Abstract: This report deals with planning application No. 10/01014/FULL for the Change of Use from Nursery to Dwellinghouse and Erection of Four Dwellinghouses within the Grounds (Re-Application) and Listed Building Consent application No. 10/01015/LBC for Alterations to Boundary Wall and Demolition of Modern Additions to Listed Building for MLTW Ltd at Seaview, Victoria Street, Monifieth, Dundee. Application 10/01014/FULL is recommended for refusal and 10/01015/LBC is recommended for conditional approval.

1 RECOMMENDATION

1.1 It is recommended that the Committee approve the listed building consent application subject to the conditions detailed in this report and refuse the planning application for the reasons detailed in this report.

2 INTRODUCTION

2.1 Listed building consent is sought for alterations to boundary wall and demolition of modern additions to listed building with full planning permission sought for the change of use from nursery to dwellinghouse and erection of four dwellinghouses within the grounds (re-application) at Seaview, Victoria Street, Monifieth, Dundee.

2.2 The application site which measures approximately 8850 square metres is located to the west of Victoria Street and is bound to the south by Hill Street and to the west by Queen Street. The site contains Seaview a two storey Jacobian Villa which is a Category B listed building that was previously used as a nursery and a former nursery annex that is a single storey portacabin building to the east of the main villa. The new Seaview Primary School bounds the application site to the north with an NHS Tayside building to the south east of the main villa. Further to the east, south and west are residential properties. The boundaries of the site are formed by stonewalls at the eastern, southern and western boundaries which also form part of the listing. The northern boundary is defined by a pedestrian footpath that links Victoria Street and Queen Street. Within the site are a number of mature trees including Lime, Maple, Cedar, Sequoia and Holly that contribute to the overall setting of the site. Access to the site can be taken via the original gated entrance at Hill Street or via a secondary vehicular access which has been created at Victoria Street.

2.3 The proposal involves the change of use of the villa from a nursery to a dwellinghouse and the erection of four dwellinghouses within the grounds. Plot 1 will be located to the south west of the listed building and will have an approximate area of 1600 square metres. Plots 2 and 3 will be located to the west of the listed building...
and will have approximate areas of 750 and 715 square metres. Plot 4 will be located to the east of the listed building and will have an approximate area of 810 square metres. The listed building will be set within a plot with an approximate area of 3380 square metres. The dwellinghouse proposed for Plot 1 which is individually designed has a footprint of 236 square metres and an overall height of 7.6 metres. The dwellinghouses proposed for Plots 2 and 3 are of similar designs with footprints of 239 square metres and an overall height of 8.0 metres. The dwellinghouse for Plot 4 which is designed in the style of a gate house has a footprint of 273 square metres and an overall height of 7.9 metres. The external materials for each of the dwellinghouses will consist of slate roofs, stone and roughcast rendered external walls and timber windows. The accommodation in each dwellinghouse will be provided over two floors and will consist of lounge, kitchen, dining, family room, garden room, integral garage and car port on the ground floor. The first floor will accommodate the bedroom accommodation with Plots 1 and 4 containing 4 bedrooms and Plots 2 and 3 containing 5 bedrooms. The boundary treatment to the plots will be a mixture of new hedging, existing stone walling with a new feature boundary wall formed along the northern boundary of the site. Vehicular access to Plots 1, 2 and 3 will be via the entrance at Hill Street with Plot 4 and the listed building accessed via the entrance at Victoria Street although access to the listed building will also be possible from Hill Street.

2.4 In respect of the works to the listed building these relate to the removal of steps and ramps associated with the previous nursery, the removal of a flat roofed infill extension at the north elevation and some internal partitions. In order to provide an acceptable vehicular access at Hill Street three existing gateposts associated with the access will be taken down and re-built to provide a vehicular access 3.6 metres wide as opposed to the existing access of 3.0 metres.

2.5 In order to facilitate the development of the site it is proposed to remove a number of trees which include a young plantation to the east of the listed building (Plot 4), a small clump of trees to the west of the listed building (Plot 3), nine individual specimens split between Plots 2 and 3 and a Portuguese laurel shrub adjacent to the entrance on Hill Street. Plot 1 requires the removal of three trees to accommodate the house footprint which includes a Dutch Elm which is almost dead due to Dutch Elm Disease, an Oak tree and a small Holly tree. Two further trees require removal to accommodate the vehicular access to Plot 1.

2.6 Both the planning application and listed building consent application have been subject of statutory advertisement.

3 RELEVANT PLANNING HISTORY

3.1 The site contains buildings listed as being of special architectural or historic interest as detailed below:-

- **Hill Street, Seaview, including Balustrade, Terrace Wall and Garden Wall with Gatepiers** (Category B Listed Building)

  James MacLaren dated 1860. 3 W bays slightly later. 2-storey and attic, 6-bay, irregular plan large Jacobean villa. Pink coursed and snecked rubble with buff dressings; slate roof.
Enclosing wall to S, E and W, 5 square plan gate piers at S with vermiculated base, polished shafts and moulded caps, 3 with cast-iron ball finials.

3.2 An application for full planning permission (ref: 10/00252/FULL refers) for Change of Use from Nursery to Dwellinghouse and Erection of Four Dwellinghouses within the Grounds and listed building consent (ref: 10/00253/LBC refers) for Alterations to Boundary Wall and Demolition of Modern Additions to Listed Building were submitted on 12 March 2010. The application’s were withdrawn on 16 September 2010.

3.3 Members may wish to note that the Corporate Services Committee at its meeting on 4 December 2008 (Report No 1207/08) approved a Development Framework to assist in the marketing of site and nursery building.

4 APPLICANT’S CASE

4.1 An Arboricultural Implication Study has been submitted in support of the application this provides an assessment of the proposed development on the trees within the site. The study provides information relating to:

- Tree removal and retention, based on an assessment of the tree cover within the site and in the context of the wider landscape setting and on the proposed site layout;

- An evaluation of the sunlight and shadow pattern associated with the dwellinghouse proposed for Plot 1 which takes the form of a 2D and 3D computer model of the Sun Path Analysis for various days and times of the year has been carried out;

- The protection of the tree cover to be retained, and to clearly defined a development zone and practical working area;

- Tree planting to strengthen and enhance the landscape setting and to compliment the development proposals.

4.2 In respect of the affordable housing contribution associated with the proposed development the applicant has acknowledged that there is a need to provide 2 units of affordable housing and would propose to meet this via an off-site provision.

4.3 In respect of the financial contribution associated with education to increase capacity at Monifieth High School the applicant is agreeable to a contribution of £3,000 per dwellinghouse (£15,000).

5 CONSULTATIONS

5.1 The Head of Roads has been consulted on the application and in terms of the traffic likely to be generated by the proposal and its impact on the public road network he has offered no objections to the proposed development.

5.2 The Director of Education has requested a financial contribution of £3,000 per dwellinghouse in order to increase capacity at Monifieth High, which is currently at capacity.
5.3 The Head of Housing has not indicated any objection to the application subject to the required affordable housing provision being provided.

5.4 Scottish Water has been consulted in respect of the application and offered no objection to this proposal.

5.5 Historic Scotland has been consulted on the proposal and has offered no objections to the listed building consent application.

6 LETTERS OF REPRESENTATION

6.1 One letter of representation has been received in relation to the proposal. The following points are raised:

- **The increased usage of the Hill Street access will have a detrimental impact on the staggered junction between Hill Street/North Union Street** – the application proposes improvements to the Hill Street access by widening the vehicular access which has been required as a result of discussions between the applicant and the Head of Roads. The Head of Roads has been consulted on the proposal and has considered the application in terms of the traffic likely to be generated by it and its impact on the public road network and has offered no objections to the proposed development.

7 PLANNING CONSIDERATIONS

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

7.2 In considering whether to grant listed building consent for the present application, the Council is required in terms of Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.3 Given that this application affects a listed building and its setting, Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.4 In this case the development plan comprises:

- Dundee and Angus Structure Plan (Approved 2002);
- Angus Local Plan Review (Adopted 2009)

The Development Plan is current and up-to-date and in this respect merits considerable weight in the determination of the proposal.

7.5 The following policies are of relevance to the determination of the planning and listed building consent applications:
Dundee and Angus Structure Plan (DASP): Environmental Resources Policy 5A

Angus Local Plan Review (ALPR): S3, S6, SC2, SC3, SC9, SC14, SC38, ER6, ER7, ER15, ER16, ER22, ER24 & IMP1

7.6 Advice Notes 14 – Small Housing Sites and 22 The Survey of Trees on Development Sites are also relevant in the determination of the proposal.

7.7 A Development Framework forming an appendix to Report No 1207/08 by the Director of Corporate Services provides outline guidance on a suitable option for the site is also relevant in the determination of the proposal. The framework gives a perspective view of what would be deemed acceptable in relation to matters such as mass and scale but without being too prescriptive in relation to other issues such as design.

7.8 The determining issues in this case are whether:
- the proposal preserves the building or its setting or any features of special architectural or historic interest which it possesses;
- the proposal complies with Development Plan policy;
- there are any other material considerations that justify a departure from policy.

7.9 The application involves the change of use of the villa from a nursery to a dwellinghouse and the erection of four dwellinghouses within the grounds therefore Policies SC3 and SC38 are relevant in the consideration of the proposal. The site is no longer required for educational purposes as a new primary school and nursery has been built to the north of the application site. In this respect the application site is considered to be a windfall site with its use now being redundant. The redevelopment of the site will contribute to urban regeneration and renewal and the principle of redevelopment is considered to be acceptable.

7.10 The report tackles the key issues separately as follows:
- The change of use of the listed building to a dwellinghouse and alterations to the listed boundary wall;
- The erection of 4 new dwellings within the curtilage of the listed building; and
- Provision of affordable housing and education contributions.

7.11 The various elements are considered separately and the policies referred to are appended to this report.

The Change of Use of the Listed Building to a Dwellinghouse and Alterations to the Listed Boundary Wall

7.12 In considering this element of the proposal against Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the planning authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In respect of the proposed change of use to a dwellinghouse the
property when constructed was a dwellinghouse and given that the proposed change of use will return the villa to its original use I consider the principle of the proposed change of use to be acceptable. In respect of the works to the listed building these relate to the removal of steps and ramps associated with the previous use, the removal of a flat roofed infill extension at the north elevation and some internal partitions which will allow the proposed change of use to be implemented in a sympathetic manner which will be in keeping with the character, fabric and appearance of the building.

7.13 Turning to the works associated with the access; this involves the downtaking of three gateposts to allow for the provision of a vehicular access 3.6 metres wide as opposed to the existing access of 3.0 metres. The increase in the vehicular access to 3.6 metres will result in the proportions associated with the pedestrian access being reduced from 1.11 metres to 1.07 metres. The gateposts when re-built will utilise the downtakings so that the visual appearance of the access is recreated. Seaview is characterised by its substantial stone boundary wall along the eastern, southern and western boundaries. The proposed works to the existing access prevents the formation of an additional breach at another part of the boundary wall and although the proportions of the gateposts will be altered I do not consider that such a change in proportions will undermine the character of the property. I therefore consider the proposals requiring listed building consent to be consistent with Sections 14(2) and 59(1) of the PLBCAS Act 1997.

7.14 In terms of the applicable policy test from the development plan, I am satisfied that the assessment of the proposal in the context of the PLBCAS Act 1997 as detailed in paragraphs 7.12 and 7.14 above has suitably covered the policy tests of ER 5A. Policy ER15 of the ALPR is largely based on Sections 14(2) and 59(1) of the PLBCAS Act 1997 therefore the proposed change of use and alterations to the boundary wall are in accordance with Policy ER15 of the ALPR. In respect of the residential environment to be created within the listed building the residential use is compatible with the established land uses in the surrounding area; the plot size is compatible with those in the area; the private garden ground associated with the listed building equates to 1280 square metres which exceeds the minimum requirements and it is considered that the change of use to a residential property would maintain the residential amenity and privacy of adjoining housing. It is therefore considered that the proposed change of use and alterations to the boundary wall comply with the requirements of policies SC2, SC3 and ER15.

The Erection of 4 New Dwellings within the Curtilage of the Listed Building

7.15 In considering this element of the proposal as it has the potential to affect a listed building and its setting, Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In terms of the applicable policy tests from the development plan, the following policies are also relevant in the consideration of this element of the proposal – S3, S6, SC2, SC3, SC9, SC14, SC38, ER6, ER7, ER16, ER22 and ER24.

7.16 In seeking to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest any development in the proximity of listed buildings should be directed away from the front elevation of
the building in order to protect the setting of the building. Considering the acceptability of each Plot in terms 14(2) and 59(1) of the PLBCAS Act 1997 and applicable policy tests from the development plan and any other material considerations the area to the west of the listed building was identified in the Development Framework as having potential to accommodate some additional development. The submitted layout directs two plots to the west of the listed building which accords with the content of the Development Framework. In respect of Policy ER16 which is largely based on Sections 14(2) and 59(1) of the PLBCAS Act 1997 directing development to the west of the listed building will avoid building in front of the main elevation of the listed building; access to the plots would be via the existing driveway from Hill Street which would prevent the requirement for additional breaches in the boundary walls. There are four existing trees within Plot 2 that have to be removed as well as a small clump of trees within Plot 3 but these trees are not considered to be important in terms of the overall setting of the site. I therefore consider that the proposed dwellings at Plots 2 and 3 would preserve the setting of the listed building.

7.17 In terms of the residential environment to be created in the context of Policy SC2 residential properties would be compatible with established and proposed land uses; Plots 2 and 3 will have approximate areas of 750 and 715 square metres which are compatible with those in the area; in terms of private amenity ground both plots would have in excess of 100 square metres and it is considered that both plots would maintain the residential amenity and privacy of adjoining housing. The ground levels of these plots are set below that of the listed building and although the dwellings are 1¾ storeys in height the ridge height of the dwellings are some 4 metres below that of the listed building. The architectural approach the applicant has proposed involves a contemporary design of two detached dwellings of identical design with references made to the listed building through the use of vertically proportioned stone gables which are the predominant design feature of the listed building. The scale of the listed building is such that the 1¾ storey dwellings proposed to the west are of an acceptable design and are capable of being accommodated without competing with the listed building and are consistent with Sections 14(2) and 59(1) of the PLBCAS Act 1997 and applicable policy tests from the development plan.

7.18 Turning to Plot 4 which is located to the east of the listed building although the Development Framework did not identify this area for potential development there is an existing portacabin style single storey building and a young plantation of trees on this plot. The plantation of trees does not contribute to the setting of the listed building or streetscene. The formation of a plot to the east of the listed building would avoid the main elevation of the listed building and access would be via the existing access at Victoria Street. The design solution proposed incorporates the dwellinghouse into the eastern boundary wall which provides for a gate house dwelling. Again the architectural solution for this plot makes reference to the listed building through the use of a two storey vertically proportioned stone gable which is complemented by a 1½ gable feature. In terms of the residential environment to be created in the context of Policy SC2 a residential property would be compatible with established and proposed land uses; the plot will have an approximate area of 810 square metres which is compatible with those in the area; in terms of private amenity ground the plot would have in excess of 100 square metres and it is considered that the plot would maintain the residential amenity and privacy of adjoining housing. Although a young plantation of trees is to be removed from this plot the orientation of the dwellinghouse allows for replanting to take place along the eastern boundary.
which will take the form of an avenue of trees. This form of planting is a characteristic of the area and would be considered an improvement on the current situation. I consider that the proposed dwelling at Plot 4 preserves the setting of the listed building adequately. Further to this, I believe that the design solution proposed would be a positive, well considered form of development taking into account the constraints posed by this part of the site.

7.19 Plot 1 is located to the southwest of the listed building and is offset to the side of the front elevation of the listed building with access taken from Hill Street via the existing driveway. The level of this plot is set some 3.8 metres below that of the listed building. In respect of existing landscape features associated with this plot which contribute to the overall setting of the listed building a large Elm tree occupies the southeast corner of the plot but is almost dead due to Dutch Elm disease; an Oak tree is located to the west of the plot; mature Sycamore and Wellingtonia trees are also located within the plot. The dwelling proposed for this plot is individually designed and again makes reference to the listed building through the use of a two storey vertically proportioned stone gable with a ridge running east to west with a 1½ storey element attached to the north elevation. It is considered that the difference in levels between the listed building and this plot would allow for an appropriately designed dwellinghouse to be accommodated without having an adverse impact on the setting of the listed building.

7.20 It is considered that a residential property would be compatible with established and proposed land uses; the plot will have an approximate area of 1600 square metres which is compatible with those in the area; in terms of private amenity ground the plot would have in excess of 100 square metres and it is considered that the plot would maintain the residential amenity and privacy of adjoining housing. The over riding aim of Policy SC2 is to provide a satisfactory residential environment and given the existing trees within and adjoining this plot the applicant has submitted an Arboricultural Implication Study and an evaluation of the sunlight and shadow pattern associated with the dwellinghouse proposed for Plot 1 carried out in accordance with paragraph 5.3.1 of BS5837:2005. It is considered that there are issues with the submitted sunlight and shadow pattern in that the thumbnails do not include scenarios for ultimate tree size (both height and canopy width); not all trees which affect sunlight and daylight to the site are shown on the thumbnails as they do not include the Oak tree proposed for removal within the plot or include the large trees to the west of the existing access driveway which will cast shade across the site and the graphics used in the thumbnails give an illusion that tree canopies are smaller than actual and that shade is less.

7.21 Whilst it is accepted that the large Elm tree in the southeast corner of the plot is dying and not suitable for retention it is then more important that the Oak tree to its west be retained. In order to create sufficient space for a house footprint, both the Elm and the Oak are proposed for removal. Other less significant trees are also proposed for removal. Even with the tree removals, the proposed house remains squeezed next to the Wellingtonia and variegated Sycamore trees. The canopy of the variegated Sycamore is very close to the dwelling. The Wellingtonia is a tall tree with a narrow crown which would be directly to the west of the house. On that basis, given the prevailing southwest winds it will inevitably and justifiably be a real concern to future occupiers of the house. It is therefore considered that there is insufficient space available to accommodate the proposed dwelling on Plot 1 whilst creating an acceptable residential amenity without the removal of trees which should be retained.
It is therefore considered that the proposed dwelling on Plot 1 will not provide an acceptable level of residential amenity and as such would be contrary to Policy SC2 and criterion (a) of Policy S6.

**Affordable Housing Provision and Education Contributions**

7.22 In terms of affordable housing, Policy SC6 of the FALPR is applicable given that the area of the site is greater than 0.5 hectares. As such an affordable housing contribution of 40 percent is required as the site is within the South Angus Housing Market Area. Given that the development is small scale and low density it is not considered desirable for an on site contribution in this instance. Therefore, an off-site provision or payment of a commuted sum would be the appropriate method of securing an affordable housing contribution in this particular case. It would be necessary to do this by a legal agreement, or other alternative means as may be available to the Head of Planning & Transport.

7.23 The Director of Education has requested a financial contribution towards the cost of upgrading Monifieth High School, which is currently at capacity. The established level for a commuted payment is £3,000 per unit as the proposal involves family dwellings which would have a greater potential number of children of school age. It is proposed that a legal agreement, or other alternative means as may be available to the Head of Planning & Transport, be utilised to secure this contribution to ensure that the proposal accords with Policy Imp 1.

**Conclusions**

7.24 The proposal for listed building consent for alterations to boundary wall and demolition of modern additions alterations to listed building poses no significant issues and as such attracts a recommendation of approval. The fact that the planning application for housing attracts a negative recommendation does not constitute a sound reason to refuse the listed building consent application which is the subject of a separate application in its own right.

7.25 In terms of the planning application for the change of use from nursery to dwellinghouse and erection of four dwellinghouses within the grounds, 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. Although the majority of the submitted proposal is considered to comply with the requirements of the development plan Plot 1 is located under a significant proportion of tree canopy which limits the position of a house within the site and it is considered that this would not provide an acceptable level of residential amenity for the occupants of the dwellinghouse. A smaller dwellinghouse in an alternative location within the Plot may be capable of achieving an acceptable level of amenity and be acceptable subject to detailing but the current proposal is considered contrary to Policies S6 criterion (a), SC2 and SC14. In this context the planning application attracts a recommendation of refusal.

7.26 The planning application is for a development that is contrary to a policy or policies of the Development Plan. Should the Committee determine to approve the application contrary to the Development Plan, reasons will require to be specified at the meeting for so doing.
8 HUMAN RIGHTS IMPLICATIONS

8.1 The recommendation in this report for refusal of application 10/01014/FULL has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the present recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant’s right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council’s legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

8.2 The recommendation in this report for grant of application 10/01015/LBC, 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.

9 EQUALITIES IMPLICATIONS

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

10 CONCLUSION

Application 10/01015/LBC

10.1 It is recommended that listed building consent application be approved subject to the following condition:

1. That works to implement this consent shall begin before the expiration of three years from the date of this consent.


Application 10/01014/FULL

10.1 It is recommended that the planning application be refused for the following reasons:

1. Reason: That the proposed development of Plot 1 will not provide an acceptable level of residential amenity for occupants and is contrary to criterion (a) of Policy S6 and Policy SC2 of the adopted Angus Local Plan Review.
2. Reason: That the proposal would fail Policy SC14 of the Angus Local Plan Review because it fails to be compatible with other policies of the local plan, namely Policies S6 and SC2.

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.

P&T/GWC/RK/IAL
29 November 2010

Eric S Lowson
Director of Infrastructure Services
DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

Dundee and Angus Structure Plan (Approved 2002)

ENVIRONMENTAL RESOURCES POLICY 5A : HISTORIC ENVIRONMENT

Local Plans will establish a policy framework to safeguard and enhance important features of the area’s historic environment as a means of conserving the diverse and distinctive qualities of Dundee and Angus.

The historic environment of Dundee and Angus is a valuable, non-renewable resource which must be protected, conserved and enhanced. Local Plans shall identify these assets and include policies which:

- Protect the site and setting of listed buildings and ancient scheduled monuments;
- Protect other archaeological sites and sensitive areas. Where this is not feasible, proper recording and analysis shall take place;
- Protect and enhance conservation areas and historic gardens and designed landscapes.

Angus Local Plan Review (Adopted 2009)

Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S6: Development Principles

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

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<tr>
<th>Schedule 1 : Development Principles</th>
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<tr>
<td><strong>Amenity</strong></td>
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<tr>
<td>(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.</td>
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<td>(b) Proposals should not result in unacceptable visual impact.</td>
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<td>(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).</td>
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<td><strong>Roads/Parking/Access</strong></td>
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<td>(d) Access arrangements, road layouts and parking should be in accordance with Angus Council’s Roads Standards, and use innovative solutions where possible, including ‘Home Zones’. Provision for cycle parking/storage for flatted development will also be required.</td>
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<td>(e) Access to housing in rural areas should not go through a farm court.</td>
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<td>(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length,</td>
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conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

**Landscaping / Open Space / Biodiversity**

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

**Drainage and Flood Risk**

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22).

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28).

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and/or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).

(r) Development should minimise waste by design and during construction.

**Supporting Information**

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

**Policy SC2 : Small Sites**

Proposals for residential development on small sites of less than 5 dwellings within development boundaries should provide a satisfactory residential environment taking account of the following:

- compatibility with established and proposed land uses in the surrounding area;
- plot sizes compatible with those in the area;
- provision of at least 100m² private garden ground; and
- maintenance of residential amenity and privacy of adjoining housing.

Proposals will also be required to take account of the provisions of Policy S6 : Development Principles.

**Policy SC3 : Windfall Sites**

Angus Council will support proposals for residential development of 5 or more dwellings on windfall sites within development boundaries in addition to the identified supply where they:

- will make a significant contribution towards regeneration and renewal;
- are compatible with established and proposed land uses in the surrounding area;
• include affordable housing in accordance with Policy SC9; and
• take account of the provisions of Policy S6: Development Principles.

Policy SC9: Affordable Housing

Angus Council will seek to secure the provision of affordable housing from housing developments on allocated sites, opportunity and windfall sites which will contribute towards meeting identified needs in each Housing Market Area as follows:-

• Arbroath – 20% LCHO housing;
• Brechin/ Montrose – 25% LCHO housing;
• Forfar, Kirriemuir and Glens – 15% LCHO housing;
• South Angus – 40% social rented and/or LCHO housing.

The requirement for affordable housing in each Housing Market Area will be applied to the overall capacity of sites of 10 or more units, or a site size equal to or exceeding 0.5 hectares. Where a site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will still be applied.

Affordable housing developments may be permitted on sites outwith but adjacent to development boundaries provided it can be demonstrated that:-

• there is an identified local need that cannot be met on a suitable site within defined development boundaries;
• the proposal takes account of the provisions of Policy S6: Development Principles; and
• proposals are in accord with other relevant policies of the Local Plan.

In all circumstances, Section 75 or other legal agreements may be used to secure the delivery of affordable housing.

Policy SC14: Villa Property

Development proposals for new residential development within the garden ground of stone-built villa properties within development boundaries will only be acceptable where:

• the development (including roads and driveways) does not damage the character and appearance of the existing property and/or the surrounding area;
• the proposal respects the density, scale, form, siting, orientation and materials of existing buildings;
• development does not result in the unacceptable loss of important trees;
• car parking and garaging are unobtrusively sited; and
• the proposal complies with other relevant policies of this Plan.

Development proposals involving the change of use of villa property which would adversely affect the residential character of the surrounding area or significantly impact on the amenity enjoyed by adjoining properties, will not be permitted.

Policy SC38: Community Use of School Facilities

Angus Council will encourage the use of school facilities, for extra curricular sporting, recreational and community uses. Development affecting school facilities will only be permitted where:

• it can be demonstrated that facilities to be lost will not be required in the future by either the school or the local community;
• the proposed use is compatible with the existing use or activity; or
• it can be demonstrated that alternative facilities of at least equal community benefit and accessibility can be provided to serve the local area.

Policy ER6: Trees, Woodlands and Hedgerows

Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.

Policy ER7: Trees on Development Sites

Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:

(a) provide a full tree survey in order to identify the condition of those trees on site;
(b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;
(c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.

In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.

Policy ER15: Change of Use, Alterations and Extensions to Listed Buildings

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.

Policy ER16: Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

Policy ER22: Public Drainage Systems

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

Policy ER24: Surface Water Disposal

Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.

Proposals that adopt ecological solutions to surface water management which promote local biodiversity by the formation of ponds and/or wetlands for example, and create or improve habitats will also be encouraged.
Policy Imp1 : Developer Contributions

Developer contributions will be required in appropriate circumstances towards the cost of public services, community facilities and infrastructure and the mitigation of adverse environmental impacts that would not have been necessary but for the development. Such contributions will be consistent with the scale and effect of the development and may relate to both on-site and off-site items that are required to produce an acceptable development in the public interest.