safety around the school.
- Minutes of the Angus Area Traffic Co-ordination Group Forum – this indicates that site visits highlighted major traffic issues within the car park area. During a trial closure of the school gates further site visits confirmed that traffic movements in the vicinity of the school gate had improved with no significant road safety issues observed. The Group agreed that the trial was successful.
- Applicant's response to matters raised in objection to the proposal – it is indicated that Blue Badge holders will be able to access the school car park if the gates are closed. It also indicates that parking enforcement officers will monitor parking around the school.

#### **6. CONSULTATIONS**

- 6.1 **Angus Council – Roads** – has offered no objection to the proposal.
- 6.2 **Scottish Water** – there was no response from this consultee.
- 6.3 **Community Council** – there was no response from this consultee.

#### **7. REPRESENTATIONS**

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

7.2 The following matters are raised in objection and are discussed under Planning Considerations: -

- Illegal parking and congestion on roads and in surrounding residential areas
- Impacts upon pedestrian safety of children
- No access for people with restricted mobility or who have multiple children who cannot be left in the car
- Other options have not been considered or trialed

7.3 The following matters are raised in support and are discussed under Planning Considerations below: -

- Safer and more efficient drop off arrangements
- Less congestion

## **8. PLANNING CONSIDERATIONS**

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

8.2 In this case the development plan comprises:-

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

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

8.4 As advised above, the current application is made under Section 42 of the above Act as it constitutes an application to develop land without compliance with conditions previously attached to planning permission 05/01817/REM. For an application made under Section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted.

8.5 In this case application effectively seeks to allow the operation of the school without compliance with condition 3 of permission 05/01817/REM. The removal of that condition would allow the school to determine when the gates to the car park and its associated pick-up/drop-off area are open or closed.

8.6 The council, in its capacity as Education Authority, has made this application at the request of the Whitehills Parent Partnership. The Partnership has concerns regarding safety in the car park during drop off and pick up times. The school has indicated that there are ongoing issues with pupil safety during those times as a consequence of dangerous parking and resultant congestion. It has also indicated that this results in additional difficulty for children transported by taxi or bus; restricts access for emergency vehicles; and is dangerous for children trying to cross the car park safely.

8.7 The concerns regarding pupil safety were raised with the planning service through the Angus Area Traffic Co-ordination Group. It was agreed that it would be appropriate to undertake a trial gate closure between 2 September 2019 and 1 November 2019. The situation was monitored before and during the trial period. The Traffic Coordination Group, which includes officers from Police Scotland, Roads and Community Enforcement, reported that the monitoring demonstrated that the trial closure of the gates had improved traffic movements in the vicinity of the school gate with no significant road safety issues observed. The school reported that during the trial gate closure the car park was less congested allowing authorised vehicles to enter and leave the car park safely thus reducing risk of accidents and increasing the number of children arriving at school on time.

8.8 The planning condition requiring the car parking area to be accessible when the school is open was attached for reasons relating to road safety and convenience. However, available information from the Parent Partnership, the school, Police Scotland and the Roads Authority indicates that the current arrangements are not working safely. It is therefore appropriate to consider whether the planning condition remains appropriate in circumstances where it is not achieving its desired outcome.

- 8.9 The removal of the condition would not materially affect the number of vehicles on the road network. It would result in additional stopping and waiting on streets in the vicinity of the school and it is legitimate to consider whether that would compromise safety on those streets. It is also relevant to consider whether such activity would affect the amenity of those that live in the vicinity of the area. However, the trial period has allowed the effects of gate closure to be monitored and, as reported above, officers from Police Scotland, roads and education consider that the trial was successful and improved safety. Police Scotland and roads officers are satisfied that the gate closure did not compromise safety on streets in the vicinity of the school or lead to unacceptable congestion. All relevant consultees with expertise on these matters are satisfied that this arrangement would be appropriate going forward. It is likely that there would be some impact on the amenity of those living in the area by virtue of additional activity on the public roads, but that would be over a relatively short duration and must be balanced against the desirability of improving safety at the school. In these circumstances it is considered that decisions relating to when the gates are open or closed are most appropriately an operational matter for the school in consultation with the roads service and Police Scotland. That consultation has taken place and approval of this application would allow those with operational control of the school the flexibility to manage the situation to best meet local circumstances.
- 8.10 The matters raised in objection by third parties have been taken into account in assessing the application. Relevant consultees including Police Scotland and the roads service are satisfied that the proposal would not compromise road traffic or pedestrian safety. The approval of this application does not allow individuals to drive or park in an unlawful manner and issues regarding dangerous driving or parking are matters for Police Scotland. The applicant has advised parking enforcement officers will monitor parking around the school and that Blue Badge holders would be able to access the school car park when the gates are closed. Approval of this application does not compel the applicant to close the gates and does not prevent alternative options being considered or trialled. The letters of support are consistent with the views expressed by the Whitehills Parent Partnership and the expressed opinion of the Partnership merits some weight in circumstances where it is supported by those consultees who have expertise in relation to road traffic and pedestrian safety.
- 8.11 In summary, there is evident concern regarding the safety of existing pick-up and drop-off arrangements for pupils at the school. A planning condition that sought to ensure safety appears to be hampering attempts to improve the situation. The Parent Partnership, the school and significantly the Angus Area Traffic Co-ordination Group, which includes officers from Police Scotland and the roads service, support the proposal to delete the condition that requires the gates to be open while the school is open. Those parties are clear that the existing planning condition does not improve safety. While the matters raised in objection to the application are noted that must be balanced against the clear advice provided by those with operational responsibility for the school and for road traffic and pedestrian safety. The planning condition was attached at the request of the roads service and that service no longer considers the condition appropriate. Approval of this application does not compel the applicant to close the school gates and will not in itself address the safety issues, but it will allow the flexibility for those with operational responsibility for safety to take appropriate decisions having regard to local circumstances. The proposal does not give rise to unacceptable issues in terms of amenity or safety and is compatible with development plan policy. There are no material considerations that justify refusal of permission.
- 8.12 While the majority of conditions attached to the previous permission have been addressed through the construction of the school, it is appropriate to attach conditions that remain relevant to the ongoing operation to any new permission granted. A condition regarding maintenance of visibility splays is proposed and this reflects existing road standards.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the

freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **EQUALITIES IMPLICATIONS**

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

## **10. CONCLUSION**

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

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

The proposal would allow the ongoing operation of the school in a manner that would not give rise to unacceptable impacts on amenity or road traffic and pedestrian safety and would allow for decisions regarding operational matters to be taken by those with responsibility for those matters. The proposal is compatible with relevant policies of the development plan subject to the stated condition. There are no material considerations that justify refusal of the permission contrary to the provisions of the development plan.

### **Condition:**

1. That visibility sightlines of 2.4 x 43 metres shall be maintained at the junction between the school entrance and Fyfe Street. Nothing shall be sited, erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel within the above splays.

*Reason: In the interests of road traffic and pedestrian safety.*

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

**REPORT AUTHOR: KATE COWEY**

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

**DATE: 28 JANUARY 2020**

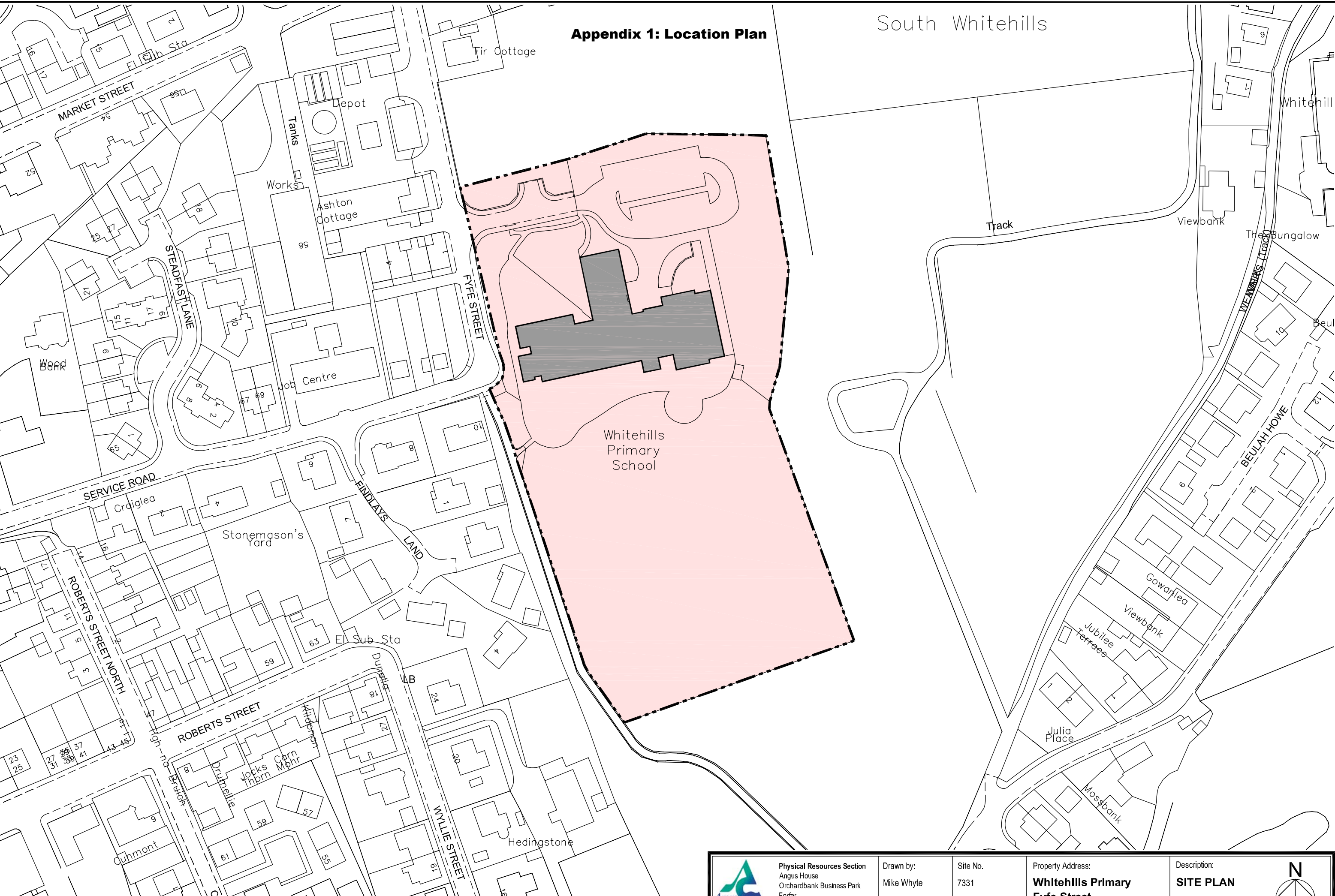
APPENDIX 1: LOCATION PLAN

APPENDIX 2: RESERVED MATTERS APPROVAL: 05/01817/REM DECISION NOTICE


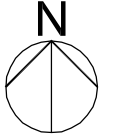
APPENDIX 3: DEVELOPMENT PLAN POLICIES

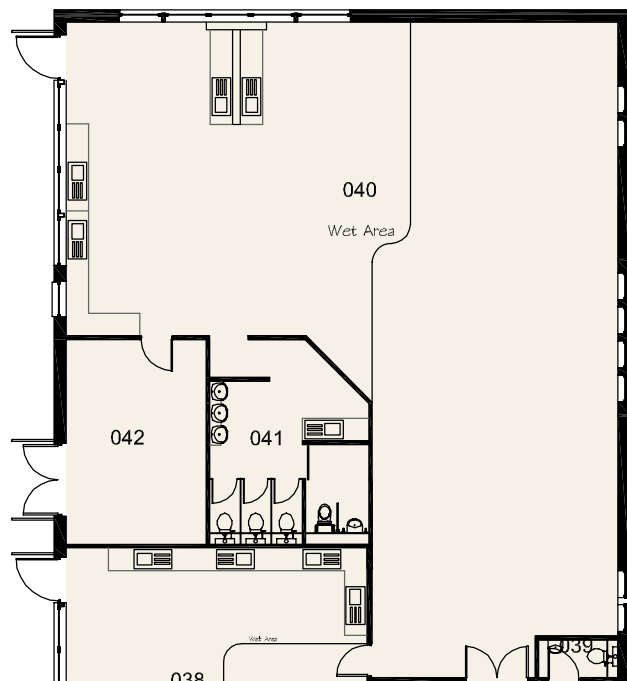
**Appendix 1: Location Plan**

South Whitehills

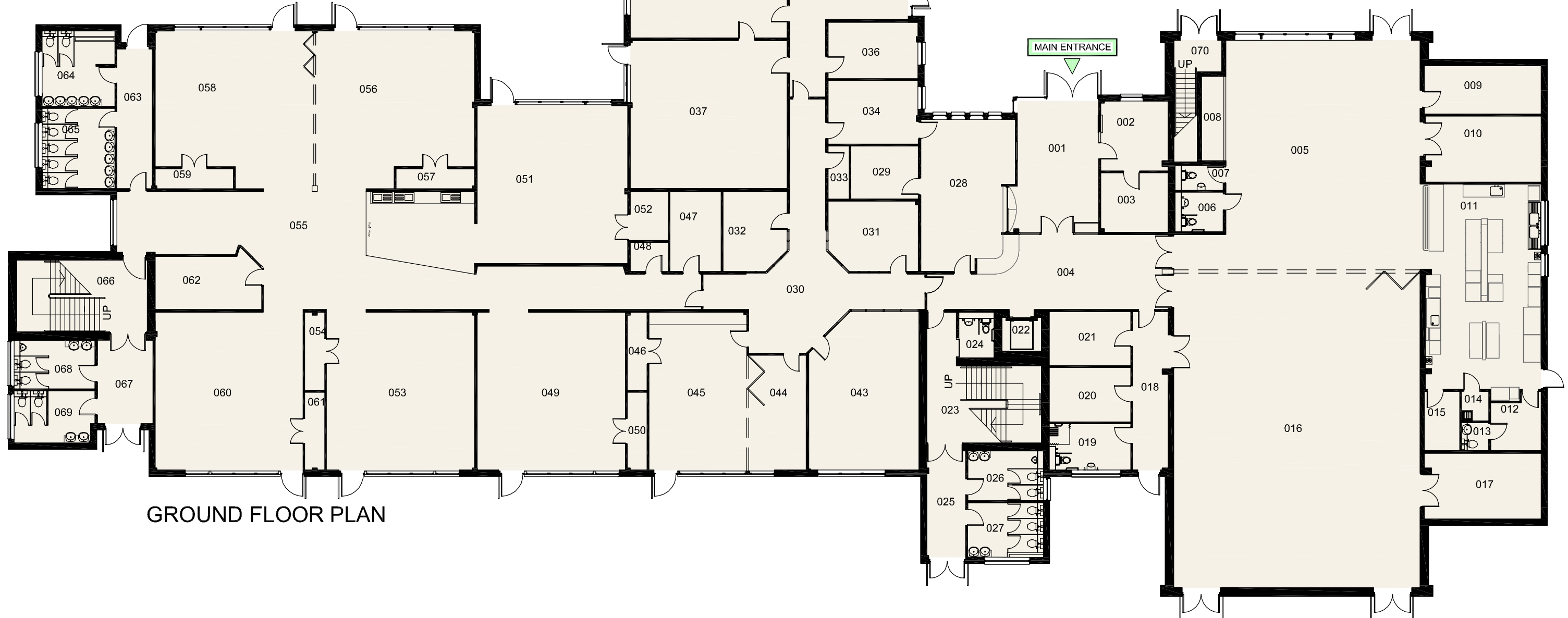


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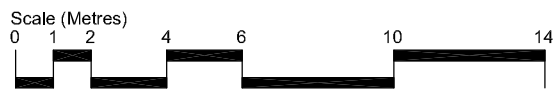
 <b>Education Department</b>	<b>Physical Resources Section</b> Angus House Orchardbank Business Park Forfar DD8 1AE Tel. 01307 461460 Fax. 01307 461848	Drawn by: Mike Whyte Date: 23.03.09 Scale: 1:1250 @ A3	Site No. 7331 Sheet No.: 1 of 1	Property Address: <b>Whitehills Primary</b> <b>Fyfe Street</b> <b>Forfar</b> <b>DD8 3EQ</b>	Description: <b>SITE PLAN</b>	




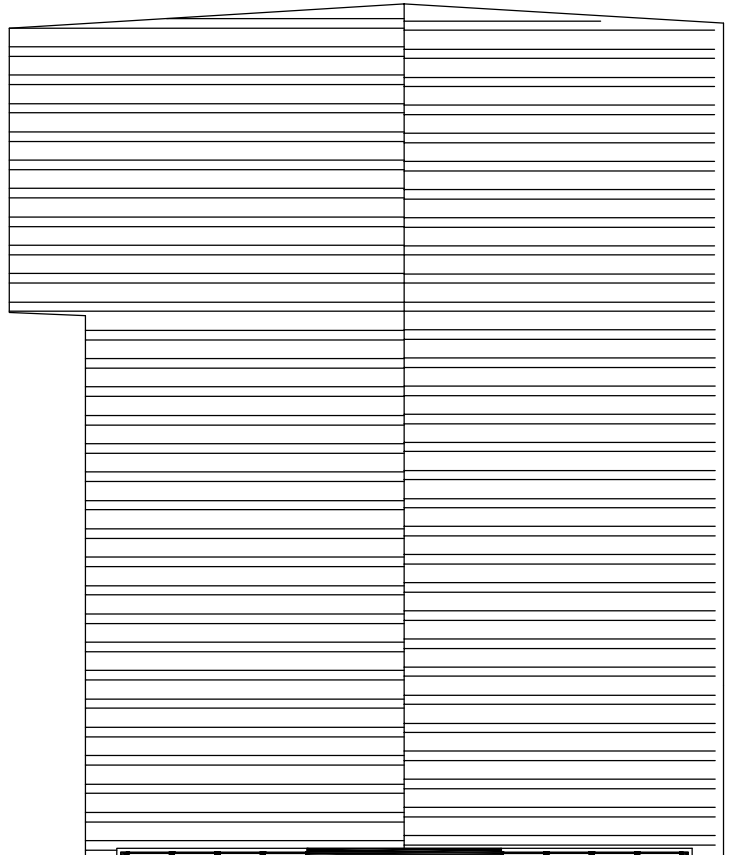
REF	FUNCTION	AREA(m <sup>2</sup> )	REF	FUNCTION	AREA(m <sup>2</sup> )	REF	FUNCTION	AREA(m <sup>2</sup> )
1	Reception	28.56	25	Corridors/Stairs	10.46	49	Classroom	60.2
2	Janitors Room	12.08	26	Toilet	9.76	50	Store	3.99
3	Store	10.34	27	Toilet	10.69	51	Classroom	61.16
4	Corridors/Stairs	37.17	28	Office	36.03	52	Store	4.73
5	Hall	119.53	29	Store	9.21	53	Classroom	60.12
6	Toilet	4.89	30	Corridors/Stairs	46.94	54	Store	3.99
7	Toilet	3.06	31	Classroom	15.7	55	Corridors/Stairs	111.55
8	Store	4.86	32	First Aid/Medical	12.69	56	Classroom	59.96
9	Store	14.61	33	Store	2.88	57	Store	4.01
10	Store	19.7	34	Office	14.73	58	Classroom	59.96
11	Kitchen	62.11	35	Corridors/Stairs	25.09	59	Store	4.01
12	Changing Room	6.79	36	Office	13.06	60	Classroom	60.08
13	Toilet	1.95	37	Nursery	59.78	61	Store	3.99
14	Cleaners room	2.09	38	Nursery	59.74	62	Store	14.55
15	Store	5.4	39	Toilet	2.1	63	Corridors/Stairs	12.76
16	Hall	199.5	40	Nursery	179.06	64	Toilet	14.19
17	Store	19.81	41	Toilet	21.02	65	Toilet	15.1
18	Corridors/Stairs	14.46	42	Store	20.07	66	Corridors/Stairs	24.16
19	Toilet	9.69	43	Computer	42.75	67	Corridors/Stairs	11.91
20	Changing Room	11.35	44	Classroom	16.96	68	Toilet	10.19
21	Changing Room	11.35	45	Classroom	39.77	69	Toilet	10.62
22	Elevator	3.4	46	Store	3.99	70	Corridors/Stairs	9.39
23	Corridors/Stairs	26.76	47	Store	10.49			
24	Toilet	4.14	48	Store	2.92			



GROUND FLOOR PLAN



 <b>Education Department</b>	<b>Physical Resources Section</b> Angus House Orchardbank Business Park Forfar DD8 1AE Tel. 01307 461460 Fax. 01307 461848	Drawn by: Mike Whyte Date: 23.03.09 Scale: 1:200 @ A3	Site No. 7331 Sheet No.: 1 of 2	Property Address: <b>Whitehills Primary</b> <b>Fyfe Street</b> <b>Forfar</b> <b>DD8 3EQ</b>	Description: <b>FLOOR PLAN</b> <b>[GROUND FLOOR PLAN]</b>
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REF	FUNCTION	AREA(m <sup>2</sup> )	REF	FUNCTION	AREA(m <sup>2</sup> )
101	Corridors/Stairs	24.16	124	Store	4.01
102	Corridors/Stairs	11.7	125	Library	42.52
103	Toilet	10.19	126	Classroom	20.11
104	Toilet	10.52	127	Classroom	16.01
105	Corridors/Stairs	79.73	128	Store	38.79
106	Classroom	59.43	129	Store	8.87
107	Store	3.99	130	Corridors/Stairs	27.25
108	Classroom	59.44	131	Corridors/Stairs	9.72
109	Store	4.01	132	Store	9.5
110	Classroom	59.63	133	Toilet	5.35
111	Store	4.37	134	Toilet	5.04
112	Classroom	59.27	135	Toilet	3.78
113	Store	3.63	136	Elevator	3.4
114	Store	10.12	137	Corridors/Stairs	18.28
115	Cleaners room	1.97	138	Staffroom	57.42
116	Corridors/Stairs	112.28	139	Corridors/Stairs	7.18
117	Classroom	61.04	140	Corridors/Stairs	2.52
118	Store	3.78	141	Toilet	14.46
119	Classroom	59.5	142	Toilet	4.01
120	Store	4.37	143	Cleaners room	2.09
121	Classroom	60.06	144	Boiler/Heating	123.55
122	Store	3.63	145	Corridors/Stairs	14.82
123	Classroom	59.65			



FIRST FLOOR PLAN



 <b>Education Department</b>	<b>Physical Resources Section</b> Angus House Orchardbank Business Park Forfar DD8 1AE Tel. 01307 461460 Fax. 01307 461848	Drawn by: Mike Whyte Date: 23.03.09 Scale: 1:200 @ A3	Site No. 7331 Sheet No.: 2 of 2	Property Address: <b>Whitehills Primary</b> <b>Fyfe Street</b> <b>Forfar</b> <b>DD8 3EQ</b>	Description: <b>FLOOR PLANS</b> <b>[FIRST FLOOR PLAN]</b>
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ANGUS COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT  
TOWN AND COUNTRY PLANNING (GENERAL  
DEVELOPMENT) (SCOTLAND) ORDERS**



**RESERVED MATTERS PERMISSION APPROVAL  
Ref: 05/01817/REM**

To Mackie Ramsay Taylor  
47 Victoria Street  
ABERDEEN  
AB10 1QA

With reference to your application dated 13 December 2005 for planning permission under the above mentioned Acts and Order for the following development, viz.:-

**Erection of New Primary School with Pre School and Gaelic Facilities at Land At Fyfe Street Forfar Angus DD8 3EP for Robertson Construction Eastern**

The Angus Council in exercise of their powers under the above mentioned Acts and Orders hereby **Grant Planning Permission** for the said development in accordance with the plans docketed as relative hereto and particulars given in the application, **subject however to the following conditions, namely:-**

- 1 That prior to the occupation of the building visibility sightlines of 4.5 x 60 metres shall be provided to the satisfaction of the Director of Planning & Transport on each side of the proposed access at its junction with the public road.
- 2 That to the satisfaction of the Director of Planning & Transport, within the above splays, nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.
- 3 That to the satisfaction of the Director of Planning & Transport public access shall be provided to the car parking and pick-up/drop-off area at all times during school hours and for evening functions.
- 4 That all footway and verge crossings at the proposed accesses shall be formed and constructed in accordance with the standards of Angus Council.
- 5 That prior to the occupation of the building the proposed cycle racks shall be "Sheffield" type cycle racks. The racks shall be sited at one metre centres and shall be covered, lit, and adequately signed to the satisfaction of the Director of Planning & Transport.
- 6 That prior to the commencement of works, the applicant shall demonstrate that facilities are available for two, 12 metres vehicles to turn, pick-up/set-down school children safely.
- 7 That prior to the commencement of the development details of the means of site enclosure proposed to be used shall be submitted for the prior approval of the planning authority and be erected on or before completion of the development.
- 8 That prior to the commencement of the development, a plan be provided showing a comprehensive scheme of landscaping, including where appropriate an indication of existing trees and hedgerows on the land and details of those to be retained or cleared together with the measures for their protection in the course of the development. As part of this condition provision shall be made for the planting of at least one tree for every tree which is removed.
- 9 That all planting comprised in the approved details of landscaping be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of 10 years from the commencement of the use 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.
- 10 That the roof and external wall finishes be agreed in consultation with and be to the satisfaction of the Director of Planning & Transport prior to the commencement of work.
- 11 That the development hereby approved must be begun not later than:-

- (a) the expiration of five years from the date of the grant of outline planning permission;
- (b) if later (under (b) or (c) in the above condition) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.
- 12 That no alterations or amendments be made to the details contained in the approved and docqueted plans unless so indicated by conditions attached to this consent or agreed in writing with the planning authority.
- 13 That prior to the occupation of the school visibility sightlines of 2.4 x 60 metres shall be provided on both sides of Fyfe Street at its junction with Station Road.
- 14 That prior to the occupation of the school a new access road shall be provided between Fyfe Street and the proposed car parking area. The road shall be formed and constructed in accordance with the standards of Angus Council.
- 15 That prior to the occupation of the school the carriageway of Fyfe Street shall be widened to 6 metres ex adverso the site.
- 16 That prior to the occupation of the school footways 1.8 metres wide shall be provided on both sides of Fyfe Street over its entire length. The footways shall be formed and constructed in accordance with the standards of Angus Council.
- 17 That the proposed fencing adjacent to the cycle track running between the site and Prior Road shall not be erected within 500mm of the edge of the cycle track.

**The foregoing conditions are imposed by the Council for the following reasons :-**

- 1 In the interests of road traffic and/or pedestrian safety.
- 2 In the interests of road traffic and/or pedestrian safety.
- 3 In order that adequate parking provision is made in the interests of road safety and convenience.
- 4 In order that the free and safe movement of vehicles and pedestrians along the public highway shall not be prejudiced.
- 5 In order that adequate parking provision is made in the interests of road safety and convenience.
- 6 For clarification purposes and for the avoidance of any possible misunderstanding.
- 7 In order that the visual amenity of the area shall not be adversely affected.
- 8 In order to ensure that landscaping proposals necessary to enhance the amenity of the proposed development are satisfactory and acceptable to the Council.
- 9 In order to comply with the landscaping requirements of the local Planning Authority and ensure subsequent maintenance.
- 10 In order that the Council may verify the acceptability of the proposals on amenity grounds.
- 11 In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.
- 12 For clarification purposes and for the avoidance of any possible misunderstanding.
- 13 In the interests of road traffic and/or pedestrian safety.
- 14 In the interests of road traffic and/or pedestrian safety.
- 15 In the interests of road traffic and/or pedestrian safety.
- 16 In the interests of road traffic and/or pedestrian safety.
- 17 In the interests of road traffic and/or pedestrian safety.

**It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the BUILDING (SCOTLAND) ACTS 1959 and 1970.**

Dated this 22 March 2006

*A. Anderson*

Director of Planning and Transport,  
St James House  
St James Road  
FORFAR DD8 2ZP

**WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY**

**COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE  
THE UNAUTHORISED ALTERATIONS**

## **Appendix 3 – Development Plan Policies**

### **Angus Local Development Plan**

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

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

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

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

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

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

#### **Policy 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.