

**From:** [Sarah Forsyth](#) on behalf of [DemocraticServices](#)  
**To:** [Sarah Forsyth](#)  
**Subject:** FW: Application for Review - Site of Former Links Hotel, 8 Links Parade, Carnoustie  
**Date:** 14 June 2023 16:01:30  
**Attachments:** [NPF4 and Developmnet Plan statement for DMRC - Links Parade Carnoustie.pdf](#)

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**From:** LEGDEM <[LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)>  
**Sent:** 12 June 2023 17:25  
**To:** DemocraticServices <[DemocraticServices@angus.gov.uk](mailto:DemocraticServices@angus.gov.uk)>  
**Subject:** FW: Application for Review - Site of Former Links Hotel, 8 Links Parade, Carnoustie

Please see attached and email below.

Thank you very much.

Kind regards.

Laura

Laura Preston | Business Support Assistant | HR, Digital Enablement, IT & Business Support | Angus Council | Angus House | Orchardbank | Forfar | DD8 1AN | Tel 01307 492383 | [prestonlj@angus.gov.uk](mailto:prestonlj@angus.gov.uk) | [LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)

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**From:** Stephanie G Porter <[PorterSG@angus.gov.uk](mailto:PorterSG@angus.gov.uk)>  
**Sent:** 12 June 2023 17:15  
**To:** LEGDEM <[LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)>  
**Cc:** [john@pp-d.co.uk](mailto:john@pp-d.co.uk)  
**Subject:** RE: Application for Review - Site of Former Links Hotel, 8 Links Parade, Carnoustie

FAO Sarah Forsyth

-  
**Site Address:** Site of Former Links Hotel, 8 Links Parade, Carnoustie

**Application No:** 22/00646/FULL

**Application for a Review:** Non-determination of application No. 22/00646/FULL in respect of the erection of 8 residential flats at Former Links Hotel, 8 Links Parade, Carnoustie

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Dear Sarah

Development Management Review Committee - Written Procedure Notice

Please see attached statement assessing the above application against policies of NPF4 and the ALDP, as requested by written procedure note dated 15 May 2023.

I confirm that I have copied the applicant, Quattro Group (Mr John Paton) into this email.

Please contact me if you are having any issues accessing the attached document.

Regards

**Stephanie Porter** | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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## Development Management Review Committee

DMRC – 9 May 2023

### Written Procedure Notice

#### Decision by Development Management Review Committee (DMRC)

- Site Address: Former Links Hotel, 8 Links Parade, Carnoustie
- Application for a Review – Non-determination of application No. 22/00646/FULL in respect of the erection of 8 residential flats at Former Links Hotel, 8 Links Parade, Carnoustie
- Application No. 22/00646/FULL
- Date of DMRC – 9 May 2023

Date of Written Procedure Notice: 15 May 2023

### **Decision**

The Development Management Review Committee requires the planning authority to provide further information by way of written submissions in respect of the following:

1. A statement on National Planning Framework 4 in respect of the proposed development; and
2. A statement on the Angus Local Development Plan (2016) (including appropriate Supplementary Guidance) in respect of the proposed development.

The foregoing information is required to be submitted to the Director of Legal and Democratic Services, [legdem@angus.gov.uk](mailto:legdem@angus.gov.uk) FAO Sarah Forsyth within 28 days of the date of this Notice (with a copy to be provided to the applicant, Quattro Group, c/o Mr John Paton, PPD, [john@pp-d.co.uk](mailto:john@pp-d.co.uk)). A further 14 days will be given to the parties identified to comment on the submissions made. A further meeting of the DMRC will be held once the submissions and comments have been received.

**15 May 2023**

Alison Watson  
Service Leader - Legal and Democratic Services  
Angus Council  
Angus House  
Forfar  
DD8 1AN

## Statement of NPF4 and ALDP policy compliance for review case

<b>Application Number:</b>	22/00646/FULL
<b>Description of Development:</b>	Erection of eight residential flats (for short and long term letting)
<b>Site Address:</b>	Site Of Former Links Hotel 8 Links Parade Carnoustie DD7 7JF
<b>Grid Ref:</b>	355890: 734226
<b>Applicant Name:</b>	Quattro Group

At its meeting on 9 May 2023 the Development Management Review Committee requested a statement on National Planning Framework 4 (NPF4) and on the Angus Local Development Plan (2016) (including appropriate Supplementary Guidance) in respect of the proposed development.

### Proposal

The application site measures approximately 1018sqm and is located to the north of Links Parade in Carnoustie. The application site is currently vacant. It previously contained the Links Hotel, a Victorian 2½ storey building which it is understood was demolished in 2008.

The site is contained to the north by a public road and the main east coast railway line. The Caledonia Golf Club lies to the east and the southern roadside frontage faces the Carnoustie Championship Golf Course. A private dwellinghouse lies to the west. The boundaries of the application site are formed by stone walls and fencing.

Planning permission is sought for a four-storey building containing eight residential flats (for short and long term letting).

The proposed building would have a footprint of approximately 348sqm and an overall height of around 14.6m. The building would contain two gables fronting onto Links Parade with the roof ridges perpendicular to the street and the two roofs connected by a flat roof link. The materials propose a mix of slate roofing tile on the roof, sandstone rainscreen cladding, dark grey aluminium and larch cladding on the walls. A dark grey aluminium glazing system is proposed.

The principal (south) elevation would be mainly glazed with the north elevation being a mix of larch cladding and glazing. The east and west elevations consist of mainly sandstone cladding with smaller areas of timber and glazing.

Vehicular access would be taken from South Taymouth Street to the north (10 parking spaces) and 2 parking spaces would also be provided to the south of the building. The 4 storey building would accommodate 8 no. 3 bedroom flats.

The application form indicates that the proposal would connect to the public drainage network and water supply, but does not make provision for sustainable drainage of surface water (SUDS).

### Amendments

The application has not been subject of variation.

### **Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 28 October 2022 for the following reasons:

- Contrary to Development Plan

The nature of the proposal did not require a site notice to be posted.

### **Planning History**

07/00013/FUL for Demolition of Existing Hotel and Erection of Eight Apartments was refused by Angus Council Development Control Committee in April 2007. That decision was subject of an appeal to Scottish Ministers who allowed the appeal (P/PPA/120/209).

11/00962/FULL for Alterations to Third Floor Flat Roof Profile and Terrace as Shown in Previously Granted Scheme for Eight Flats ref.07/00013/FUL was determined as "Approved subject to conditions" on 12 December 2011.

15/00297/FULL for Erection of eight flats was determined as "Approved subject to conditions" on 5 June 2015.

The planning permissions referenced above have now lapsed.

20/00642/FULL for Erection of eight residential flats (for short and long term letting) was determined as 'Refused' on the 27 May 2022.

### **Applicant's Case**

The supporting information submitted is summarised as follows:-

#### Design Statement:

- The design of the building embraces its position within the predominantly Victorian characteristics of Links Parade and the more developed characteristics of the Carnoustie Golf Hotel / Dalhousie residential development. Through careful proportions, sensitive use of materials and considered massing this proposal will contribute to an evolving frontage to the golf course.

- States that this revised application responds to the reasons for refusal of previous application 20/00642/FULL by taking account of the Flood Risk Assessment carried out on behalf of the applicant by Terranus Land and Water. This recommends that the ground floor level be set no lower than 5.24m AOD, which is the level now proposed. Raising the ground floor level has required revisions to the design. The floor-to-ceiling distance in the flats has been reduced, and the roof profile changed which has the effect of reducing the bulk of the building. Contend that the design now proposed is more appropriate than the previous versions that were approved on the site.

- A more contemporary solution is proposed in response to the more eclectic architectural styles of Links Parade whilst referencing its remaining Victorian heritage.

- Describes the planning history and the developer is of the opinion that the previous design is dated and lacks a connection to the context. Within the locale there are very few examples of flat roofs and the material choice detailed within the application is somewhat dated;
- Provides a site context with other buildings in the area and gives an appraisal of the site.
- Gives a planning context and states that the building will contain short term letting accommodation ;
- Refers to development plan policies and states that amenity space is similar to that approved in previous developments;
- Refers to design concept;
- Refers to a traditional slate roof and other materials;
- Refers to boundary treatments and indicates that the elevation along Links Parade / South Taymouth Street will be defined by a sandstone wall approximately 500mm high topped with a sandstone cope and painted mild steel balustrade to 1100mm. New pedestrian access will be achieved through a single opening in the wall. Low level evergreen perennials are to be planted to the rear of the wall to soften the appearance.
- The boundaries between the neighbouring properties are to be of sandstone construction to match existing and be repaired where necessary;
- Provides proposed drawings and visualisations.
- Confirms that in order to respond to the potential for flooding in a 1 in 200 year event the ground flood level of the proposals have been raised to +5.240 and allows for 500mm of free board. In order to mitigate the visual impact the floor to floor levels have been reduced.

Review of JBA Flood Risk Assessment (Carnoustie Flood Study) and Outline Development Options: dated 19 May 2021:

- States that from review of the JBA reports, the site is considered to be wholly out-with the risk of flooding from the Lochty Burn, however, the access roads on Links Parade and Links Avenue are inundated by up to 0.25m during the 1 in 1000-year flood event.
- The combined action of the Barry Burn and Tidal flooding results in the site being wholly within the Medium to High risk of combined fluvial/tidal flooding. The centre of the site is inundated by up to 0.5m, while the north and south are inundated by 0.5-0.75m. The majority of the northern access along South Taymouth Street is inundated by up to 0.5m, while Links Parade and Links Avenue are inundated by 0.5- 0.75m.
- A review of the final JBA Flood Mapping outputs indicates dry emergency pedestrian access and egress to the site is not viable for events greater than the combined 1 in 5-year fluvial and coastal flooding events.
- In relation to access and egress, it indicates that there is no emergency vehicular access to the site under either a 1 in 200 year fluvial event or a 1 in 200 year tidal event as Links Parade and Links Avenue are inundated by depths in excess of 300mm when compared to the spot height levels. Emergency vehicular access to the west along South Taymouth Street during the 1 in 200-year fluvial dominated scenario would be cut off by flooding from Barry Burn.
- In relation to development options, it indicates that based on the updated analysis and review of the JBA data the 1 in 200-year tidal dominated scenario presents the greatest risk to the site.
- Under the 1 in 200-year fluvial dominated scenario there is dry pedestrian access and egress to the site to the west, via the footbridge over the railway. The land to the north of the station around the junction between Charles Street and Golf Street is flooded. Taymouth Street to the east of the station is also inundated. Emergency evacuation via train on the railway may be possible. The southern portion of the site, up to 3.44mOD lies within the functional flood plain.
- Under the 1 in 200-year tidal dominated scenario there is no dry pedestrian access and egress to the site. The land to the north of the station is free from tidal flooding. The site and South Taymouth Street up to 3.88mOD lies within the functional flood plain.

- For design purposes, the 1 in 200-year tidal coastal boundary extreme still sea level appears to be the greatest and is noted to be at 4.64mO.D., up to year 2100. Final flood levels for habitation, should be set above this level. Additional freeboard by Angus Council is also likely to be requested, which may be up to 600mm.
- If residential design is pursued, all development below 5.24mO.D. is recommended to include flood resilient design measures and lists examples of measures.
- It indicates that the development would require a flood warning alert system for both Barry Burn and tidal inundation. To maintain and preserve emergency access and egress to the site and the surrounding existing commercial and residential properties flood protections measures for South Taymouth Road, Links Avenue and the railway underpass should be considered and discussed with the Council. An alternative pedestrian crossing over the railway would provide dry emergency access and egress under for the 1 in 200-year fluvial dominated scenario.
- The report indicates that under existing conditions, the site is most suitable for commercial development. Residential development may be feasible if dry emergency access and egress can be established in conjunction with a flood warning and flood prevention scheme, coupled with flood resilient design measures.

Letter from Terrenus land and Water Ltd (Response to SEPA and Roads consultation responses): dated 14 December 2022:

The revised Final Floor Level of 5.24mOD for the ground floor of the proposed development is now in compliance with the recommendations of the Terrenus Land & Water Ltd Review of JBA Flood Risk Assessment and Outline Development Options Letter, dated 19 May 2021. In line with the Terrenus Letter of May 2021, the development below 5.24mOD will include Flood Resilient Design Measures to prevent property from potential flood damage within the potential flood zone.

Fluvial and Tidal Flooding:

States that the councils response is not entirely correct as the JBA FRA review states 'Under the 1 in 200-year fluvial dominated scenario there is dry pedestrian access and egress to the site to the west, via the footbridge over the railway. The land to the north of the station around the junction between Charles Street and Golf Street is flooded. Taymouth Street to the east of the station is also inundated. Emergency evacuation via train on the railway may be possible. The southern portion of the site, up to 3.44mOD lies within the functional flood plain.' This provides dry emergency access and egress to an elevated position with transport links for evacuation.

States that the 1 in 200-year tidal dominated scenario presents the greatest risk to the site. (Under the 1 in 200-year tidal dominated scenario there is no dry pedestrian access and egress to the site.). The proposed Final Floor Level for the Ground floor is now set at the minimum recommended level of 5.24mOD, which is inclusive of an appropriate freeboard. Placing persons and property outwith the tidal flood zone. Given the cyclical nature of tidal flooding and the provision of flood resilient design measures below 5.24mOD, the development would form an island of development for 4-hours. At which point the tide would recede and access would be restored. This in combination with the proposed flood warning system would protect persons and property from the assessed flood risk.

Land Use Vulnerability:

Both the Council and SEPA make reference to the increase in Land Use Vulnerability. We do not consider the proposed redevelopment to constitute an increase in Land Use Vulnerability classification as it is the re-development of an existing brownfield site that was formerly a hotel.

SEPA do make note that the previous lawful use of the site, as a hotel is the same vulnerability class as the proposed residential development, although risk can increase within the same category. In this case, it is anticipated that the increased risk would come from additional person(s) being potentially at risk from increased housing density within the proposed development. We do not concur with this assumption given the previous use on

site as a hotel. The number of temporary hotel guests versus the potential short term or long term tenancies is not considered to be significantly different for the site area.

Note the SEPA Flood Risk Background Paper (Section DM.27, Table on Development on previously developed sites) and DM Requirement 1c Redevelopment of sites states that land uses classed as water compatible or essential infrastructure may be acceptable. Given the previous land use as a Hotel, we would regard this site more in line with DM Requirement 1b and view a like for like land use vulnerability classification as permissible.

Furthermore, Section DM.29 Redevelopment of sites (criterion c) states: "Proposals involving the introduction of new buildings on a previously developed site in a fluvial or coastal flood risk area may increase flood risk through the introduction of new receptors (e.g. buildings and people) into the hazard area. This type of redevelopment could be considered acceptable if suitable mitigation measures are introduced that result in no net increase in flood risk on or off site. Factors to be considered include the specific flood risk characteristics for the site and the vulnerability of the proposed land use."

Based on Section DM.29, as noted above, the proposed development could be considered acceptable as there is no increase in land use vulnerability and there is no increased flood risk to others through the application of the proposed mitigations outlined in the Terrenus Land & Water Ltd Review of JBA Flood Risk Assessment and Outline Development Options Letter, dated 19 May 2021

Note: The applicant confirmed in correspondence that they did not want consultees (SEPA and Roads – Flooding and Drainage) re-consulted on this additional information (Letter from Terrenus land and Water Ltd (Response to SEPA and Roads consultation responses): dated 14 December 2022) due to timescales involved. SEPA's objection as a statutory consultee remains.

## **Consultations**

**Scottish Environment Protection Agency** - Objects in principle to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. SEPA states they have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance.

SEPA notes the site is a vacant site which is at flood risk from fluvial and coastal sources. This is confirmed by the Terrenus Flood Risk Assessment (FRA) submitted in support of the application. It is also partly at risk from surface water flooding according to SEPA flood maps.

SEPA states that the redevelopment of a building or site provides a valuable opportunity to reduce the vulnerability of the site to flooding and therefore reduce overall flood risk. SEPA states that as per their Flood Risk Background Paper (section DM.27 is detailed below) a vacant site at flood risk is only suitable for 'Water Compatible' or 'Essential Infrastructure' type developments (these terms are as per SEPA's Flood Risk and Land Use Vulnerability Guidance). SEPA confirms it is residential development that is being proposed in this instance.

SEPA comments that even considering the previous lawful use (a hotel), and despite this being in the same vulnerability class as residential housing, risk can increase within the same category, as explained in their guidance.

**Roads (Flooding)** – supports the SEPA objection to the proposal. The applicant has submitted a Review of the JBA Flood Risk Assessment and Outline Development Options by Terrenus Land & Water Ltd, dated 19 May 2021; in the report under both fluvial and tidal



scenarios, the site is inundated. In addition, the proposal to erect residential flats on vacant land, therefore increasing the vulnerability on site, is contradictory to the Scottish Planning Policy. Based on the above, they are unable to support the proposed development.

**Community Council** - There was no response from this consultee at the time of report preparation.

**Roads (Traffic)** - No objections subject to conditions relating to the access being designed to prevent discharge of surface water onto the public road and an advisory note being added relating to the provision of a footway crossing. Notes that car parking should be provided within the site at a rate of 16 spaces but that only 12 spaces are proposed. However, they indicate that an allowance is made in the parking standards for a reduction in the requirement due to a development's location within an urban environment. This is on the basis that good links to sustainable transport modes are available. In this case, with bus stops available on High Street, approximately 350 metres from the site and a train halt available at Golf Street, less than 200 metres from the site, these criteria are met. In addition, Links Parade is on National Route 1 for cyclists and Dundee/Arbroath are within comfortable cycling distance.

**Scottish Water** - No objection. They comment that for reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

**Network Rail** - Considers that the proposals will have no impact on railway infrastructure and therefore have no comments/objections to this application.

**Environmental Health (Arbroath)** - No objections. Note that this application is a redesign for the flats approved under consent 15/00297/FULL, and at that time Environmental Health was concerned that noise from the railway line would lead to unsatisfactory amenity for future residents. In order to mitigate against this, that consent contained a noise mitigation condition. Environmental Health has suggested this condition be re-attached.

## **Representations**

1 letter of representation has been received in objection to the proposal. The main points of objection relate to;

- The building would look out of place mainly because of the proposed height
- Insufficient parking within the site and resultant congestion on nearby public roads
- Reduction in sunlight to neighbouring properties

## **Development Plan Policies**

### **NPF4**

#### Sustainable Places

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 7 Historic assets and places

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 13 Sustainable transport

### Liveable Places

Policy 14 Design, quality and place  
Policy 15 Local Living and 20 minute neighbourhoods  
Policy 16 Quality Home  
Policy 18 Infrastructure first  
Policy 22 Flood risk and water management  
Policy 23 Health and safety

The full text of the relevant NPF4 policies can be viewed at Appendix 2 to this statement.

### **Angus Local Development Plan (ALDP) (Adopted 2016)**

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC2 : Residential Development  
Policy PV8 : Built and Cultural Heritage  
Policy PV12 : Managing Flood Risk  
Policy PV15 : Drainage Infrastructure

The full text of the relevant development plan policies can be viewed at Appendix 2 to this report.

### **Assessment**

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.

In this case the development plan comprises: -

- [National Planning Framework 4](#) (NPF4) (Published 2023)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

The NPF4 and ALDP policies relevant to the determination of the application are reproduced at Appendix 2 and have been taken into account in preparing this statement.

The ALDP was adopted in September 2016 while NPF4 was published on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail. TAYplan no longer forms part of the development plan. NPF3 and Scottish Planning Policy (2014) are also replaced by NPF4.

### **The principle of constructing residential units on the site**

Policy DS1 in the Angus Local Development Plan (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. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land. NPF4 Policy 9 indicates that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

Policy TC2 of the ALDP indicates that Angus Council will support proposals for new residential developments in development boundaries where the site is not protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area. The policy also requires all proposals for new residential development to be compatible with current and proposed land uses in the surrounding area; provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Policy 16 in NPF4 states that development proposals for new homes on land not allocated for housing in the Local Development Plan will only be supported in limited circumstances where the proposal is for smaller scale opportunities within an existing settlement boundary.

The application site is located in an area which has a mix of land uses, dominated by residential property or golf related uses (golf course, club houses, hotel etc). The main east coast railway line is located north of South Taymouth Street. Having regard to the advice provided by environmental health requesting ventilation to reduce potential noise impacts from the railway, it is considered that residential use of the site is not incompatible with surrounding land uses. There are no surrounding land uses which would render residential use of the site unsuitable and the site is not protected for any particular use in the local development plan.

In terms of the residential environment to be provided, the nature of accommodation provided would create a good living environment. The lack of dedicated private amenity ground is considered to be acceptable having regard to the availability of open spaces close to the site. Adequate space would be available for vehicle parking and bin and recycling storage to the rear of the building.

The site is not subject of any designation for natural heritage. Policy 4 of NPF4 relates to natural places and indicates development proposals which will have an unacceptable impact on the natural environment, will not be supported. It requires consideration of impacts on designated sites and protected species. Policy 3 of NPF4 relates to biodiversity and requires proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity. The former hotel on the site has been removed and it remains as a vacant brownfield site with little natural heritage value. The proposal would result in no significant direct or indirect impacts on the natural environment and biodiversity enhancements could be secured via condition.

In terms of built environment, NPF4 Policy 14 design quality and place indicates that proposals will be designed to improve the quality of an area; and indicates proposals which are poorly designed or inconsistent with the six qualities of successful places will not be supported. ALDP Policy DS3 requires proposals to 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. The proposal is consistent with the mixed character and pattern of development in the surrounding area and provides an acceptable design solution when considered against the Design and Placemaking Supplementary Guidance. Links Parade has a mix of traditional sandstone buildings and more modern flatted blocks and a hotel. The design attempts to take cues from the shapes and form of traditional buildings in the surrounding area, but with a modern interpretation including a principal elevation dominated by large areas of glazing. The design is considered to be an improvement on a 4 storey scheme which was previously deemed to be acceptable on the site, a planning permission which has now lapsed. The most recent planning application on the site (20/00642/FULL refers) was of a similar design but was slightly lower in height (this proposal was refused on the ground of flood risk impacts). The current

proposal has been amended from this previous proposal to raise floor levels in an attempt to address flooding issues. Whilst these changes are considered to result in a deterioration of the original design concept, the scale of the building remains similar to other more recently constructed buildings found on Links Parade and remains largely of a similar scale to a previously approved development on this site. Precise details relating to external finishes could be agreed by planning condition.

Policy 7 of NPF 4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Policy PV8 of the ALDP seeks to protect and enhance areas designated for their built and cultural heritage. The site is not subject of any built or cultural heritage designation. It is noted that there is a listed building to the east at Simpsons Golf Shop, 6 Links Parade but that building is separated from the site by the Caledonia Golf Club building and Links Avenue and the proposed development would not have any significant impact on views to or from the golf shop. The proposal would not result in any significant direct or indirect impact on cultural heritage.

The introduction of a four-storey building on the site has the potential to impact on existing residential amenity, particularly residential property to the west. The proposed building contains windows on its west elevation serving bedrooms and the main living space. In considering the acceptability of the impact, it is noted that the site previously contained a sandstone building providing accommodation on three levels. A four-storey block containing windows on its west elevation was also subsequently approved by Scottish Ministers. Impacts associated with the proposed development are unlikely to be significantly different to those previously found to be acceptable. The bedroom windows face towards the blank gable of the neighbouring property to the west and the windows serving the main living space would be located at the southwest corner of the property looking towards the south and southwest over an area of open front garden. The conservatory located on the rear of the property to the west is likely to experience some reduction in sunlight in the morning as a result of a building on its east side, but the glazed nature of the structure is such that ample daylight would remain.

Both ALDP (Policy DS4) and NPF4 (Policy 13) policy requires consideration of impacts associated with transport and traffic. Access and parking arrangements are generally acceptable. The roads service notes that parking provision below the desired standard is acceptable having regard to the accessible nature of the location for sustainable means of transport (bus, rail and cycle connections).

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance and there is no reason to consider it would result in unacceptable impacts on infrastructure.

Foul drainage would connect to the public sewer. The application form indicates that sustainable drainage of surface water is not proposed and it is noted that Policy PV15 requires all new development of this nature to provide SuDS. Scottish Water has indicated that it is unlikely to accept a surface water connection to the public sewer and this matter could be regulated by a suitably worded planning condition requiring a scheme for the provision of sustainable surface water drainage.

The key remaining issue relates to flood risk. The site lies within an area which is identified on SEPA Flood Maps as being at medium to high risk of river flooding; medium to high risk of coastal flooding; and parts of the site are identified as being at risk of surface water flooding. The site is a vacant brownfield site and contains no building(s) since the demolition of the Links Hotel in 2008.

Policy 22 of NPF4 states development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that longterm safety and resilience can be secured in accordance with relevant SEPA advice. It also states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Policy PV12 of the ALDP *Managing Flood Risk* indicates that to reduce potential risk from flooding there will be a general presumption against built development proposals on the functional floodplain; which involve land raising on the functional flood plain; or which would materially increase the probability of flooding to existing or planned development. It indicates that development in areas known or suspected to be at the upper end of low to medium risk or medium to high risk may be required to undertake a flood risk assessment which should demonstrate (amongst other things) that flood risk can be managed both within and outwith the site; and access and egress to the site can be provided that is free of flood risk.

Information was submitted in support of the application which reviews the proposal in the context of the Carnoustie Flood Study (JBA, 2019). That information (which is summarised earlier in this report) acknowledges that the combined action of the Barry Burn and tidal flooding results in the site being wholly within the medium to high risk of combined fluvial/tidal flooding. It indicates that in this scenario, the centre of the site is inundated by up to 0.5m, while the north and south are inundated by 0.5-0.75m. The majority of the northern access along South Taymouth Street would be inundated by up to 0.5m, while Links Parade and Links Avenue would be inundated by 0.5-0.75m. The submitted information indicates that under existing conditions, the site is most suitable for commercial development. It suggests that residential development may be feasible if dry emergency access and egress can be established in conjunction with a flood warning and flood prevention scheme, coupled with flood resilient design measures.

SEPA has reviewed the information submitted by the applicant at the submission of the application (the submitted letter from Terrenus land and Water Ltd (Response to SEPA and Roads consultation responses), dated 14 December 2022, has not been reviewed by SEPA at the request of the applicant due to timescales involved) and has objected in principle to the proposal on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy. It should be noted that at the time of preparing this statement Scottish Planning Policy (SPP) is no longer extant following the adoption of NPF4. Notwithstanding this, the fundamental national policy position has not changed as a key policy intent of NPF4 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. SEPA indicated as part of the previous application (20/00642/FULL) for a similar development on this site that they hold multiple records of flooding within the area including Links Parade (noting a significant event in 2019 which flooded front gardens on Links Parade). In addition to this a number of photos taken in the vicinity of the site following a period of heavy rainfall in November 2022 are attached at Appendix 1 for reference of recent events. SEPA states as part of the current application that they have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management and that the cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance.

SEPA notes the site is vacant and at risk of flooding from fluvial and coastal sources. This is confirmed by the Terrenus Flood Risk Assessment (FRA) submitted in support of the application. SEPA indicate the site is also partly at risk from surface water according to their

flood maps. SEPA states that the redevelopment of a building or site provides a valuable opportunity to reduce the vulnerability of the site to flooding and therefore reduce overall flood risk. SEPA's Flood Risk Background Paper indicates a vacant site at risk of flooding is only suitable for 'Water Compatible' or 'Essential Infrastructure' type developments (these terms are as per SEPA's Flood Risk and Land Use Vulnerability Guidance).

SEPA notes that even considering the previous lawful use of the site (a hotel) and despite this being in the same vulnerability class as the proposed residential housing, that flood risk can increase within the same category (as explained in their guidance). SEPA therefore recommended that planning permission is refused. The council's roads – flooding team shares the concerns identified by SEPA and has also objected to the proposal.

It should be noted that the agent provided additional statements relating to flood risk and SEPA comments but the applicant confirmed in correspondence that they did not want consultees (SEPA and Roads – Flooding and Drainage) to be re-consulted on this additional information (Letter from Terrenus land and Water Ltd (Response to SEPA and Roads consultation responses): dated 14 December 2022) due to timescales involved. SEPA's objection as a statutory consultee remains.

Although the floor levels of the building are higher than those proposed as part of the previous application the current application still proposes development on a vacant site on a functional floodplain which is subject to an unacceptable level of flood risk. Development plan policy indicates that there is a presumption against built development proposals on the functional floodplain and as a result the proposal is considered to be contrary to Policy 22 of NPF 4 and Policy PV12 of the ALDP.

Policy 2 of NPF4 relates to climate mitigation and adaptation and the policy intent is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. It indicates that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and proposals to be sited and designed to adapt to current and future risks from climate change. As indicated above, the application proposes development on a vacant site on the functional floodplain which is subject to an unacceptable level of flood risk and has therefore not been sited and designed to adapt to current and future risks from climate change and is contrary to Policy 2 of NPF 4 in this regard. NPF4 Policy 23 health and safety indicates (amongst other things) that any advice from the Scottish Environment Protection Agency that planning permission should be refused should not be overridden by the decision maker without the most careful consideration.

While the proposal is in accordance with some aspects of the development plan, the introduction of residential development on a vacant site on the functional floodplain is contrary to NPF4 and ALDP policy. As a consequence, the development is not considered to be of an appropriate nature for the location and is accordingly contrary to Policy DS1 of the ALDP.

In relation to material considerations, it is relevant to have regard to representations submitted and to the planning history of the site.

The representations submitted are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report. It is concluded above that the design and scale of the proposal is considered to be acceptable. The elevations submitted illustrate in general terms how the proposed structure relates to the scale and height of what was previously approved on the site. That information suggests that the scale of the building is not significantly different to the scale of the building previously approved by Scottish Ministers in 2007. The proposed building, with two linked gables projecting towards Links Parade, is considered to be an acceptable design solution, having

regard to more recent developments constructed in the surrounding area. Amenity impacts are also addressed above and would not be significantly different from impacts associated with the previously approved scheme. The roads service is satisfied that the level of parking is sufficient having regard to the accessible nature of the location and they have raised no objection in terms of impacts of the development on the surrounding road network. Impacts associated with construction traffic and activities would be short term and are not uncommon in existing built-up areas.

Finally, the planning history of the site merits some consideration. The site was granted planning permission in 2007 by Scottish Ministers for a four-storey flatted development of 8 properties (Angus Council reference 07/00013/FUL and DPEA reference P/PPA/120/209) following the refusal of that proposal by Angus Council. Subsequent planning permissions were granted by Angus Council in 2011 and 2015 for the same or similar development on the site but have expired without being implemented. Those planning permissions were granted under earlier local plans which have now been replaced. A similar application was the considered in 2022 (20/00642/FULL refers). The assessment of that application was made against the current local development plan and material considerations which were relevant at the time that decision. The council and SEPA had access to further information in relation to flood risk in the location, as well as recent experience of flooding events in the general location, including the event which flooded Links Parade in 2019. Both SEPA and Angus Council's flooding team advised that the information available to them at that time suggested that the application proposes development of a vacant site on the functional floodplain contrary to Scottish Planning Policy. The circumstance at the site with regards to flood risk have not notably improved since 2022 and although Scottish Planning Policy is no longer applicable, as it has been replaced by NPF4, the aims of NPF4 in relation to matters of flood risk are generally constant with those of SPP. The previous refusal of planning permission for a proposal of a similar nature and in a situation similar to the existing, would have weight in the consideration of this application. There are no material considerations which would justify approval of the proposal where it is otherwise contrary to development plan policies.

## **Conclusions**

In summary, whilst the proposal complies with some aspects of development plan policy, both SEPA and the roads – flooding team object to the proposal, advising that the site is unsuitable for the development proposed because it is currently vacant land within the functional floodplain and the proposal to erect residential property introduces a vulnerable land use which would be subject to an unacceptable level of flood risk. The proposed development is therefore contrary to Policy 2, 22 and 23 of NPF4 and policies DS1 and PV12 of the Angus Local Development Plan. Introducing new residential development on vacant land on the functional floodplain is not considered to strengthen resilience to flood risk by promoting avoidance as a first principle and does not reduce the vulnerability of existing and future development to flooding. Regard has been given to relevant material considerations but there are none which justify approval of planning permission contrary to the provisions of the development plan.

## **Reasons**

1. The proposal is contrary to Policies 2 and 22 of NPF4 (2023) and Policies DS1 and PV12 of the Angus Local Development Plan (2016) because the proposed residential development would be subject to an unacceptable level of flood risk due to its location on vacant land within the functional flood plain; it has not been sited and designed to adapt to current and future risks from climate change; it has not been demonstrated that longterm safety and resilience can be secured in

accordance with relevant SEPA advice and the proposal is consequently development which is not of an appropriate nature for the proposed location.

**Notes:**

Report author: James Wright

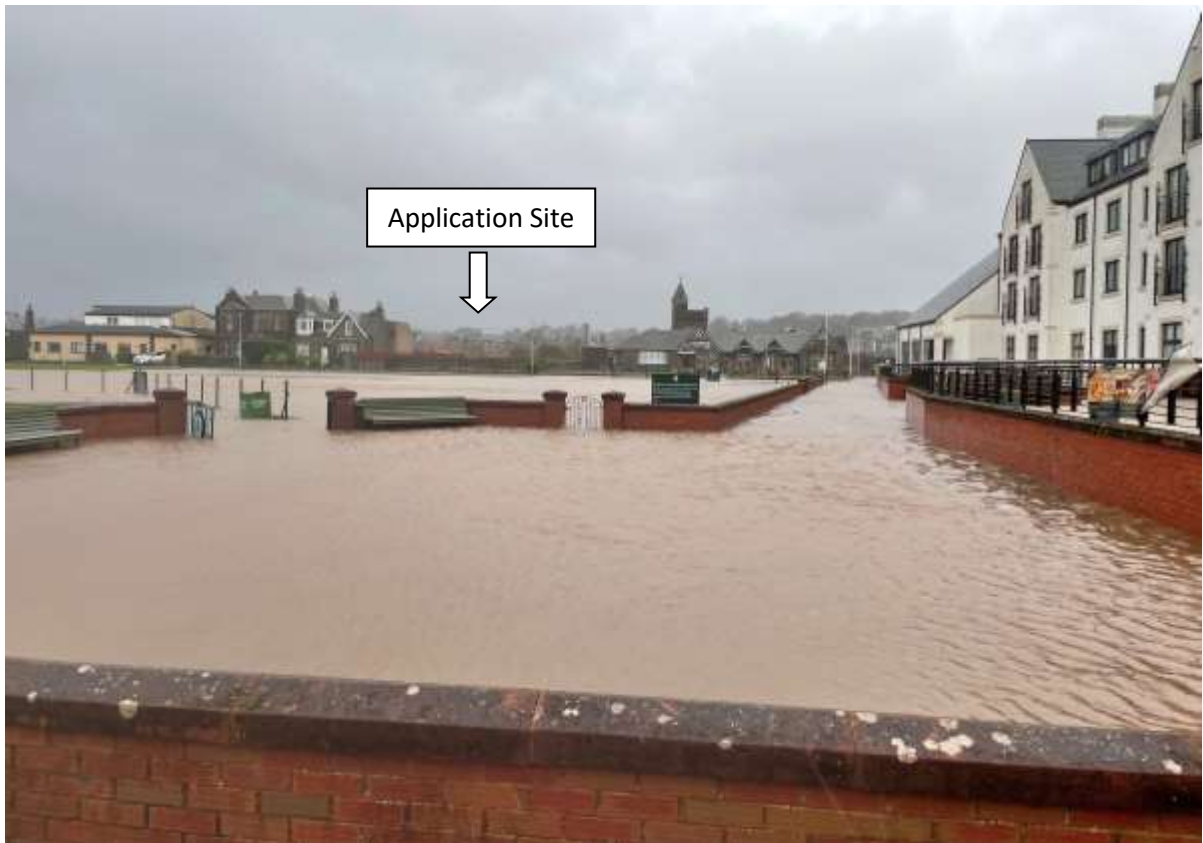
Date: 9 June 2023



Appendix 1 – Site Photos - November 2022



View from Links Parade looking northeast



View from west of Carnoustie Links Hotel, looking north towards site

## **Appendix 2 - Development Plan Policies**

### **NPF4 – national planning policies**

#### Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

#### Policy 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
  - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
  - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for

restoration.

#### Policy NPF4 : Policy 4 Natural places

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

i. The objectives of designation and the overall integrity of the areas will not be compromised; or

ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i) will support meeting renewable energy targets; or,

ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

#### Policy 7 Historic assets and places

a) Development proposals with a potentially significant impact on historic assets or

places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

- i. building is no longer of special interest;
- ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
- iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
- iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. reasonable efforts have been made to retain, repair and reuse the building;
- ii. the building is of little townscape value;
- iii. the structural condition of the building prevents its retention at a reasonable cost; or
- iv. the form or location of the building makes its reuse extremely difficult.

g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

h) Development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided;
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been

minimised.

i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.

k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.

l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.

n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:

- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
- ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

#### Policy 9 Brownfield, vacant and derelict land and empty buildings

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

#### Policy 13 Sustainable transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
  - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
  - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
  - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
  - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
  - ii. Will be accessible by public transport, ideally supporting the use of existing services;
  - iii. Integrate transport modes;
  - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
  - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
  - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
  - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
  - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements

for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

#### Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### Policy 15 Local living and 20 minute neighbourhoods

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

o sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;

- o employment;
- o shopping;
- o health and social care facilities;
- o childcare, schools and lifelong learning opportunities;
- o playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- o publicly accessible toilets;
- o affordable and accessible housing options, ability to age in place and housing diversity.

#### Policy 16 Quality homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:



- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
  - o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
  - o the proposal is consistent with policy on rural homes; or
  - o the proposal is for smaller scale opportunities within an existing settlement boundary; or
  - o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
  - i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

#### Policy 18 Infrastructure first

- a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.
- b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

#### Policy 22 Flood risk and water management

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
  - i. essential infrastructure where the location is required for operational reasons;
  - ii. water compatible uses;
  - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 23 Health and safety

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.

c) Development proposals for health and social care facilities and infrastructure will be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be

required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

### **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 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 TC2 : Residential Development

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

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o 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:

- o the site is not allocated or protected for another use; and
- o 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:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o 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;
- o single new houses where development would:
  - o round off an established building group of 3 or more existing dwellings; or
  - o meet an essential worker requirement for the management of land or other rural business.
- o 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
- o 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:

- o 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.

- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

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

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

#### Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

#### National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

#### Policy 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>)