

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 15 JUNE 2016

LAND EAST OF ELMWOOD COTTAGE, BARNS OF WEDDERBURN

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a Review of the decision taken by the Planning Authority in respect of the refusal of planning permission for the demolition of existing building and erection of dwellinghouse, application No 16/00116/FULL, at Land East of Elmwood Cottage, Barns of Wedderburn.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This Report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information from the Applicant and the Planning Authority to review the case. Members may also wish to inspect the site before full consideration of the Appeal.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

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.

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Appendix 1 – Submission by Planning Authority
Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION IN RESPECT OF REFUSAL OF PLANNING PERMISSION

APPLICATION NUMBER – 16/00116/FULL

APPLICANT- MR TOM IRELAND

PROPOSAL & ADDRESS – DEMOLITION OF EXISTING BUILDING AND ERECTION OF
DWELLINGHOUSE AT LAND EAST OF ELMWOOD COTTAGEBARN OF
WEDDERBURN

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Angus Council

Application Number:	16/00116/FULL
Description of Development:	Demolition of Existing Building and Erection of Dwellinghouse
Site Address:	Land East Of Elmwood Cottage Barns Of Wedderburn
Grid Ref:	343699 : 734704
Applicant Name:	Mr Tom Ireland

Report of Handling**Site Description**

The application site is located in the open countryside to the north of Dundee. The majority of the application site forms part of the curtilage of the existing residential property at Elmwood Cottage but also appears to extend beyond it into the adjacent road verge. The site is bound by the public road to the north, south and east with agricultural land beyond. The remaining curtilage of Elmwood Cottage is located to the west of the site. Existing buildings are located within the north west section of the application site. The application form indicates that the site measures 812sqm.

Proposal

The proposal is for the erection of a single dwellinghouse on the site. The proposed dwellinghouse would be 1.5 storeys in height with Spanish slate proposed on the roof and a wet dash render on the walls. Vehicular access to the site is proposed to be taken from the road to the north by formation of a new entrance.

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 4 March 2016 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

Application 04/00853/FUL for alterations and extension to dwellinghouse at Elmwood Cottage was approved on 30 July 2004. The drawings associated with that application appear to identify the site currently proposed for a house as within the curtilage of Elmwood Cottage.

A pre application enquiry (15/00763/PREAPP) was submitted in October 2015 seeking advice on a house on the current application site. The site plan associated with that enquiry indicated that the site measured 740sqm. The advice given in the pre application response was that a house on the site would not comply with local plan policy.

Applicant's Case

A planning statement was submitted in support of the application which has been supplemented by other supporting information which is summarised as follows:

Planning Statement (Dated 29 February 2016 by Fox Planning Consultancy):

- o That the red edged application site is 812sqm and this has been verified by the applicant following on site measurements;
- o Elmwood Cottage occupies an area of approximately 785sqm;
- o That the joiners workshop has been in situ for around 20 years and was used commercially for around 15 years until 5 years ago;
- o The structure which is now derelict comprises a timber framed building.
- o That the design of the proposed dwellinghouse reflects the traditional vernacular;
- o considers that the proposed redevelopment of this brownfield site which has never formed part of the garden area would remove dereliction and result in significant environmental improvement.

20/03/16 - E-mail from applicant with following details:

- o The workshop was the official registered address for the applicants business (Elmwood Joinery LTD) and has been since May 2000, before that, the business name was (Morgan Baxter Construction) and this was also the registered address from 1996 until May 2000;
- o The workshop has always had its own mail box, which was situated on the telegraph pole at the rear entrance;
- o The workshop has never been used, or was intended to be used for manufacturing purposes, it was only for storage and a basic workshop, therefore, it never required any official recognition.
- o It is suggested that in 1996, applicants solicitor contacted Angus Council to make an enquiry on applicants behalf, regarding consent for the workshop. This suggests that the solicitor was informed that, as the building was only timber and of a temporary nature, then no planning approval was required (*this assertion has not been substantiated).
- o That the site was used previously a dump and when the house was purchased the site was cleared.

24/03/16 - E-mail from applicant confirming that he never had any request for rates.

23/03/16 - Letter from applicant with following details:

- o Provided a number of invoices from large deliveries at the workshop (Elmwood Joinery Ltd);

08/04/16 - E-mail from applicant with the following details:

- o That the workshop was purpose built and paid for by the applicants company (Morgan Baxter Construction Ltd);
- o The workshop is within its own curtilage and not in the domestic curtilage of Elmwood Cottage;
- o That the area left to Elmwood Cottage is 1745sqm;
- o That the persons living at Barns of Wedderburn have given their support;
- o That the workshop has been the legally registered address of Elmwood Joinery since 2000;
- o The ownership of the land can be quickly and legally be purchased and transferred to Elmwood Joinery Ltd if required.
- o The building has not been used as a workshop for quite some time due to its condition, however Hammond Fitted Furniture Ltd have an ongoing contract with Elmwood Joinery and make deliveries to the workshop on a weekly basis.

19/04/16 - Following a meeting with the applicant, the applicant sent a further e-mail highlighting the following:

- o That the site was re-measured and that the measurements of the site including the grass verge comes to 982 sqm (additional 170 sqm);

- o That there are plots within Angus less than 600sqm;

Consultations

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

Angus Council - Roads - No objections subject to conditions.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

7 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 7 supported the proposal.

The main points are as follows:

- o That the joiners workshop was used extensively until around 5 years ago and is now derelict and an eyesore;
- o Would welcome the removal of the workshop and its replacement with a proposed dwellinghouse;
- o The new house would be in keeping with the area;
- o Support approval of this development on this brownfield site.

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries
 Policy S3 : Design Quality
 Policy S6 : Development Principles (Schedule 1)
 Policy SC6 : Countryside Housing New Houses

TAYplan Strategic Development plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 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.

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose

not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

The application site is not specifically allocated for any purpose and lies outwith a development boundary and as such it must be considered in line with the provisions of Policy S1 criterion (b). This policy indicates proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the local plan.

Policy SC6 relates to new houses within the countryside and provides four criteria, one of which must be met if the principle of a new dwellinghouse is to be supported. In terms of this policy and the relevant criteria, a house on the site would not round off or consolidate a building group (criterion a) and it is not located within a Rural Settlement Unit 2 area (criterion d).

Criterion (c) of Policy SC6 relates to the redevelopment of redundant rural brownfield sites. Having looked at the proposal in detail including the supporting information submitted, it is considered that the building and application site forms part of the curtilage of the existing property 'Elmwood Cottage'. It is therefore considered that this is not a redundant rural brownfield site, but simply a redundant building within the curtilage of an existing and inhabited dwelling.

I note that the supporting information suggests that the site is a redundant rural brownfield site and that removal of this would represent an environmental improvement. However there is no planning history on this site of planning permission being sought or granted for a commercial use. Indeed, the only planning history relating to the property appears to suggest that the site falls within the curtilage of Elmwood Cottage. Whilst the supporting information indicates that this is a separate business / company, it is not considered that this triangular piece of land would represent a separate planning unit. The small former workshop building shares an access with Elmwood Cottage and is located directly adjacent to it and it is considered to be part of the same planning unit. A small wall dividing the application site and Elmwood Cottage appears to have been erected recently, but is not evident on streetview photography from 2008 or 2012. Whilst it appears that there has been a business operating out of the building (without the benefit of planning permission) it is considered that this is still part of the curtilage of Elmwood Cottage. In addition to this, only a relatively small section of the site contains a redundant building / storage container and these structures are small in scale. It is not considered that the proposal would result in a significant environmental improvement through removal of an eyesore. Outbuildings and garages within existing residential curtilages are not uncommon features in rural Angus and are not the type of brownfield redevelopment envisaged by this policy. Similarly, it is not uncommon for such buildings to be used for a small scale business use associated with the occupant of the residential property. Taking account of the above, the proposal cannot be positively assessed against test (c) of Policy SC6.

The final policy test of SC6 relates to gap sites. The proposal also fails the gap site test because the site is considered to form part of an existing residential curtilage (Elmwood Cottage) and because the road frontage (which exceeds 70m) is in excess of the maximum allowed for a gap site (50m) within a Category RSU 1 area.

Were the proposal to meet one of the four tests of principle of SC6 (which it does not), it would also need to meet with Schedule 2: Countryside Housing Criteria. Criterion (b) of Schedule 2 requires proposals to meet the plot size requirements which in the Category 1 RSU area are between 800sqm to 2000sqm. From reviewing the location plan and the site plans provided the exact size of the site is unclear. The applicant appears to be incorporating an area of ground beyond the existing site boundaries in order to create a site which complies with plot sizes. I agree with the applicant's size calculation of 970sqm if the road verge is included within the site. However if the road verge is removed from the calculation (as it should be because it forms part of the public road), the site as measured from the existing means of containment provided by

the stone dyke and post and wire fence to the north is below 800sqm (and is less than 700sqm) as evidenced on the Council's digital mapping system. On that basis, I consider the proposal to fail test (b) of Schedule 2. In addition to this issue, the applicant's drawing suggests that the remaining house plot at Elmwood Cottage would be left with a plot size of 785sqm which is less than the minimum 800sqm. On this basis the proposal would not meet with the requirements of criterion (b) of Schedule 2: Countryside housing criteria. The application is therefore contrary to Policy SC6 and the associated Schedule 2 Countryside Housing Criteria.

Policy S3 relates to design quality. The general form of the proposed dwellinghouse is acceptable in principle. There are some design amendments which would have been requested (including window and door design on the south elevation). However as the proposal is not considered to be acceptable in principle, design improvements have not been requested.

Policy S6 of the ALPR also needs to be considered. The proposal would be unlikely to give rise to any significant issues in terms of Policy S6 and no objections have been received from the Roads Service or Scottish Water in terms of drainage. It is also not considered that the current proposal would have any significant additional adverse impacts on privacy of adjacent properties. It is not considered that the rest of policy S6 is directly relevant to the current proposals. Overall the proposal would generally comply with Policy S6 of the ALPR in this instance for these reasons.

In conclusion, on the basis of the above comments the proposal is considered contrary to the development plan in this instance. There are no material considerations that justify approval of the application.

Human Rights Implications

The decision to refuse this application 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 decision 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.

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site would not round off or consolidate an existing building group; would not form a gap site; is not a qualifying rural brownfield site; and is not located within a Category 2 RSU. The proposal would also not meet the plot size requirements identified in Schedule 2 : Countryside Housing Criteria (criterion b).

2. That the proposal fails to comply with Policy S1 criterion (b) as it is contrary to Policy SC6 of the Angus Local Plan Review 2009.

Notes:

Case Officer: James Wright
Date: 19 April 2016

Appendix 1 - Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

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 (Schedule 1)

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.

Schedule 1 : Development Principles

Amenity

- (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.
- (b) Proposals should not result in unacceptable visual impact.
- (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).

Roads/Parking/Access

- (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.
- (e) Access to housing in rural areas should not go through a farm court.
- (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, 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 SC6 : Countryside Housing New Houses

- (a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group.
- (b) Gap Sites – In Category 1 RSU's a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSU's up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as appropriate.
- (c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

(d) Open Countryside - Category 2 RSU's - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met.

DEVELOPMENT BOUNDARIES

1.29 Angus Council has defined development boundaries around settlements to protect the landscape setting of towns and villages and to prevent uncontrolled growth. The presence of a boundary does not indicate that all areas of ground within that boundary have development potential.

Development boundaries:

Generally provide a definition between built-up areas and the countryside, but may include peripheral areas of open space that are important to the setting of settlements.

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Public interest: Development would have benefits for the wider community, or is justifiable in the national interest.

Proposals that are solely of commercial benefit to the proposer would not comply with this policy.

DESIGN QUALITY

1.37 High quality, people-friendly surroundings are important to a successful development. New development should add to or improve the local environment and should consider the potential to use innovative, sustainable and energy efficient solutions. A well-designed development is of benefit to the wider community and also

provides opportunities to:

- create a sense of place which recognises local distinctiveness and fits in to the local area;
- create high quality development which adds to or improves the local environment and is flexible and adaptable to changing lifestyles;
- create developments which benefit local biodiversity;
- create energy efficient developments that make good use of land
- and finite resources.

1.38 Design is a material consideration in determining planning applications. In all development proposals consideration should be given to the distinctive features and character of the local area. This includes taking account of existing patterns of development, building forms and materials, existing features such as hedgerows, trees, treelines and walls and distinctive landscapes and skylines.

1.39 The preparation of a design statement to be submitted alongside a planning application is encouraged, particularly for major developments or those affecting listed buildings or conservation areas. Early contact with Planning and Transport is recommended so that the requirement for a design statement can be determined.

Designing Places - A policy statement for Scotland – Scottish Executive 2001 This is the first policy statement on designing places in Scotland and marks the Scottish Executive's determination to raise standards of urban and rural development. Good design is an integral part of a confident, competitive and compassionate Scotland.

Good design is a practical means of achieving a wide range of social, economic and environmental goals, making places that will be successful and sustainable.

PAN 68 Design Statements

Design Statements should explain the design principles on which the development is based and illustrate the design solution.

The PAN explains what a design statement is, why it is a useful tool, when it is required and how it should be prepared and presented.

The aim is to see design statements used more effectively in the planning process and to

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.

DEVELOPMENT PRINCIPLES

1.44 The principles in Schedule 1 provide a 'checklist' of factors which should be considered where relevant to development proposals. They include amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information. The Local Plan includes more detailed policies relating to some principles set out. Not all development proposals will require to comply with all of the principles.

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.

Schedule 1 : Development Principles**Amenity**

- 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.
- b) Proposals should not result in unacceptable visual impact.
- 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).

Roads/Parking/Access

- 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.
- e) Access to housing in rural areas should not go through a farm court.
- 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, 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).

Waste Management

- 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) (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.

New Houses in the Countryside

2.21 The opportunity to build new houses in the Angus countryside has been provided for by successive local plans. Taking account of recent changes to Government policy, the policy continues to allow new housebuilding mainly in locations next to existing houses throughout the rural area. The potential of some available brownfield sites to provide opportunities for net environmental improvement through removal of an eyesore and redevelopment for housing is also recognised, and the policy allows for up to four new houses depending on the size of the site. It should be noted that such sites may also contribute towards diversification of the rural economy, for example through development for business or tourism uses. Policies SC19 : Rural Employment and SC20 : Tourism Development, allow consideration of such proposals. Policy SC6 also continues the provision for single new houses to be built on appropriate sites in the more remote parts of the open countryside.

Policy SC6 : Countryside Housing – New Houses

a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group (page 30).

b) Gap Sites – In Category 1 RSUs a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSUs up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as applicable (page 30).

c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it

Gap Sites:

The space between the curtilages of two dwellings or between the curtilage of one dwelling and a metalled road – ie. a stone surface with a hard, crushed rock or stone surface as a minimum. The site should have established boundaries on three sides

Building Group:

A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use under Policy SC5. The building group will require to have a sense of containment (defined below).

Sense of Containment:

A sense of containment is contributed to by existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps. Any boundaries artificially created to provide a sense of containment will not be acceptable.

Rural brownfield :

Brownfield Sites are broadly defined as sites that have previously been developed. In rural area this usually means sites that are occupied by redundant or unused buildings

can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

d) Open Countryside - Category 2 RSUs - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met (page 30).

Schedule 2 : Countryside Housing Criteria

In addition to taking account of the provisions of the General Policies including Policy S6: Development Principles, and the associated Schedule 1, all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Development proposals should :

- a) be on self-contained sites and should not set a precedent or open up further areas for similar applications; (does not apply to proposals for conversion under Policy SC5, rural brownfield sites under Policy SC6(c) or essential worker houses under Policy SC7)
- b) meet the plot size requirements; (does not apply to proposals for conversion under Policy SC5, or new country house proposals under Policy SC8)
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;
- e) have regard to the rural character of the surrounding area and not be urban in form and/or appearance;
- f) provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Angus Council's Advice Note 14 - Small Housing Sites provides guidance on minimum standards in relation to private amenity space and distance between dwellings which will be acceptable for proposals involving between one and four dwellings on sites within existing built up areas. In countryside areas it will commonly be expected that these standards should be greater than the minimum having regard to the nature of the location. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.
- g) be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision;
- h) not adversely affect or be affected by farming or other rural business activities(may not apply to proposals for essential worker houses related to the farm or business under Policy SC7);
- i) not take access through a farm court (may not apply to proposals for essential worker houses for farm workers under Policy SC7);

or where the land has been significantly degraded by a former activity.

PAN 73 : Rural Diversification
Feb 2005

Self – contained sites:

The whole site must be fully occupied by a single plot which meets the plot size requirements. Sites must not breach field boundaries and should have existing, physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure, such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long standing and established boundaries as evidenced by historic OS maps. Plots which have been artificially created will not be acceptable.

Plot size requirements:

Category 1 RSUs : between 0.08ha (800m²) and 0.2ha (2000m²)

Category 2 RSUs : between 0.06ha (600m²) and 0.4ha (4000m²)

The size of the footprint of the dwelling, including contiguous buildings, will depend on local circumstances including the size of the plot and the character of the surrounding area. Where a plot is created by sub-division of an existing plot, both the original and new plot must comply with the plot size requirements.

Ribbon development :

A string of three or more houses along a metalled road – ie. a road with a hard, crushed rock stone surface as a minimum.

- j) not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large; and
- k)** make provision for affordable housing in line with Policy SC9 : Affordable Housing.

ANGUS COUNCIL

**COMMUNITIES
PLANNING**

CONSULTATION SHEET

PLANNING APPLICATION NO

16/00116/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

26	02	16
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



Memorandum

**Communities Directorate – Technical & Property Services
Roads & Transport Business Unit**

TO: HEAD OF PLANNING AND PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CG TD1.3

DATE: 7 MARCH 2016

SUBJECT: PLANNING APPLICATION REF. NO.16/00116/FULL – PROPOSED DEMOLITION OF EXISTING BUILDING AND REPLACEMENT WITH TWO BEDROOMED COTTAGE ON LAND TO THE EAST OF ELMWOOD COTTAGE, BARNS OF WEDDERBURN, DUNTRUNE FOR MR TOM IRELAND

I refer to the above planning application.

The site is located on the unadopted section of track between the C5 Middleton road and the C6 Dundee – Tealing – Auchterhouse road. The proposed access to the development is from the adjacent unadopted track.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

In accordance with the NRDG, a visibility sightline of 2.4 x 215 metres should be maintained on the south-west side of the unadopted track at its junction with the public road (C5).

In order to maintain the free flow of traffic on the existing public road, a minimum of 2 no. car parking spaces should be provided within the site. The proposal provides for 4 no. car parking spaces within the site and is therefore acceptable in this respect.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, do not object to the application but would recommend that any consent granted shall be subject to the following condition:

- 1 That, prior to the commencement of development, a visibility splay shall be provided at the junction of the private access track with the C6 Dundee – Tealing – Auchterhouse road giving a minimum sight distance of 215 metres in a south-westerly direction at a point 2.4 metres from the nearside channel line of the C6 Dundee – Tealing – Auchterhouse road. The visibility splay shall thereafter be maintained in perpetuity.

Reason: to ensure a safe and suitable access, in the interests of road safety.

- 2 That, within the above visibility splay, nothing shall be erected or planting permitted to grow to a height in excess of 1050 mm above the adjacent channel level of the C6 Dundee – Tealing – Auchterhouse road.

Reason: to provide and maintain adequate sightlines, in the interests of road safety.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 3393.

p.p.

**MR & MRS J GIBB
6 BARNES OF WEDDERBURN
DUNDEE
DD40PG**

27 February 2016

Mr James Wright,
Planning Officer,
Angus Council,
County Buildings,
Market Street,
Forfar,
ANGUS

RECEIVED

29 FEB 2016

PLANNING & PLACE
COUNTY BUILDINGS
VLKw

Dear Sir

**PLANNING APPLICATION REF: 16/00116/FULL
LAND EAST OF ELMWOOD COTTAGE, BARNES OF WEDDERBURN DD4 0PG
ERECTION OF DWELLINGHOUSE**

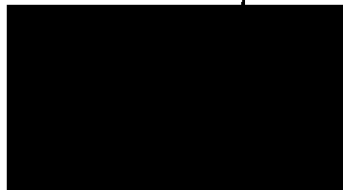
Please register this letter in support of the above planning application for Mr T Ireland.

We have lived here for 38 years and during this time the site has not been used as garden ground. The workshop was erected around 20 years ago and was used as a joiner's workshop but has been derelict for the past 5 years.

The development would enhance the area via the removal of the derelict building and the erection of the proposed house which is in-keeping with the appearance of the area.

We would urge you to approve this application due to the environmental benefits.

Yours faithfully,



MR & MRS J GIBB

**MRS R JACKSON
5 BARNS OF WEDDERBURN
DD40PG**

28 February 2016

Mr J Wright,
Planning Department,
Angus Council,
County Buildings,
Market Street,
Forfar,
ANGUS

RECEIVED

29 FEB 2016

PLANNING & PLACE
COUNTY BUILDINGS

rlk

Dear Sir

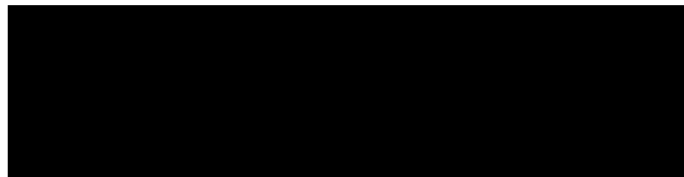
**PLANNING APPLICATION REF: 16/00116/FULL
LAND EAST OF ELMWOOD COTTAGE, BARNS OF WEDDERBURN DD4 0PG
ERECTION OF DWELLINGHOUSE**

Please register this letter in support of the above planning application for Mr Ireland.

The proposal will remove a derelict building that is an eyesore and the new house would enhance the environment and our residential amenity.

I have lived here for the past 3 years and during this time the site has not been used for garden purposes and the workshop has been derelict.

Yours faithfully



R JACKSON (MRS)

**4 Barns Of Wedderburn
DUNDEE
DD40PG**

27 February 2016

Mr J Wright,
Planning Department,
Angus Council,
County Buildings,
Market Street,
Forfar,
ANGUS

RECEIVED

29 FEB 2016

PLANNING & PLACE
COUNTY BUILDINGS

14/KW

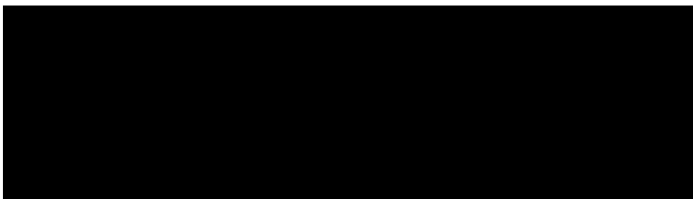
Dear Sir

**PLANNING APPLICATION 16/00116/FULL
LAND EAST OF ELMWOOD COTTAGE, BARNES OF WEDDERBURN, DUNDEE DD4 0PG
PROPOSED ERECTION OF DWELLINGHOUSE FOLLOWING DEMOLITION OF
JOINERS WORKSHOP BUILDING**

We have lived here for the past two years and during this time the workshop has been derelict and the land has not been used for garden purposes.

We support approval of this development on this brownfield site as it will remove dereliction and represent an environmental enhancement to the area. The proposed house, including its design and size would be in-keeping with the character of the area.

Yours faithfully



Mr & Mrs R Mitchell

*3 Barns of Wedderburn
Dundee
DD4 0PG*

27 February 2016

Mr J Wright,
Planning Officer,
Angus Council,
County Buildings,
Market Street,
Forfar,
ANGUS

RECEIVED

29 FEB 2016

PLANNING & PLACE
COUNTY BUILDINGS

IL/KW

Dear Sir

Ref: 16/00116/Full

Proposed Erection of Dwellinghouse

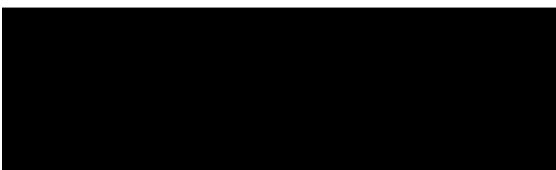
Land East Of Elmwood Cottage, Barns of Wedderburn, Dundee DD4 0PG

We support approval of Mr Ireland's application for a house on the above location and demolition of the derelict workshop.

The demolition will enhance the appearance of the area. The proposed house is well designed and would be an attractive enhancement compared to what's currently on the site.

We have lived here for 12 years. When we first moved here the joiners workshop was in use however it has not been used for the past 5 years and is now derelict. The application site has not been used as garden ground.

Yours faithfully,



Mr & Mrs W Hutchinson

**2 Barns Of
Wedderburn
DUNDEE
DD40PG**

26 February 2016

Mr J Wright,
Planning Department,
Angus Council,
County Buildings,
Market Street,
Forfar,
ANGUS

RECEIVED
29 FEB 2016
PLANNING & PLACE
COUNTY BUILDINGS
HJW

Dear Sir

PROPOSED ERECTION OF DWELLINGHOUSE
PLANNING APPLICATION REF 16/00116/FULL
LAND EAST OF ELMWOOD COTTAGE, BARNS OF WEDDERBUR

I have lived here for the past 31 years. The joiner's workshop was used until around 5 years ago. I would urge you to approve this application and the removal of this derelict building which is now an eyesore.

The new house design is in keeping with the character of the area and would be an enhancement which is welcomed.

Yours faithfully,

Ms Rita Christall



Mr & Mrs Moffat,
1 Barns of Wedderburn,
DUNDEE
DD40PG

RECEIVED

29 FEB 2016

PLANNING & PLACE
COUNTY BUILDINGS

14KW

27 February, 2016

Mr J Wright,
Planning Department,
Angus Council,
County Buildings,
Market Street,
Forfar,
ANGUS

Dear Sir

Planning Application Ref: 16/00116/Full For Mr T Ireland
Land East Of Elmwood Cottage, Barns Of Wedderburn, Dundee Dd4 0pg
Proposed Erection Of Dwellinghouse Following Demolition Of Joiners Workshop Building

We support approval of the above proposal by Mr T Ireland.

The removal of the joiners workshop would be welcomed as it will enhance the appearance of the area. The proposed house would fit in with the local architecture and would be an enhancement compared to what's currently on the site.

We have lived here for 10 years. When we first moved here the joiners workshop was used however it has not been used for the past 5 years and is now derelict. The site has not been used as garden ground.

Yours faithfully,

Mr & Mrs Moffat



Mr & Mrs J Johnston
Laverock Cottage
Barns of Wedderburn
DUNDEE
DD40PG

26 February 2016

Mr J Wright
Planning Department
Angus Council
County Buildings
Market Street
Forfar
ANGUS

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29 FEB 2016

PLANNING & PLACE
COUNTY BUILDINGS

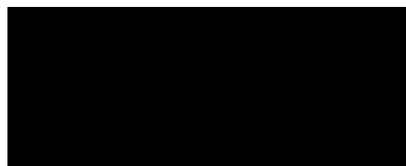
Dear Sir

**PLANNING APPLICATION: 16/00116/FULL
ERECTION OF DWELLINGHOUSE
LAND EAST OF ELMWOOD COTTAGE, BARNES OF WEDDERBURN DD4 0PG
FOR MR T IRELAND**

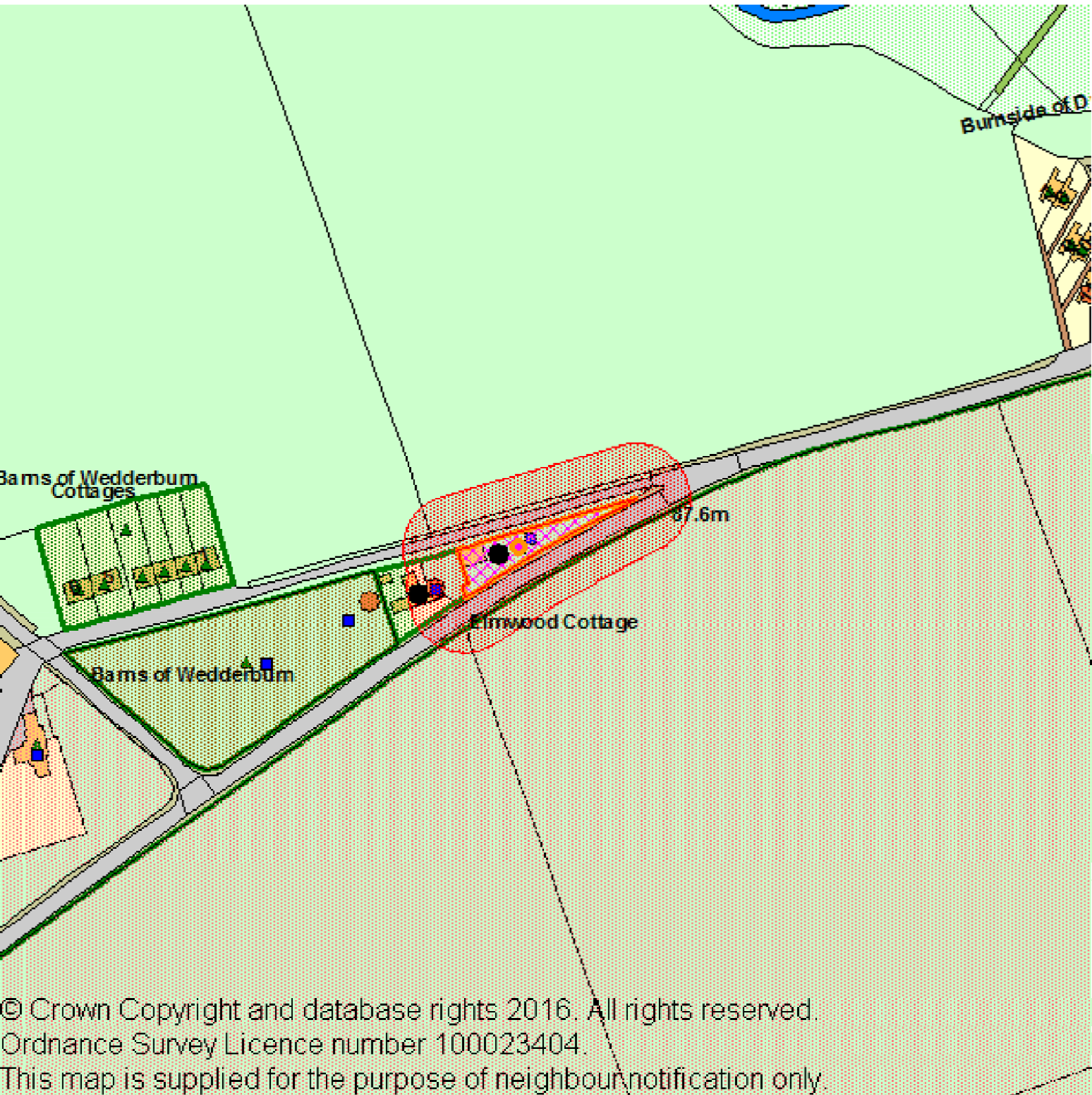
Please register this letter in support of the above planning application by Mr T Ireland. We have lived here for the past 7 years and during this time the site has never been used for garden ground. The joiners workshop was used extensively until around 5 years ago and is now derelict and an eyesore.

We would welcome the removal of the workshop and its replacement with the proposed dwelling. We believe this would enhance the area.

Yours sincerely

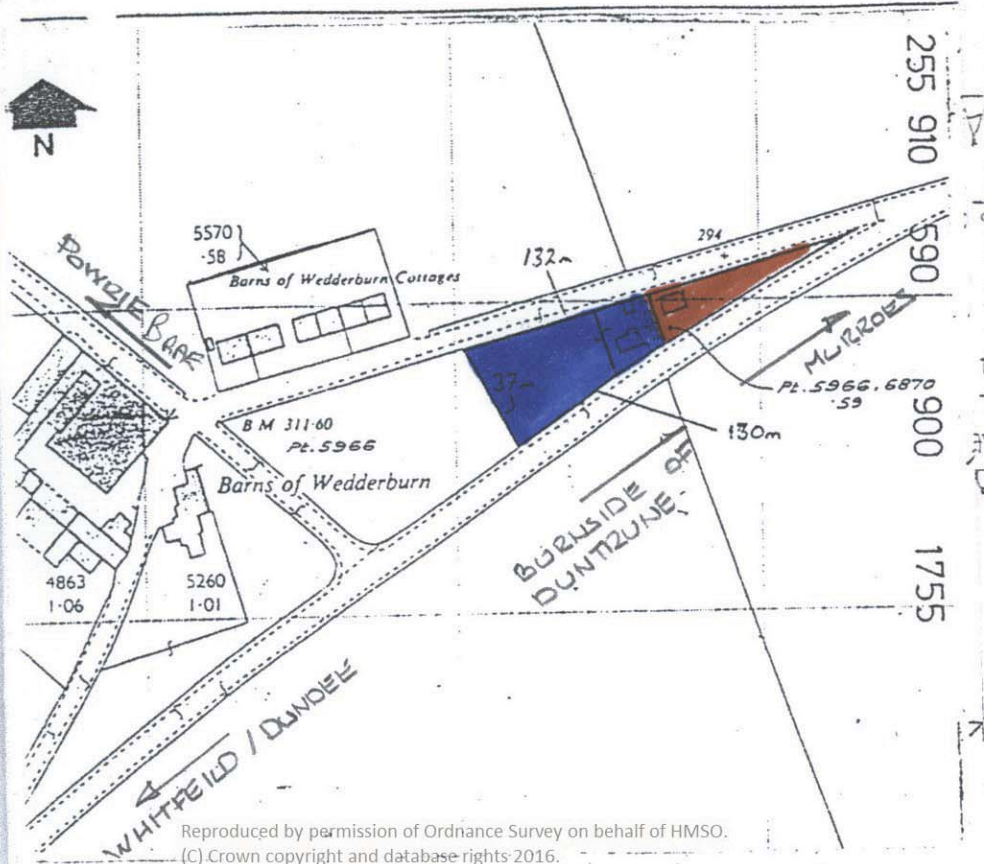


Mr & Mrs J Johnston



Refused

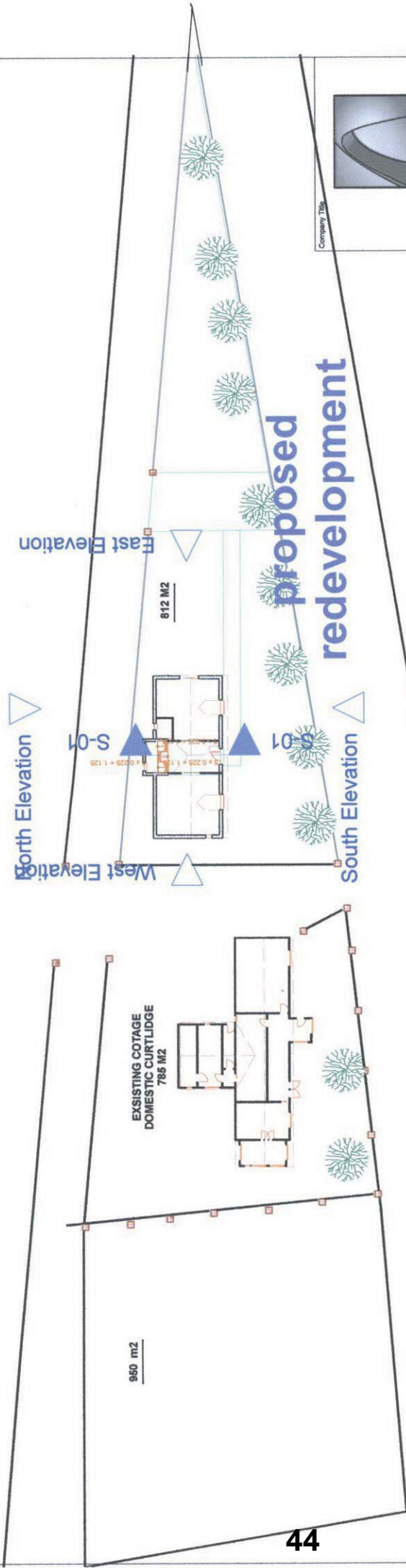
BARNES OF WEDDERBURN




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 All rights reserved. 100023404

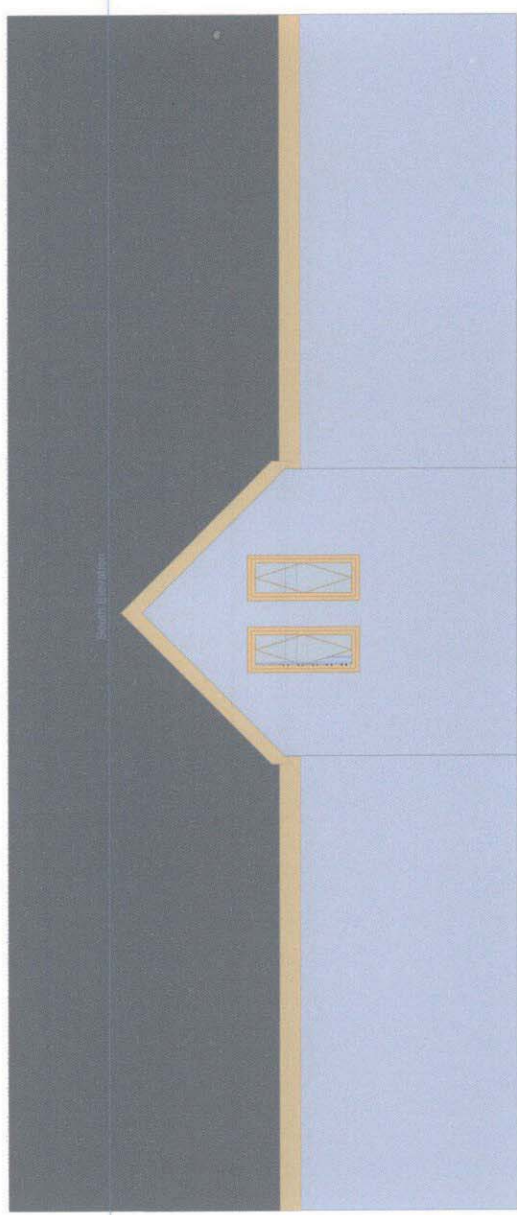
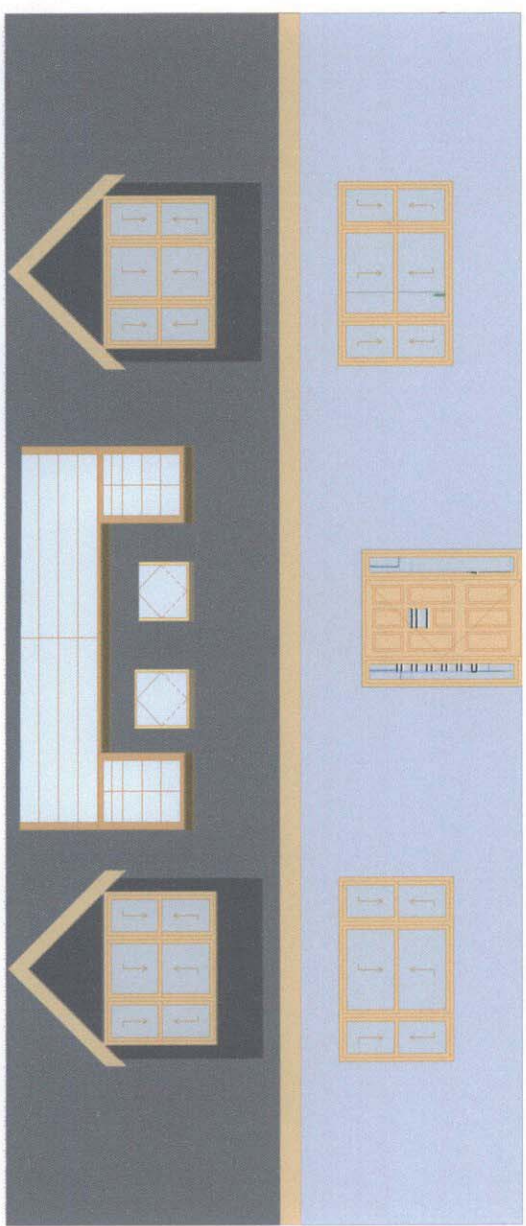
SITE LOCATION PLAN SCALE 1-2500

Refused



Company Title	 BESPOKE DESIGN
Job Title	PROPOSED COTTAGE
#Street	
#City	
#State/Country	
#Post	
Drawing Name	SITE PLAN
Drawing Status	REDEVELOPMENT
ARCHITECT	SIMON RICHARDSON
Drawing Scale	1 - 500
Layout ID	#LayID
Status	Revision

Refused



1-34

Company: The
 Logo:

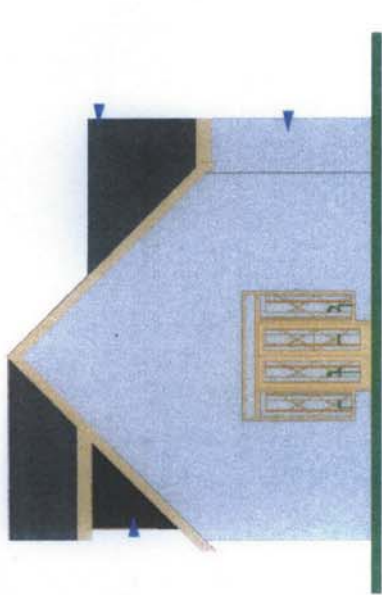
Bespoke Design
 1000
 1000
 1000

Job Title: **Proposed Cottage**
 Name of Architect: **REDEVELOPMENT**
 Address: **South Elevation, North Elevation**

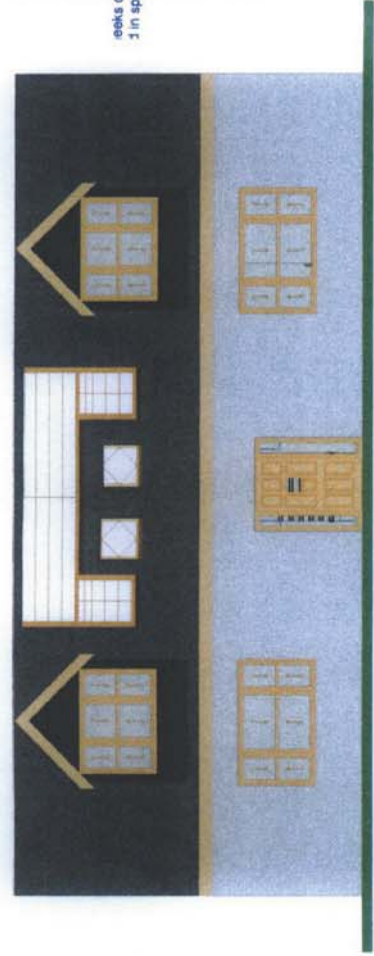
Architect: **REDEVELOPMENT**
 Address: **1000**

Drawing Scale: **1:100**
 Layer ID: **#LayID**

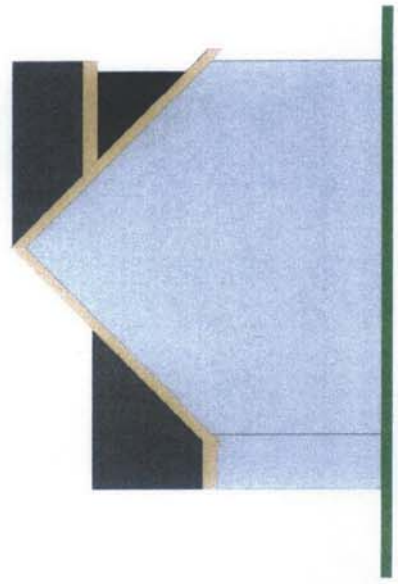
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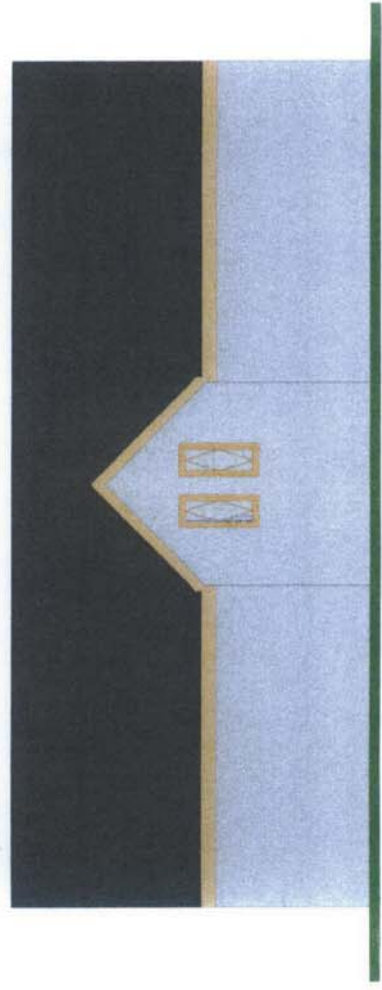
roofs of dormers
1 in spanish slate



East Elevation



South Elevation



AC12

Company: **Pro**

Blissworks Design

Blissworks Design
Blissworks Design
Blissworks Design
Blissworks Design

Job Title: **Proposed Cottage**

NAME OF PROJECT: **REDEVELOPMENT**

ADDRESS: **150, 148, 147**

PROJECT TYPE: **REDEVELOPMENT**


Architect: **Blissworks Design**

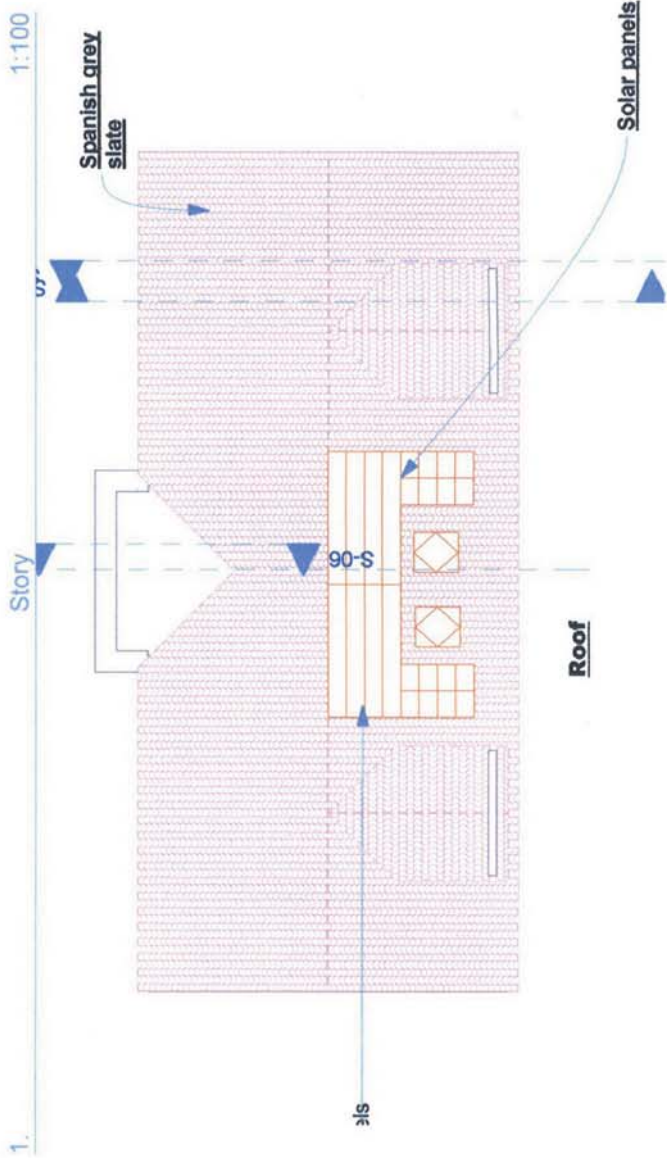
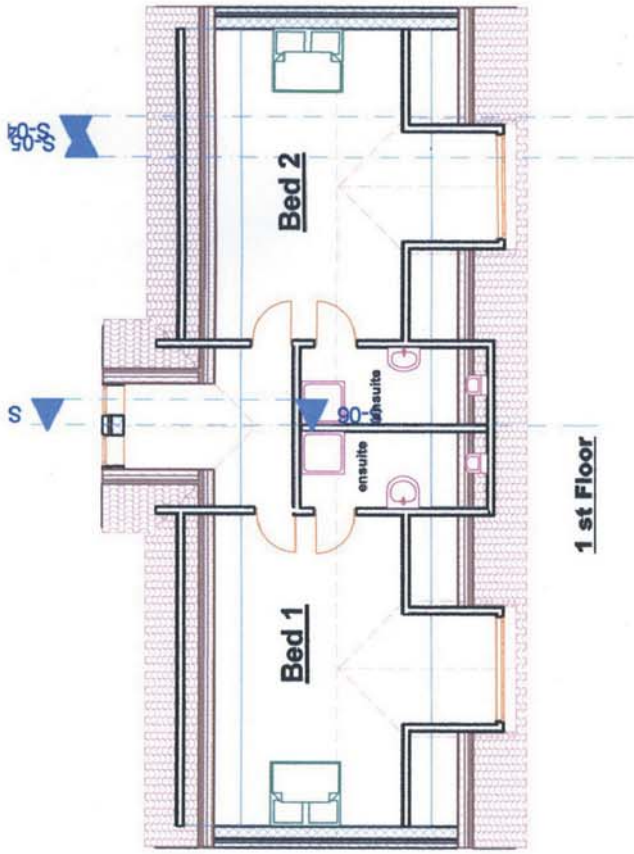
Drawing Date: **150, 148, 147**

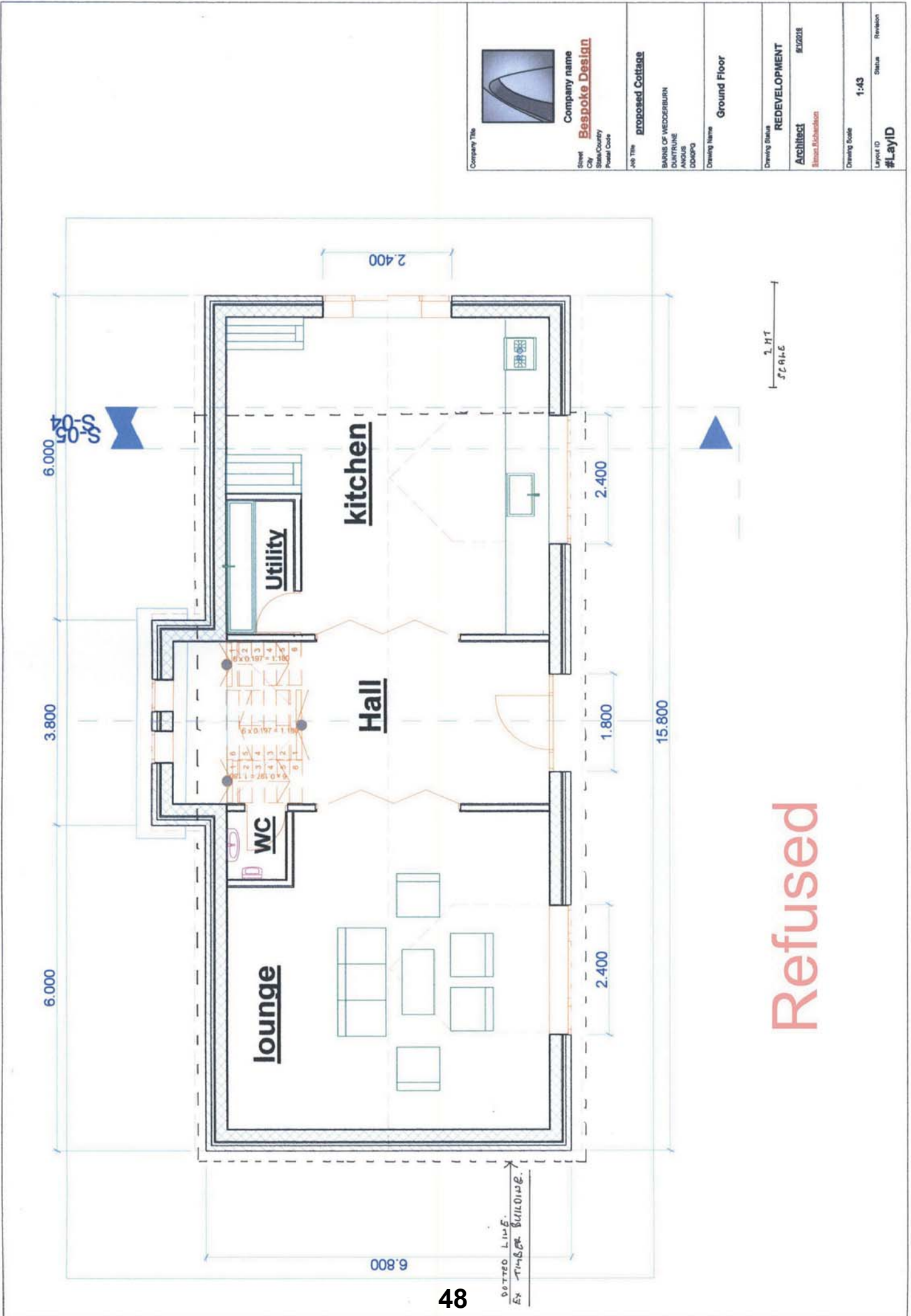
Scale: **1:100**


Project ID: **#LayID**

Refused

Company Title	 BESPOKE DESIGN
Job Title	Proposed Cottage
	BARNS OF WEDDERBURN DUNTRUNE ANGUS DD40PG
	1st floor plan Roof plan
Drawing Status	Redevelopment
ARCHITECT	5/1/2016 Simon Richardson
Drawing Scale	1:100
Layout ID	#LayID
Status	Revision



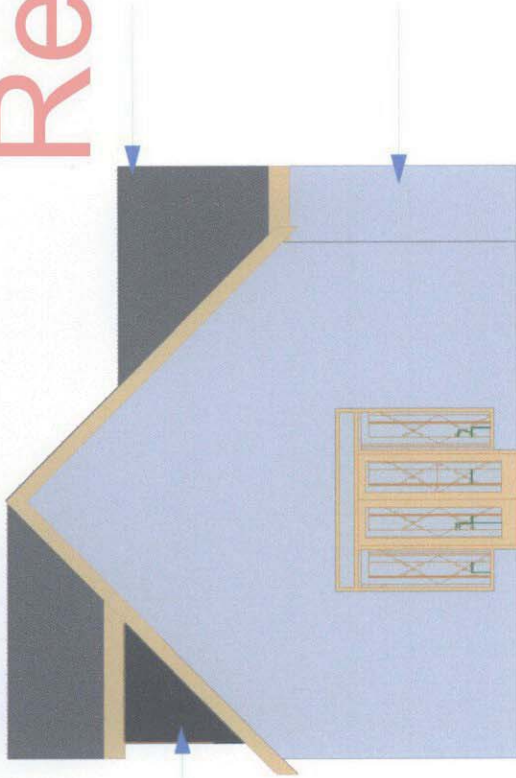


Company Title	
Company name	Bespoke Design
Street	
City	
State/Country	
Postal Code	
Job Title	proposed Cottage
BARNE OF WEDGEBURN DUNTRINE ANDUS DUNPG	
Drawing Name	Ground Floor
Drawing Status	REDEVELOPMENT
Architect	ELU2018
Blanca Rodriguez	
Drawing Scale	1:43
Layout ID	#LayID
Status	Revision

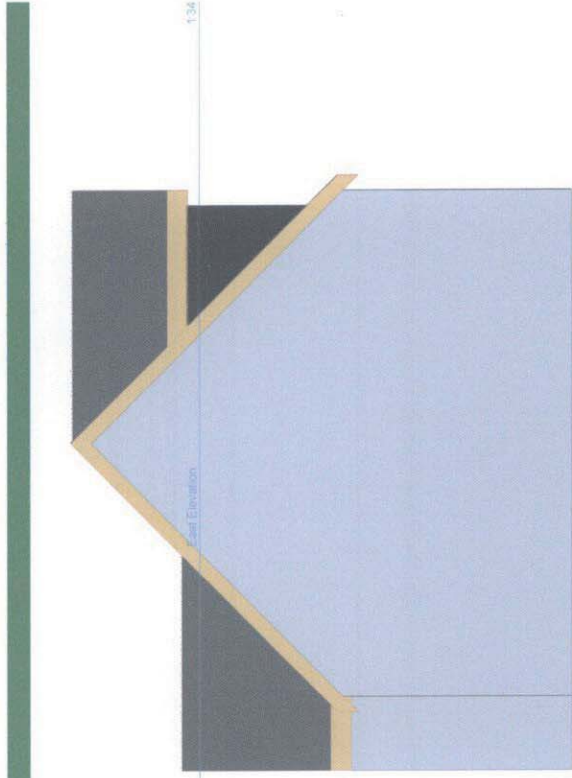
Refused

NOTED LINE.
EX TRIMMER BUILDING.

Refused



leaks of dormers
j in spanish slate



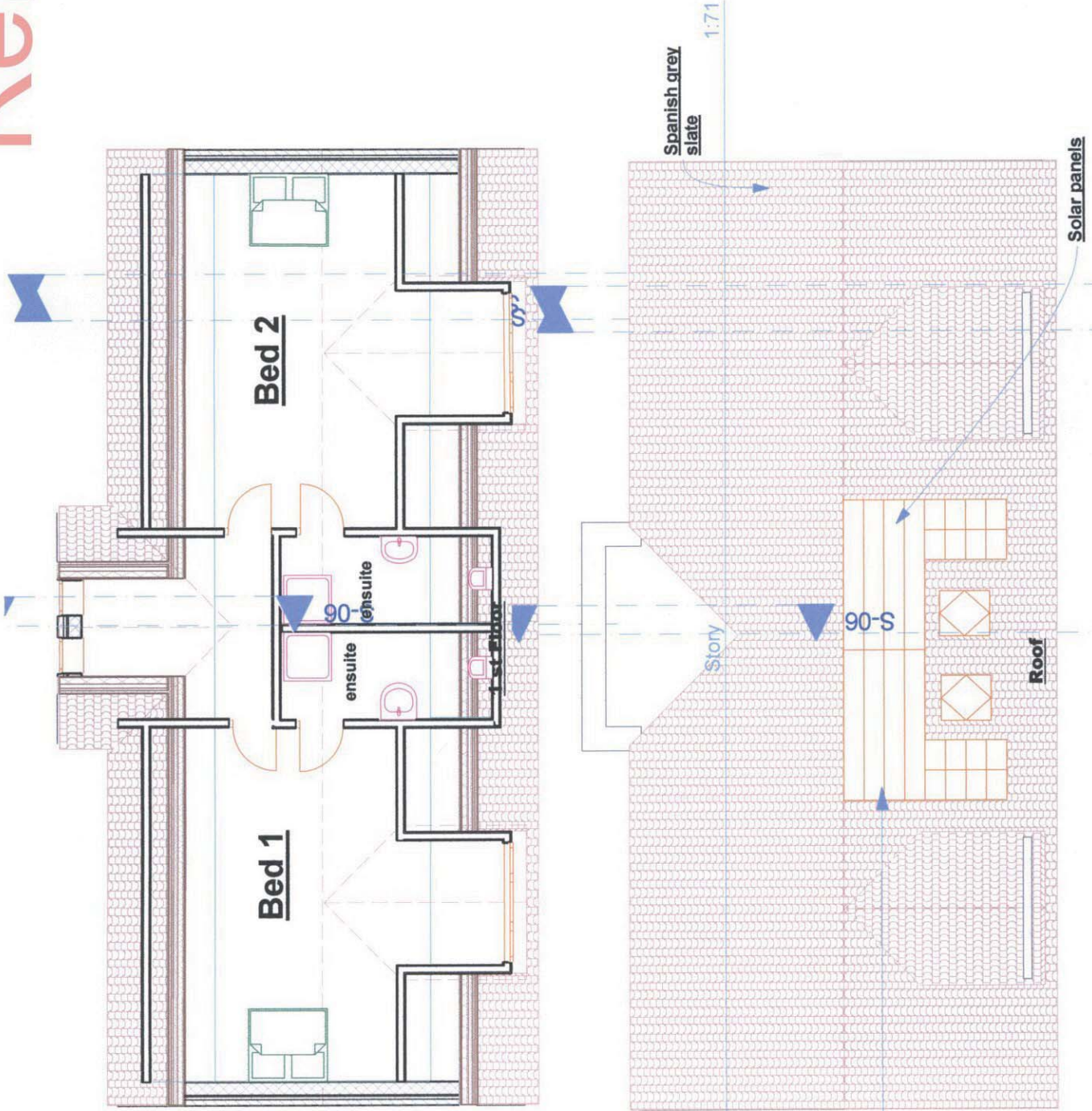
134


East Elevation

Company Title  **Biosolis Design**
Street _____
City _____
State/Zip _____
Phone Code _____
Job Title **Proposed Contractor**
NAME OF MEDICAL UNIT _____
SUBTYPE _____
CITY _____
COUNTY _____
Drawing Name **East Elevation, West Elevation**
Drawing Status **REDEVELOPMENT**
Architect **SCSIS**
Biosolis Design
Drawing Scale **1:100**
Layout ID **#LayID**
Block _____
Revision _____

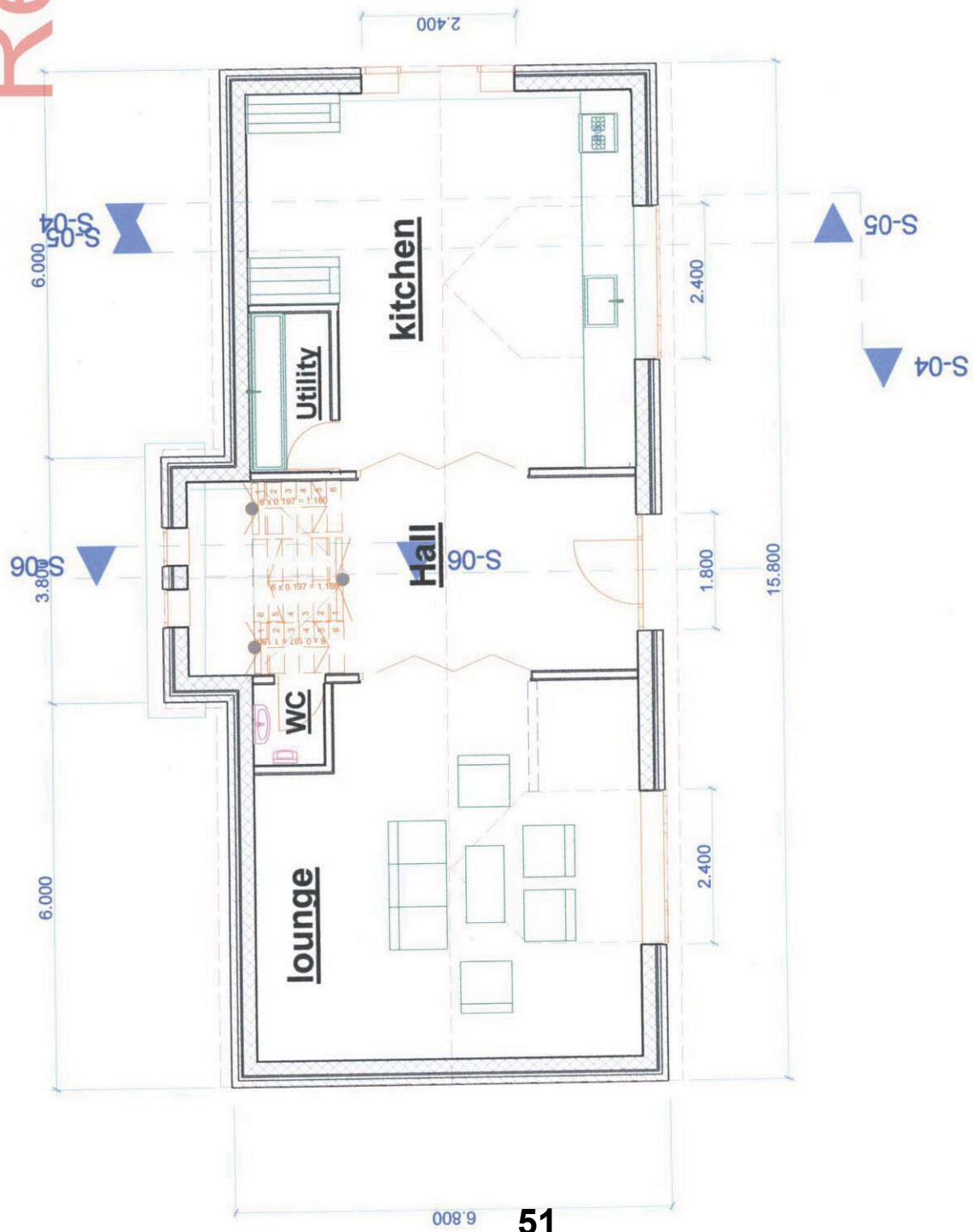
Refused


AC12



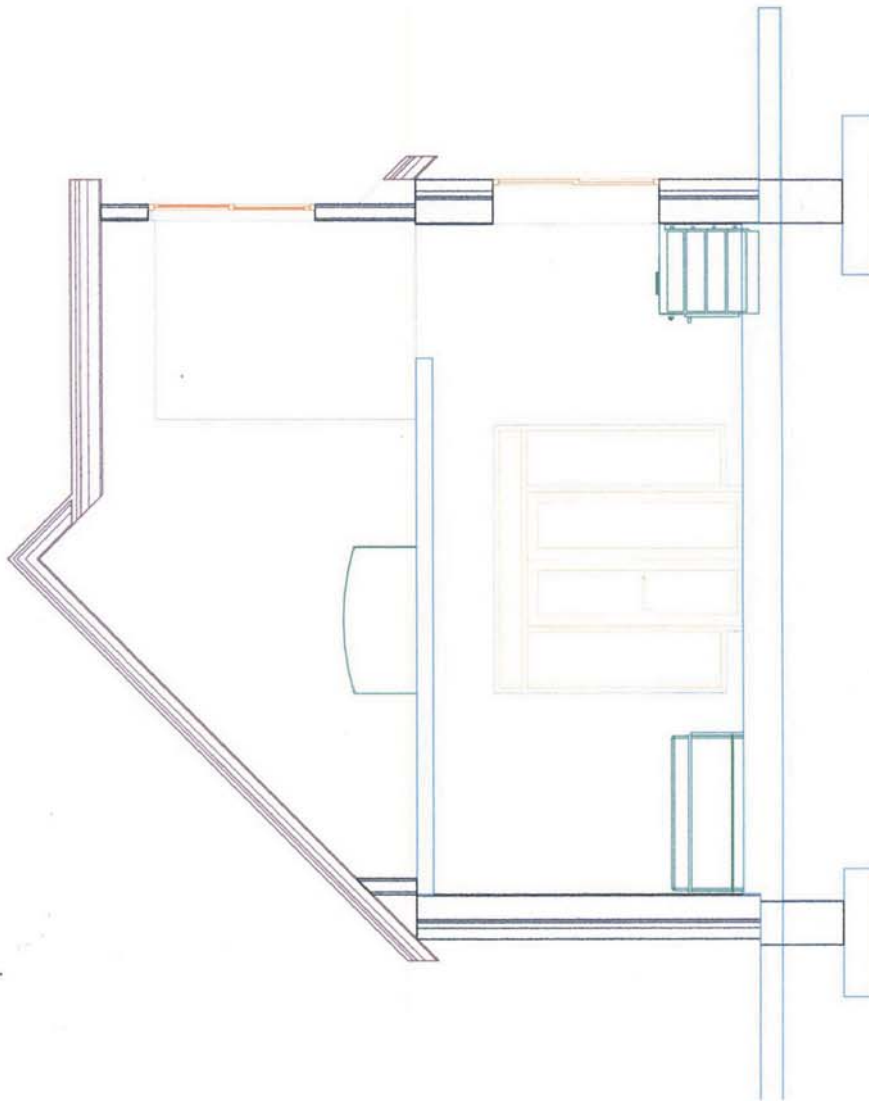
Company Title	 BESPOKE DESIGN
Job Title	Proposed Cottage
	BARNS OF WEDDERBURN DUNTRUNE ANGUS DD40PG
	1st floor plan Roof plan
Drawing Status	Redevelopment
ARCHITECT	5/1/2016 Simon Richardson
Drawing Scale	1-100
Layout ID	#LayID
	Status Revision

Refused



Company Title	
Street	Bespoke Design
City	
State/Country	
Postal Code	
Job Title	proposed Cottage
BARNES OF WEDDERBURN	
DUNTRUNE	
ANGUS	
DD46PG	
Drawing Name	Ground Floor
Drawing Status	REDEVELOPMENT
Architect	Simon Richardson
Architect ID	#LayID
Drawing Scale	1:100
Layout ID	#LayID
Status	
Revision	

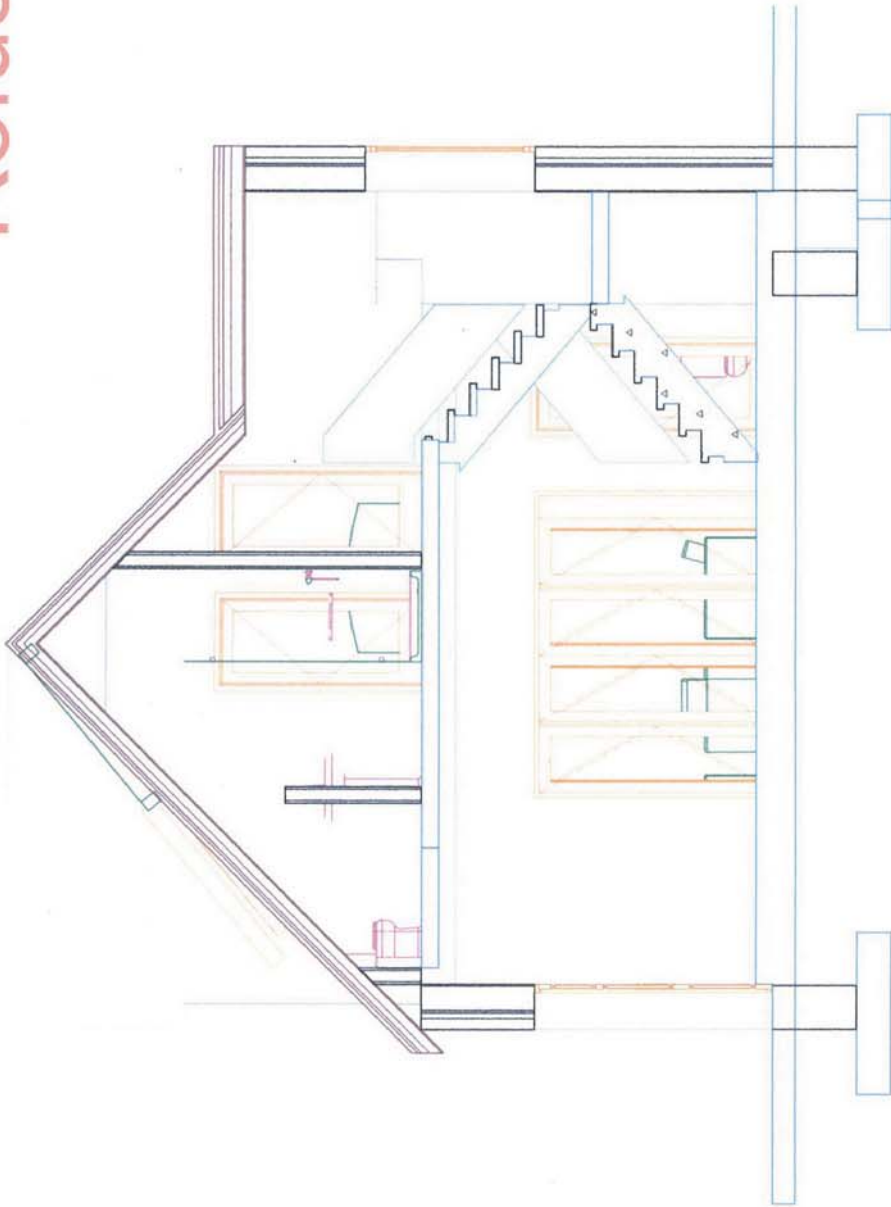
Refused



8-01 Building Section 1:23

Company No.	
Street	Harsco Design
City	
State/Country	
Postal Code	
Job No.	Proposed Cottage
Name of Institution	
DATE/NAME	
DATE/NAME	
DATE/NAME	
Client Name	Building Section
Client No.	
Client Name	REDEVELOPMENT
Architect	status
Client Name	status
Client No.	1:23
Client Name	#LayID


Refused



Building Section

1-23

AC12

Company Site

Blaschka Design
Blaschka Design
Blaschka Design
Blaschka Design

Job Title
Exposition Designer

Client
City of Redwood
Blaschka Design
Blaschka Design
Blaschka Design

Project Name
Building Section

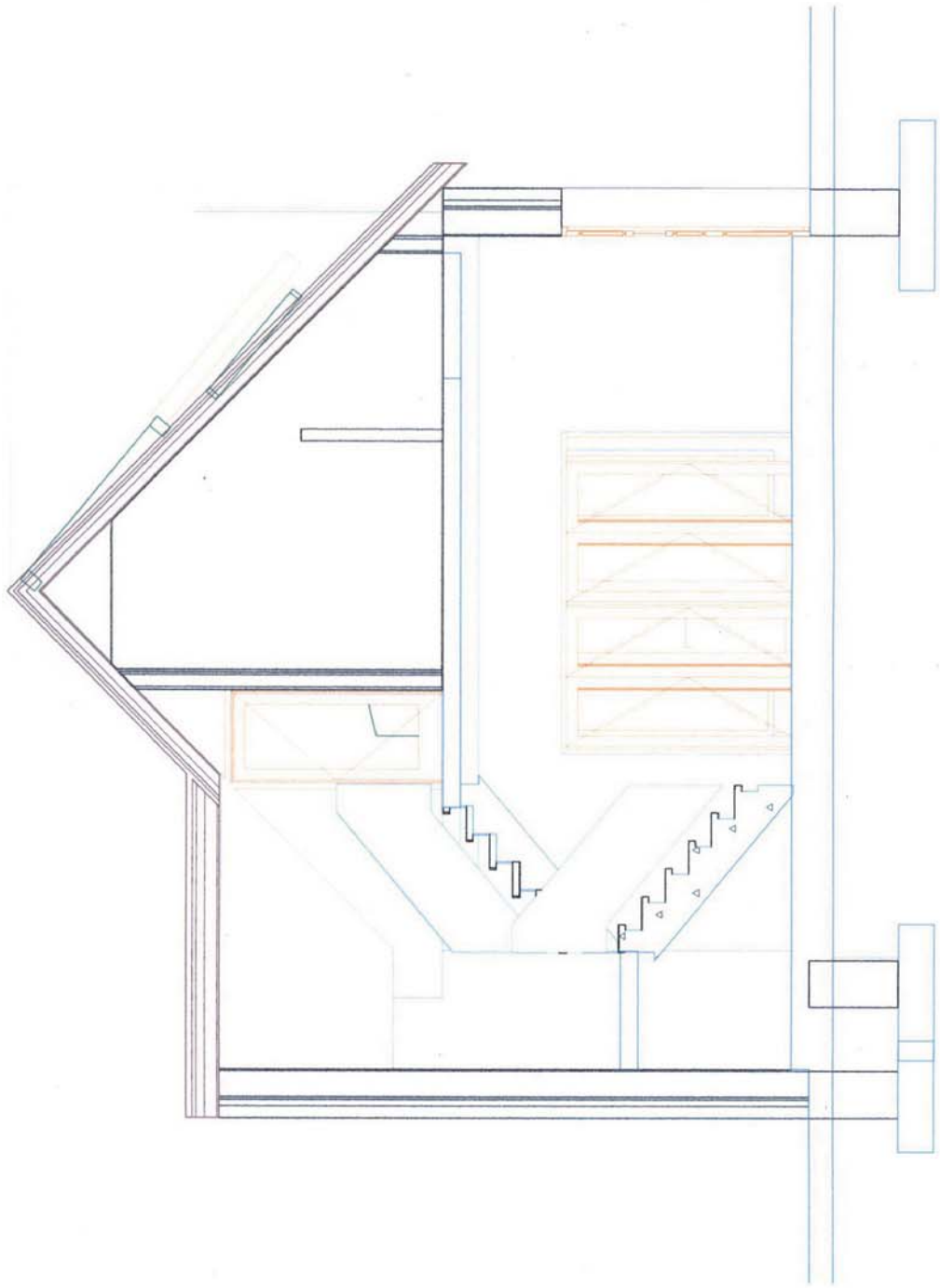
Drawing Name
REDEVELOPMENT

Architect
Blaschka Design

Scale
1:23


Layout ID
#LayID

Refused



9-02 Building Section 1/20

AC12

 Company Name Address City State/Country Postal Code	Project Name Proposed Cottage Name of Institution UNIVERSITY ADDRESS COUNTRY
Drawing Name Building Section	Drawing Status REDEVELOPMENT
Drawing Scale 1:25, 1:20	Architect #Lay/D
Drawing Date 12/13, 1:20	Status Refused









TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)
REGULATIONS 2013

PLANNING PERMISSION REFUSAL
REFERENCE : 16/00116/FULL

To **Mr Tom Ireland**
Elmwood Cottage
Barns Of Wedderburn
Dundee
DD4 0PG

With reference to your application dated 22 February 2016 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Demolition of Existing Building and Erection of Dwellinghouse at Land East Of Elmwood Cottage Barns Of Wedderburn for Mr Tom Ireland

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

- 1 That the proposal is contrary to Policy SC6 of the Angus Local Plan Review 2009 because the site would not round off or consolidate an existing building group; would not form a gap site; is not a qualifying rural brownfield site; and is not located within a Category 2 RSU. The proposal would also not meet the plot size requirements identified in Schedule 2 : Countryside Housing Criteria (criterion b).
- 2 That the proposal fails to comply with Policy S1 criterion (b) as it is contrary to Policy SC6 of the Angus Local Plan Review 2009.

Amendments:

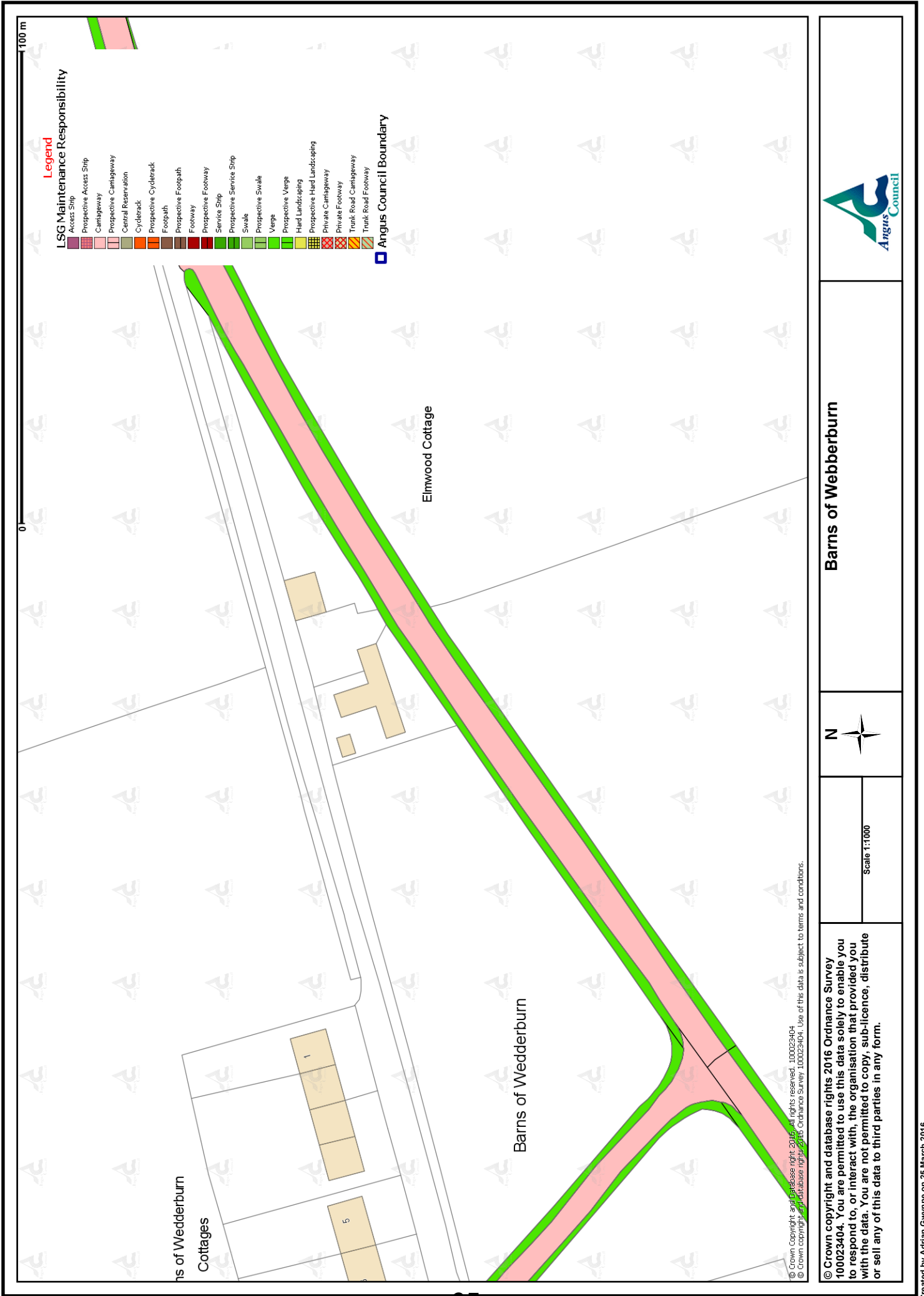
The application has not been subject of variation.

Dated this **21 April 2016**

Kate Cowey - Service Manager
Angus Council
Communities
Planning
County Buildings
Market Street
FORFAR
DD8 3LG







Bams of Wedderburn



Scale 1:1000

FOX PLANNING CONSULTANCY

75 GARSTANG ROAD EAST POULTON-LE-FYLDE LANCS FY6 8HL

PLANNING STATEMENT RECEIVED *JW.*

U 7 MAR 2016

PLANNING & PLACE
COUNTY BUILDINGS

IM

**PROPOSED ERECTION OF DWELLINGHOUSE
FOLLOWING DEMOLITION OF JOINERS WORKSHOP BUILDING**

**LAND EAST OF ELMWOOD COTTAGE
BARNES OF WEDDERBURN
DUNDEE DD4 0PG**

For Mr T Ireland

Planning Application Ref: 16/00116/FULL

29 February 2016
(V3)

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1.0 INTRODUCTION

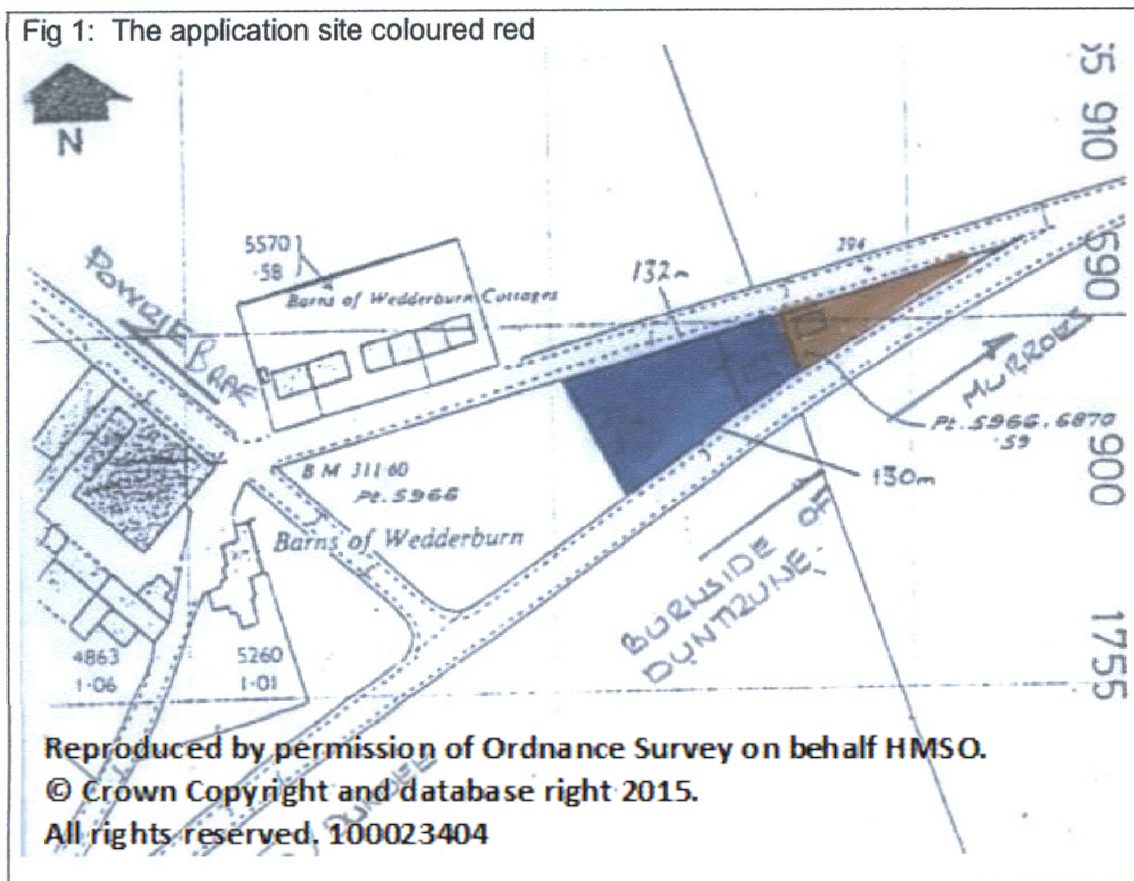
This planning statement relates to the current full planning application for the proposed erection of a dwellinghouse following demolition of the existing joiner's workshop building on a brownfield site occupying a self-contained parcel of land situated to the east of Elmwood Cottage, Barns of Wedderburn.

The submitted site layout plans shows the proposed house sited to incorporate the footprint of the existing building. The existing access that currently serves the adjacent house, also owned by the applicants would continue to be used to serve the application site.

2.0 THE APPLICATION SITE

The red edged application site amounts to an area of 812 square metres – this measurement has been verified by the applicants following on-site measurements.

Fig 1: The application site coloured red



Elmwood Cottage occupies a plot area of 785 square metres – this established garden area will not be affected by the proposed development. The adjacent field also within the ownership of the applicant, situated to the west of Elmwood Cottage, amounts to an area of 950 square metres.

The joiner's workshop building has been in situ for around 20 years and was used as commercially for 15 years, until around 5 years ago. The structure which is now derelict comprises a timber frame clad with timber tongue and groove weather-

boarding on the walls and roof. The workshop measures 13.3 metres long x 7.2 metres wide. The height of the building measures 2.6 metres to the eaves and 4.9 metres high to the ridge

Fig 2: Aerial View of the Application Site



Fig 3: View looking north east towards the application site. Elmwood Cottage can be seen in the foreground on the right.

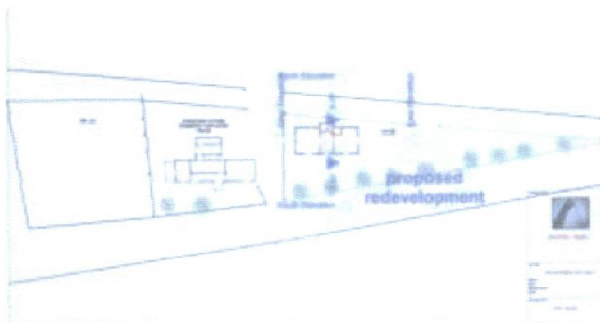


Fig 4: The joiner's workshop will be demolished.



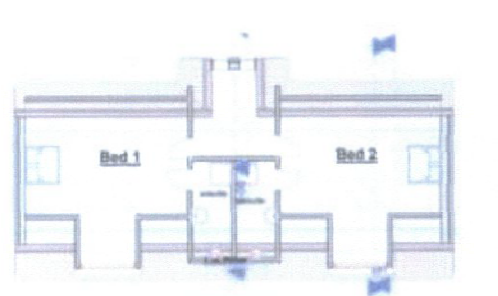
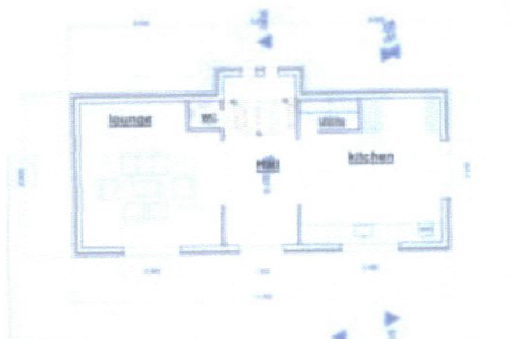
Fig 4: View of the application site looking west.

3.0 THE PROPOSED DEVELOPMENT



The proposed development involves the erection of a dwellinghouse over the footprint of the existing joiner's workshop building which will be demolished.

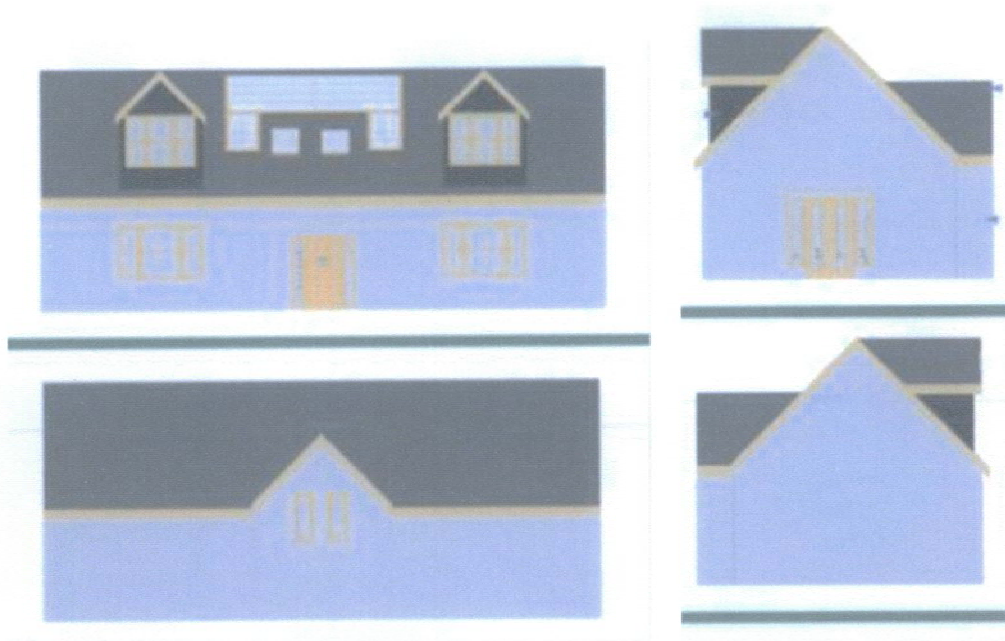
The proposed dwelling contains kitchen, utility room, lounge and WC on the ground floor with two bedrooms at first floor level.



The design of the proposed 1½ dwelling reflects the traditional vernacular and incorporates the use of traditional materials including a slate roof and harled walls.

The traditional design includes a central doorway with porch and two front gabled dormers in the front/south elevation. The fenestration pattern is vertical again reflecting the local vernacular.

The internal room layout provides south facing windows thereby maximising the solar gain benefits to the property and providing a high level of residential amenity. Solar panels are proposed on the south facing roof plane thereby enhancing the eco benefits and quality of residential accommodation being provided.



South and North Elevations

East and West Elevations

4.0 PRE-APPLICATION CONSULTATION

The applicant's architect consulted with the planning department prior to the submission of the planning application. The planning officer provided policy advice upon the principle of the proposed development. Questions were raised regarding the precise size of the application site. Subsequent to the consultation the applicant physically measured the site and confirmed that the area of the site measures 812 square metres. On this basis it is submitted that the plot size accords with policy. Further it is noted that the six cottages adjacent to the site have plot sizes of less than 800 square metres with 5 of these cottages plots averaging around 500 square metres. It is therefore clear that the proposed development would not be out of keeping with the density of development in the area.

The planning officer raised the question as to whether the garden area of the existing Elmwood Cottage would be reduced as a result of the proposed development. The applicant clarified that the existing garden area would remain unchanged. In this regard please refer to Fig 1 which contains an excerpt of the submitted location plan. It is the applicant's case that the application site has never formed part of the residential garden curtilage of Elmwood Cottage. This equally applies to the parcel of land located immediately to the west of Elmwood Cottage, also owned by the applicant. On this basis it is submitted that it is not material to the consideration of this current application, the fact that the existing and long-standing garden area of Elmwood Cottage is less than 800 square metres, having amounted to some 15 metres less than the current policy requirement having a plot size of 785 square metres for around the past 150 years. This 785 square metres garden size has adequately served and will continue to adequately serve the existing dwelling.

It is therefore submitted that the proposed development will not affect the residential garden area or plot size of the existing dwelling. Further the plot size would be

greater than the adjacent cottages, 5 of which have average plot sizes of around 500 square metres.

The planning officer raised the fact that the site frontage exceeded the policy restriction of 50 metres (as contained in Policy SC6(a) and (b)) however the applicant's case is that the proposal involves the redevelopment of a brownfield site under the provisions of Policy SC6(c) and there is no policy requirement restricting the size of site frontage for brownfield sites.

It is further submitted that the proposed dwelling will enhance the residential amenity of Elmwood Cottage and the visual amenity and environmental character of the area and this is discussed further under Planning Policy Considerations below.

5.0 THE HISTORY OF THE SITE

We are not aware of any relevant planning application history relating to the application site.

In terms of the history of the site, the existing joiner's workshop was erected around 20 years ago and was used as a commercial joinery workshop for 15 years, until around 5 years ago.

6.0 THE DEMOLITION

The existing building conveys a derelict appearance and is unlikely to be suitable for conversion. The building could be demolished without the requirement for planning consent.

It is submitted that the removal of the building and erection of the proposed dwelling would enhance the visual and residential amenity of the area.

7.0 THE ACCESS

The proposal involves the formation of a new access of the private access road to serve the proposed dwelling.

The access benefits from clear visibility in both directions.

8.0 PLANNING POLICY CONSIDERATIONS

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 comprises:

- TAYplan Strategic Development Plan 2012 - 2032; and
- Angus Local Plan Review (Adopted 2009).

The determining issues in this case would be whether:

- The proposal complies with development plan policy; and whether
- There are any other material considerations.

There are no specific TAYplan policies specifically relevant to this proposal.

The site lies with a countryside area as defined by the Angus Local Plan Review.

The following Angus Local Plan Review policies are and are reproduced below:

Angus Local Plan Review 2009

Policy S1(b): Development Boundaries

Policy S3: Design Quality

Policy S6: Development Principles (Schedule 1)

Policy SC6: Countryside Housing – New Houses

Policy S1: Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

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 (Schedule 1)

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.

Schedule 1 : Development Principles

Amenity

(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.

(b) Proposals should not result in unacceptable visual impact.

(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).

Roads/Parking/Access

(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.

(e) Access to housing in rural areas should not go through a farm court.

(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, 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 SC6: Countryside Housing – New Houses states:

a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group (page 30).

b) Gap Sites – In Category 1 RSUs a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSUs up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including

the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site. Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

d) Open Countryside - Category 2 RSUs - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met (page 30).

The Local Plan Review's **Rural Brownfield definition** states:

Brownfield Sites are broadly defined as sites that have previously been developed. In rural area this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity. PAN 73: Rural Diversification Feb 2005.

Schedule 2: Countryside Housing Criteria states:

In addition to taking account of the provisions of the General Policies including Policy S6 : Development Principles, and the associated Schedule 1, all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Development proposals should:

a) be on self-contained sites and should not set a precedent or open up further areas for similar applications; (**does not apply to proposals for conversion under Policy SC5, rural brownfield sites under Policy SC6(c)** or essential worker houses under Policy SC7)

b) meet the plot size requirements; (does not apply to proposals for conversion under Policy SC5, or new country house proposals under Policy SC8);

c) not extend ribbon development;

d) not result in the coalescence of building groups or of a building group with a nearby settlement;

e) have regard to the rural character of the surrounding area and not be urban in form and/or appearance;

f) provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Angus Council's Advice Note 14 - Small Housing Sites provides guidance on minimum standards in relation to private amenity space and distance between dwellings which will be acceptable for proposals involving between one and four dwellings on sites within existing built up areas. In countryside areas it will commonly be expected that these standards should be greater than the minimum having regard to the nature of the location. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.

g) be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision;

h) not adversely affect or be affected by farming or other rural business activities (may not apply to proposals for essential worker houses related to the farm or business under Policy SC7);

i) not take access through a farm court (may not apply to proposals for essential worker houses for farm workers under Policy SC7);

j) not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large; and

k) make provision for affordable housing in line with Policy SC9 : Affordable Housing.

Policy S6: Development Principles states:

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.

Policy SC4 : Countryside Housing – Retention of Existing Houses states:

In preference to demolition and replacement, Angus Council will encourage the retention and renovation of stone-built houses and other houses of visual, architectural or historic merit which are sound and/or wind and watertight, or

which have four walls standing to eaves height and at least 50% of the roof structure and covering in place and are therefore capable of attracting improvement grant. Sensitively designed extensions forming part of the renovation of such houses will also be supported.

Where such a house is demonstrated by a suitably qualified professional to be structurally incapable of renovation or is of minimal visual, architectural or historic interest, demolition and reconstruction or replacement may be acceptable.

The replacement house should represent a substantial improvement on the original property and meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

The Angus Local Plan Review 2009 under Policy SC6(c) clearly supports the redevelopment of redundant rural brownfield sites that would remove dereliction or result in a significant environmental improvement. It is submitted that the proposed development would remove dereliction. Further, the proposal would also result in a significant environmental improvement by reason of visual enhancement following the removal of the derelict, redundant building and the removal of the former potentially non-conforming joinery workshop use adjacent to the existing dwelling. Additionally, it is submitted that the traditional design and proportions of the proposed dwelling would enhance the character and appearance of the area in addition to safeguarding the residential amenity of the adjacent Elmwood Cottage.

Policy SC6(c) does not restrict the length of frontage of the brownfield sites. It is clear that the application site is degraded from its former activity and contains a derelict workshop building. It is submitted that the proposal complies with Policy SC6(c).

It is submitted that the proposed development complies with Policy S3: Design Quality of the Angus Local Plan Review. The proposed dwelling would be sited over the footprint of the existing building and therefore it would not significantly alter the landscape or pattern of development in the area as the historic pattern of development would be respected. In terms of design, the proposed dwelling would enhance the visual amenity of the area. It is considered that the proposed development complies with Policy S3.

Policy S6 and Schedule 1 of the Angus Local Plan Review are relevant. Schedule 1 contains a number of assessment criteria relating to amenity, roads/parking/access, landscaping/open space/biodiversity, drainage/flood risk, waste management and supporting information. As explained above, there would be no detrimental impact regarding residential and visual amenity, on the contrary these would be enhanced as a result of the development. In terms of highway safety, it is considered that the proposed access is safe would not result in any detrimental impact.

Additional landscaping/planting would be provided to enhance the setting of the proposed dwelling and enhance privacy levels and this could be addressed in a planning condition. The proposal would not have any impact upon trees.

The site is not located in an area of known flood risk.

A refuse storage/recycling area would be provided to the rear of the dwelling.

In terms of ecology, the development would not result in any adverse impact. Additional tree planting would potentially enhance the ecology value of the site.

It is considered that the proposed development would not conflict with Policy S6 and Schedule 1 Criteria.

9.0 CONCLUSION

The proposed development would provide a high quality design and energy efficient dwelling.

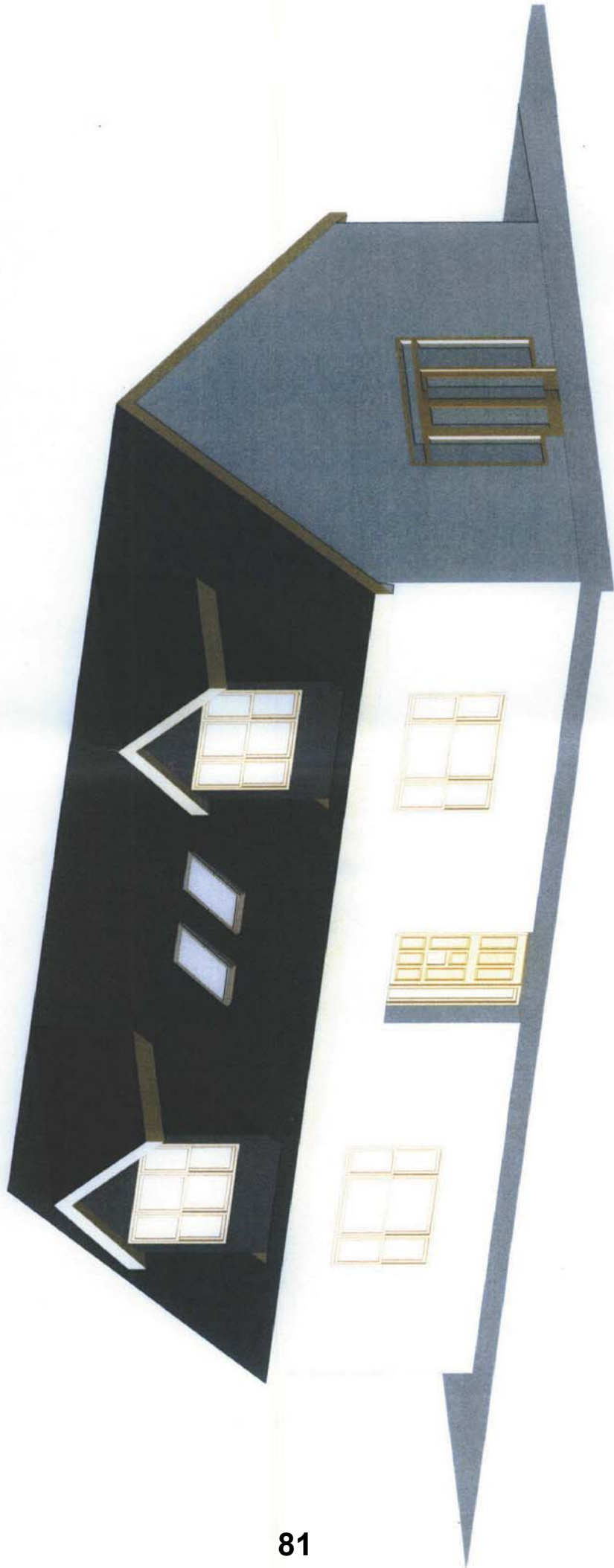
The sensitively designed dwellinghouse is located in a similar position to the existing building and would respect the traditional pattern of development in the area and enhance the character, appearance and visual and residential amenity of the area.

The proposed redevelopment of this brownfield site which has never formed part of any garden area would remove dereliction and result in a significant environmental improvement.

It is clear that no detrimental impact, only positive impacts, would result from the proposed development. The proposal complies with the relevant provisions of the development plan and would not result in any adverse impact upon the character or amenity of the surrounding area. There are no material considerations that would justify the refusal of the application.

The proposed development would not conflict with development plan policy and it is requested that the application is approved.

Jane K Fox MSc Pg Dip
Planning & Development Consultant
29 February 2016





General notes and specification

(Full construction specification will be produce with working drawings)

Proposed construction:

To be off traditional cottage style, in keeping with local dwellings, and materials

Walls: All walls to be wet dash, painted white, 100mm concrete block, 60mm cavity, 12.5mm sheathing ply, 145mm timber frame, 30mm service void, 37.5mm thermal board.

Roof: Spanish slate on 15mm sarking, breather membrane, manufactured trusses.

Insulation: All insulation to be installed at a higher U Value than current regulations

Windows: All windows to be high energy K glass and Triple glazed

Solar energy: Solar panels to be incorporated into roof construction

Scotch Dormers: Side cheeks of dormers to be clad in matching slate as roof.

Electrics: All electrical installations to be in accordance with BS standards

Plumbing : All plumbing works to be carried in in accordance to current standards.

Rainwater Drainage: All rainwater run off to be diverted to soakways within site.

Solar Panels: Solar panels to be incorporated into roof construction

Sewage: Septic tank/inspection tank/ and run off soakaway to be contained on site.

Company Title



BESPOKE DESIGN

Job Title

Proposed Cottage

BARNES OF WEDDERBURN
DUNTRUNE
ANGUS
DD40PG

General notes

Drawing Status

Redevelopment

ARCHITECT

5/1/2016

Simon Richardson

Drawing Scale

1:###

Layout ID

#LayID

Status

Revision

From:Tom Ireland
Sent:Sun, 20 Mar 2016 13:59:44 +0000
To:WrightJ
Subject:Re: 16/00116/FULL - Land at Elmwood Cottage, Barns of Wedderburn

Hi Mr Wright.

I would like to begin by thanking you for the prompt response to my application.

The workshop was the official registered address for my business (Elmwood Joinery LTD) and has been

since May 2000, before that, my business name was (Morgan Baxter Construction) and this was also the registered address

from 1996 until may 2000. These details can be corroborated by contacting Companies house in Edinburgh, and the Royal Mail.

, The Registered address is Elmwood joinery ltd, Barns of Wedderburn, Dundee Angus

DD40PG. The workshop has always had its own mail box, which was situated on the telegraph pole at the rear entrance. The box

was relocated to the front of the house on the brick pillar, at the request of the postman, for his convenience.

The entrance to the cottage is at the front of the house, from the main road, the entrance to the workshop, was specially made at the

rear, giving access from the metal private road, this has always been the access for the workshop.

The workshop has never been used, or was intended to be used for manufacturing purposes, it was only for storage and a basic workshop,

therefore, it never required any official recognition. Having explained these details, research would show, about 75% of commercial buildings, and

farm buildings, share the same entrance as domestic dwellings. You could probably confirm this by looking out of your office window.

Back in 1996, my solicitor Mr Campbell from Campbell Boath and Company, handled all my interests. It was he who contacted Angus Planning

to make an enquiry on my behalf, regarding consent for the workshop. Mr Campbell was informed that, as the building was only timber

and of a temporary nature, then no planning approval was required.

History for the past twenty years have been presented to you, regarding the use of the proposal. This can go back a lot further, as I can prove without

doubt, that this piece of land, was never part of the curtilage of the cottage. At your request, I can obtain signed statements from the previous owners

Lord & lady Dundee, from the local farmer Jim Greenhill, and from the contractor Jameson Haulage Westhall terrace. The site was used as a Dump! by

the local farmer Pat Baird, who for many many years cleared the surrounding fields of stones and other debris, and dumped it all on this piece of ground.

When I bought the property it was a huge refuse dump, standing over two metres high, I paid Jameson a lot of money to clear it. He appeared with a massive bulldozer, and a fleet of lorries, and removed over 1500 tons of rubbish, and restored it back to ground level.

I cant understand what the issue is regarding the size of the cottage etc, the cottages next to me are all under 500 sq mtr, and there are plots of ground for sale in Angus at this time, that are under 600sq mtr? I hope I have given you a clearer picture of the whole application, and this may help to reassess your views

regarding my application. This is not a proposal from a developer, trying to make a buck, on the contrary, this is a proposal from a couple of people,

trying to build a retirement cottage, and gain independence and security, in our forth coming old age.

If you require statements from the professionals I have mentioned, please let me know asp, and I will get this organised.

Regards Tom Ireland

From: Tom Ireland
Sent: Thu, 24 Mar 2016 16:47:18 +0000
To: WrightJ
Subject: Re: 16/00116/FULL - Land at Elmwood Cottage, Barns of Wedderburn

Hi

I have never had any request for rates etc , I assumed as a one man business it did not qualify.

Regards. Tom

From: WrightJ <WrightJ@angus.gov.uk>
Sent: 24 March 2016 15:49:24
To: [REDACTED]
Subject: FW: 16/00116/FULL - Land at Elmwood Cottage, Barns of Wedderburn

Mr Ireland,

I refer to the letter and supporting information you submitted which has been received by this Service on 23/03/16.

I note that you have submitted various invoices with regards to the workshop. Are you able to demonstrate that business rates have been paid on the building / premises or that they have been registered for that?

Regards

James

From: WrightJ
Sent: 18 March 2016 16:33
To: [REDACTED]
Subject: 16/00116/FULL - Land at Elmwood Cottage, Barns of Wedderburn

Demolition of Existing Building and Erection of Dwellinghouse at Land East Of Elmwood Cottage, Barns Of Wedderburn

Mr Ireland,

I refer to the above application. I have now visited the site and reviewed all of the supporting information and I would comment as follows.

The supporting statement submitted by Fox Planning Consultancy appears to suggest that the application site is brownfield land which is outwith the curtilage of the existing property at Elmwood Cottage. It indicates that the joiners workshop has been in situ for around 20 years, was used commercially for around 15 years until around 5 years ago. The supporting statement indicates that it is the applicants case that the area of ground never formed part of the curtilage of Elmwood Cottage. In addition to this the letters of representation have confirmed that.

However notwithstanding the comments made by the agent, no other evidence has been submitted to show that this was operating as a separate business unit. In addition I cannot find any planning history on the site relating to this commercial use. This service has no registered address for the separate business unit and has no other information to suggest this is a separate business unit. On this basis it would appear that the buildings are ancillary to the main residential unit. It is my view that the curtilage of Barns of Wedderburn extends to the east to cover the application site. In addition the application site shares an access with the residential use.

I consider that Policy SC6 Countryside Housing New Houses will be the main policy for consideration in terms of the current local plan. I do not consider that the proposal would meet the definition of consolidating or rounding off a building group (criterion a). The proposal is also located within an RSU 1 area and as such criterion (d) of Policy SC6 would not apply.

In terms of Policy SC6, criterion (c) this relates to rural brownfield sites. As indicated above having looked at the proposal in some detail it is my opinion that the redundant buildings and application site form part of the curtilage of the existing property at Elmwood Cottage. On this basis I do not consider that the proposed application site can be considered as a brownfield site in terms of the policy SC6. There are also concerns regarding the size of the site and the size of the existing house plot at Elmwood Cottage being less than 800sqm.

Given that the proposed application site is considered to be part of the curtilage of Elmwood Cottage the site cannot be considered to be a gap site (criterion b). In any event the road frontage would be in excess of the maximum allowed for a gap site (50m) within a Category RSU 1 area. In conclusion, unfortunately from reviewing your proposals I do not consider that the proposals would comply with Policy SC6 in this instance.

Overall I do not consider that the proposal would comply with Policy SC6 and the application is likely to receive a recommendation for refusal on this basis. Should you wish to withdraw the application I would be grateful if you could confirm this by response to this e-mail within 5 days. After this date I will proceed to determine the application.

Regards

James Wright, Planning Officer (Development Standards), Planning & Transport Division, Communities, Angus Council, County Buildings, Market Street, FORFAR, DD8 3LG. Tel: 01307 473244

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TW
RECEIVED
23 MAR 2016
PLANNING & PLACE
COUNTY BUILDINGS
IM

Tom Ireland
Elmwood cottage
Barns of Wedderburn
Dundee Angus
DD40PG
22/3/16

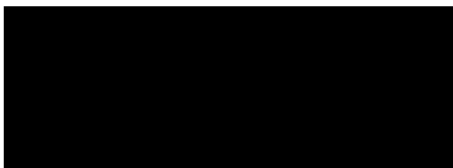
Mr J.Wright
Planning Officer

Hi Mr Wright,

I have enclosed copies of past invoices, over a number of years, for your inspection. You will see that there were some large deliveries undertaken to my workshop. I hope this will be enough confirmation, but if more is required, please let me know and I will organize this immediately.

Kind regards

Tom Ireland



RECORDED
DELIVERY

AC21

JW
RECEIVED

- 8 APR 2016

PLANNING & PLACE
COUNTY BUILDINGS

AH

Tom Ireland
Elmwood Cottage
Barns of Wedderburn
Dundee
Angus
DD40PG
8/4/16

Hi Mr. Wright,

When I submitted my application, I had studied the policies, and the LDP, and thought my proposal was quite straightforward. It became apparent, that there was a lot more information that you required, in order to give a fair assessment, of my proposal.

I had failed to mention, that the workshop, was purpose built, and paid for by my Company, I was a director of that Company, which was called Morgan Baxter Construction LTD, the building was owned by them, and an asset of the Company.

When the company changed to Elmwood Joinery LTD, in 2000, the workshop became the property of Elmwood Joinery Ltd. and a company asset. I am not a director of Elmwood Joinery Ltd. merely an employee, I have no legal jurisdiction, or authority, regarding the Company, or the workshop.

I have been advised, that, as the workshop is owned by a third party, Elmwood cottage has no legal jurisdiction or authority, regarding it. As such, the workshop is in its own Curtilage, and not within the domestic Curtilage of Elmwood Cottage.

It should also be noted, that if in the event, of consent, then the workshop will have to be purchased from Elmwood Joinery Ltd. before work can begin. In this event, the area left to Elmwood cottage would be 1745 sq mtr. I cannot understand, why the land to the west of the cottage is not in the Curtilage, yet you claim the land to the east is in the Curtilage. This is a contradiction.

I would like to bring to your attention, some of the many positive aspects, in favour of my proposal.

- 1 The planning statement submitted by Fox Consultancy, is an expert analysis, of the policies, relating to Brownfield sites, and states that the proposal complies with all issues in the policy, and the LDP.
- 2 Every person, who lives, and works, at Barns of Wedderburn, has submitted letters of support. They have stated that the proposal will add enhancement, and

environmentally improve the area. There were 13 signatures out of 13, which gives me 100% of the local community in support of my proposal.

- 3 Documentary proof has been submitted, showing that the workshop was used commercially.
- 4 Documentary proof has been submitted, showing the workshop is the legally registered address of Elmwood joinery Ltd. since 2000.
- 5 Documentary proof was submitted, showing large deliveries of materials to the workshop.
- 6 Submissions were made that the entrance to the workshop was purposely built, with access from the service road at the rear.
- 7 Submissions were made that Elmwood Cottage has its own two entrances, with access from the main road at the front.
- 8 The workshop was built by, and is owned by, Elmwood joinery Ltd. and is an asset of that Company.
- 9 Elmwood Cottage has no legal jurisdiction, or authority, over the workshop.
- 10 The workshop sits in its own Curtilage , and is not part of the domestic Curtilage of Elmwood Cottage.
- 11 A yearly fee has been paid by Elmwood Joinery Ltd. for the land occupied by the workshop.
- 12 The ownership of the land, occupied by the workshop, can quickly, and legally, be purchased and, transferred to Elmwood Joinery Ltd. if required.
- 13 The building has not been used as a workshop, for quite some time due to its condition, but it is still being used commercially. Elmwood Joinery Ltd. has an ongoing contract with Hammonds Fitted Furniture Ltd, and they make deliveries to the workshop more or less on a weekly basis. Hammonds have their own set of keys for access, when delivering. This can all be confirmed if required, the last delivery, was Friday ^{1st} April 2016.



Curtilage

From Wikipedia, the free encyclopedia

In law, the **curtilage** of a house or dwelling is the land immediately surrounding it, including any closely associated buildings and structures, but excluding any associated "open fields beyond", and also excluding any closely associated buildings, structures, or divisions that contain the separate intimate activities of their own respective occupants with those occupying residents being persons other than those residents of the house or dwelling of which the building is associated. It delineates the boundary within which a home owner can have a reasonable expectation of privacy and where "intimate home activities" take place. It is an important legal concept in certain jurisdictions for the understanding of search and seizure, conveyancing of real property, burglary, trespass, and land use planning.

Look up ***curtilage*** in Wiktionary, the free dictionary.

In urban properties, the location of the curtilage may be evident from the position of fences, wall and similar; within larger properties it may be a matter of some legal debate as to where the private area ends and the "open fields" start.^[1]

Contents

From: Tom Ireland
Sent: 19 Apr 2016 09:03:03 +0100
To: WrightJ
Subject: Re: Pre- Planning discussions:

From: [REDACTED]
Sent: 19 April 2016 06:45
To: wright@angus.gov.uk
Subject:

Hi James

With reference to our meeting yesterday, there are some points that you brought up that are not consistent with the real facts. You centred on the size of the proposed plot again, which casts doubt on the physical measurements that I undertook, you suggested that my sizes were including the grass verges surrounding the plot. Last night I remeasured the plot with an assistant, and the measurements including the grass verges, adds another 170 square meters to the dimensions of the proposed plot. This makes the plot including the grass verges, 982 square metres. I appreciate you are convinced your sizes from the aerial picture are accurate, but there is no argument against a physical measurement.

As I said yesterday, having researched past refusals, my proposal comprehensively, complies with most policies. There is also the question of standards, regarding fair appraisal, there are plots in Angus with planning approval, less than 600 square metres, and are part of someone's garden, which places their approved proposal, within the curtilage of their house. How can this be justified when I am being refused on the same grounds. James, I am not convinced my proposal is being treated fairly, I would like you to reconsider all the relevant

information I have submitted, before you determine the decision .

I would also like to begin pre planning discussions regarding another proposal.

The plot in question is at the cottages adjacent to my house.

Next to number 6 cottage is a gap site, between the cottage and Duntrune road, it has a frontage of under 50 metres, and is approx 650 square metres. Planning was approved about 12 years ago, but has since lapsed . Would this be considered for a renewal of the original proposal ?

Regards. Tom

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**DEMOLITION OF EXISTING BUILDING AND ERECTION OF
DWELLINGHOUSE AT LAND EAST OF ELMWOOD COTTAGE, BARNS
OF WEDDERBURN**

APPLICATION NO 16/00116/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Appeal Statement
- ITEM 3** Planning Statement
- ITEM 4** Various Plans and Elevations
- ITEM 5** Letters to Planning Officer dated 8 April and 22 March 2016
- ITEM 6** Memorandum from Head of Technical and Property Services dated 7 March 2016
- ITEM 7** List of Neighbours Notified
- ITEM 8** Photographs

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Tom	Forename	
Surname	Ireland	Surname	
Company Name		Company Name	
Building No./Name	Elmwood cottage	Building No./Name	
Address Line 1	Barns of Wedderburn	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Duntrune	Town/City	
Postcode	DD40PG	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	16/00116/full		
Site address	<p>Barns of Wedderburn Duntrune Angus DD40PG</p> <p>(elmwood cottage)</p>		
Description of proposed development	<p>Redevelopment of brownfield site demolish existing timber building construct 2/bed traditional cottage</p>		

Date of application

22/02/2016

Date of decision (if any)

22/04/2016

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

further written submissions can be provided to prove that the brown field site was used solely for commercial purposes, and is not in the curtilage of the cottage.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

separate document added.

All relevant drawings, submissions, and documentation, are in the possession of the planning officer, at Angus council buildings Market Street Forfar

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

All supporting documents, drawings, photographs, ETC are being held with the planning officer, at Angus County Buildings Market Street Forfar.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

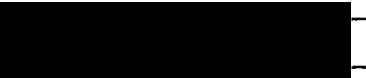
Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Tom Ireland
Elmwood Cottage
Barns of Wedderburn
Duntrune Angus
DD40PG

Committee Officer,
Angus Council Resources
Legal & Democratic Services
Angus House
Orchardbank Business park
Forfar DD8 1AN
23/04/2016

Dear Sir/Madame,

I have studied the Policies and the LDP, and there are statements throughout that say,: Quote: Preferences will be given to Brownfield sites, windfall sites, opportunity sites, and preferences will be given to single dwellings, on the edges of small settlements, : Unquote:. It seems that these statements have been inserted for the sole purpose, to encourage the Planners to be more liberal in identifying redundant and potential brownfield sites. The objective being, to ease the much publicized national housing shortage, and reduce the utilization of precious Greenfield land for domestic dwellings. My proposal meets all this criteria, the UK government, Scottish government, and local government, are all in support of this strategy.

A refusal to prevent my proposals, are a contradiction of the policy, the LDP, and a contradiction against the Governments efforts, to reduce the national housing shortage. I have submitted a substantial amount of relevant material, that supports my proposal, in addition, I appeal to this committee, to see the validity of my proposal, and grant approval.

Also 100% of the local community at Barns of Wedderburn, have submitted letters in support of the proposal, stating that this proposal would be an enhancement, and environmentally improve the immediate area, thirteen signatures in all.

Finally, I have researched the brownfield site applications, which have been refused over the last few years. Not one of them had the comprehensive and positive compliance's, in their proposal that I have presented in mine and, Mr Wright the planning officer agreed with me, in the presence of Councilor Hand.

The Proposed redevelopment site has its own natural boundaries, with no possibility of Riban development, or creating a presitent. There are no third party objections, on the contrary, everyone in the local community is in support of this redevelopment.

The planning officer has questioned the size of the plot. I have physically measured the area twice, with an assistant, within the boundary walls it is 812 square meter's, and measured over the surrounding grass verges, it is 982 square meters. These details were submitted twice to the planner, but were overruled. Each time I received a negative issue from the planner, I was able to give a positive response to the issue, and each time my submissions were overruled.

The footprint occupied in the brownfield site is, 95 square meters, the proposed retirement traditional cottage we want to build, would have a footprint of only 90square meters. Security has always been a problem for the existing cottage, due to standing alone, there has been forced entries in the past. An additional dwelling in the immediate vicinity would no doubt give added security, and, protection, to the families who live there in the long-term future.

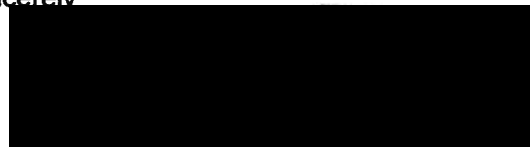
There is no doubt in my mind that my proposal meets the planning policy and my planning consultant: i.e. Fox Consultancy, also say in there planning statement, that the proposal complies with policy. The planners are using any technicality, to prevent this redevelopment, and it would be a shame to lose such an obvious planning gain.

To summarize my objective is as follows. Having reached the end of my working life, and through studying the policies and LDP, I have identified an opportunity, to provide security and comfort, for my wife and I in our latter years. Encouraged by the governments strategy, and their efforts to diminish the national housing shortage, I presented my proposal.

Unfortunately, due to the planning officer having delegated bureaucratic powers, all my submissions were overruled. The dominant reason being, that in his opinion, the brownfield site is within the curtilage of the cottage, and therefore does not comply. I sincerely hope this committee can see the positive gain in my proposal, and overturn the refusal.

I find it difficult to accept a refusal, knowing that it's a refusal against the potential to enhance the local environment, against the governments efforts to reuse redundant brownfield sites. To ease the national housing shortage, and, against logic and common sense.

Yours sincerely

A large black rectangular redaction box covering the signature area.

FOX PLANNING CONSULTANCY
75 GARSTANG ROAD EAST POULTON-LE-FYLDE LANCS FY6 8HL

PLANNING STATEMENT RECEIVED *JW*

U 7 MAR 2016
PLANNING & PLACE
COUNTY BUILDING

**PROPOSED ERECTION OF DWELLINGHOUSE
FOLLOWING DEMOLITION OF JOINERS WORKSHOP BUILDING**

**LAND EAST OF ELMWOOD COTTAGE
BARNES OF WEDDERBURN
DUNDEE DD4 0PG**

For Mr T Ireland

Planning Application Ref: 16/00116/FULL

29 February 2016
(V3)

Tel: 01253 885515 Mob: 07749324825 Email: janefox@foxplanningconsultancy.co.uk

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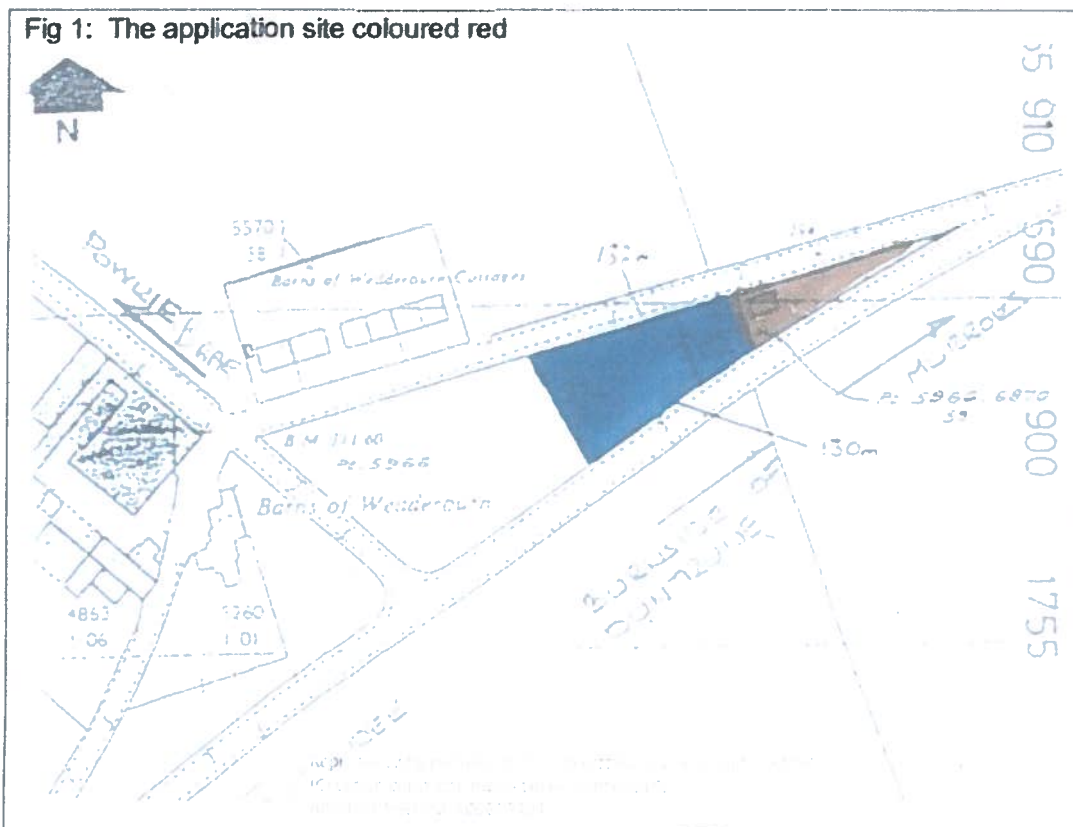
1.0 INTRODUCTION

This planning statement relates to the current full planning application for the proposed erection of a dwellinghouse following demolition of the existing joiner's workshop building on a brownfield site occupying a self-contained parcel of land situated to the east of Elmwood Cottage, Barns of Wedderburn.

The submitted site layout plans shows the proposed house sited to incorporate the footprint of the existing building. The existing access that currently serves the adjacent house, also owned by the applicants would continue to be used to serve the application site.

2.0 THE APPLICATION SITE

The red edged application site amounts to an area of 812 square metres – this measurement has been verified by the applicants following on-site measurements.



Elmwood Cottage occupies a plot area of 785 square metres – this established garden area will not be affected by the proposed development. The adjacent field also within the ownership of the applicant, situated to the west of Elmwood Cottage, amounts to an area of 950 square metres.

The joiner's workshop building has been in situ for around 20 years and was used as commercially for 15 years, until around 5 years ago. The structure which is now derelict comprises a timber frame clad with timber tongue and groove weather-

boarding on the walls and roof. The workshop measures 13.3 metres long x 7.2 metres wide. The height of the building measures 2.6 metres to the eaves and 4.9 metres high to the ridge

Fig 2: Aerial View of the Application Site

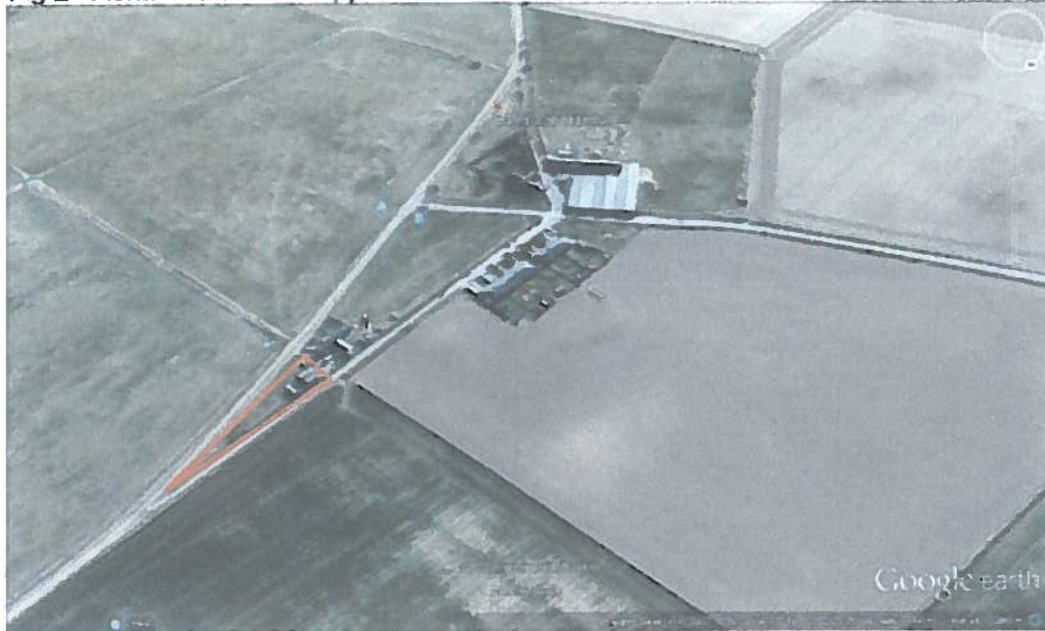


Fig 3: View looking north east towards the application site. Elmwood Cottage can be seen in the foreground on the right.



Fig 4: The joiner's workshop will be demolished.



Fig 4: View of the application site looking west.

3.0 THE PROPOSED DEVELOPMENT

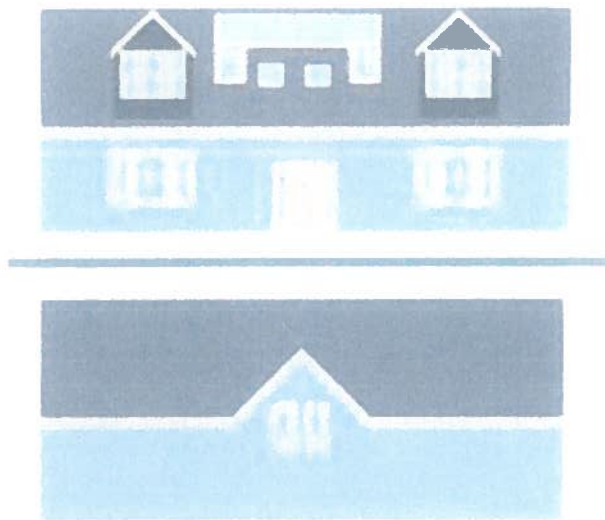
The proposed development involves the erection of a dwellinghouse over the footprint of the existing joiner's workshop building which will be demolished.

The proposed dwelling contains kitchen, utility room, lounge and WC on the ground floor with two bedrooms at first floor level.

The design of the proposed 1½ dwelling reflects the traditional vernacular and incorporates the use of traditional materials including a slate roof and harled walls.

The traditional design includes a central doorway with porch and two front gabled dormers in the front/south elevation. The fenestration pattern is vertical again reflecting the local vernacular.

The internal room layout provides south facing windows thereby maximising the solar gain benefits to the property and providing a high level of residential amenity. Solar panels are proposed on the south facing roof plane thereby enhancing the eco benefits and quality of residential accommodation being provided.



South and North Elevations



East and West Elevations

4.0 PRE-APPLICATION CONSULTATION

The applicant's architect consulted with the planning department prior to the submission of the planning application. The planning officer provided policy advice upon the principle of the proposed development. Questions were raised regarding the precise size of the application site. Subsequent to the consultation the applicant physically measured the site and confirmed that the area of the site measures 812 square metres. On this basis it is submitted that the plot size accords with policy. Further it is noted that the six cottages adjacent to the site have plot sizes of less than 800 square metres with 5 of these cottages plots averaging around 500 square metres. It is therefore clear that the proposed development would not be out of keeping with the density of development in the area.

The planning officer raised the question as to whether the garden area of the existing Elmwood Cottage would be reduced as a result of the proposed development. The applicant clarified that the existing garden area would remain unchanged. In this regard please refer to Fig 1 which contains an excerpt of the submitted location plan. It is the applicant's case that the application site has never formed part of the residential garden curtilage of Elmwood Cottage. This equally applies to the parcel of land located immediately to the west of Elmwood Cottage, also owned by the applicant. On this basis it is submitted that it is not material to the consideration of this current application, the fact that the existing and long-standing garden area of Elmwood Cottage is less than 800 square metres, having amounted to some 15 metres less than the current policy requirement having a plot size of 785 square metres for around the past 150 years. This 785 square metres garden size has adequately served and will continue to adequately serve the existing dwelling.

It is therefore submitted that the proposed development will not affect the residential garden area or plot size of the existing dwelling. Further the plot size would be

greater than the adjacent cottages, 5 of which have average plot sizes of around 500 square metres.

The planning officer raised the fact that the site frontage exceeded the policy restriction of 50 metres (as contained in Policy SC6(a) and (b)) however the applicant's case is that the proposal involves the redevelopment of a brownfield site under the provisions of Policy SC6(c) and there is no policy requirement restricting the size of site frontage for brownfield sites.

It is further submitted that the proposed dwelling will enhance the residential amenity of Elmwood Cottage and the visual amenity and environmental character of the area and this is discussed further under Planning Policy Considerations below.

5.0 THE HISTORY OF THE SITE

We are not aware of any relevant planning application history relating to the application site.

In terms of the history of the site, the existing joiner's workshop was erected around 20 years ago and was used as a commercial joinery workshop for 15 years, until around 5 years ago.

6.0 THE DEMOLITION

The existing building conveys a derelict appearance and is unlikely to be suitable for conversion. The building could be demolished without the requirement for planning consent.

It is submitted that the removal of the building and erection of the proposed dwelling would enhance the visual and residential amenity of the area.

7.0 THE ACCESS

The proposal involves the formation of a new access of the private access road to serve the proposed dwelling.

The access benefits from clear visibility in both directions.

8.0 PLANNING POLICY CONSIDERATIONS

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 comprises:

- TAYplan Strategic Development Plan 2012 - 2032; and
- Angus Local Plan Review (Adopted 2009).

The determining issues in this case would be whether:

- The proposal complies with development plan policy; and whether
 - There are any other material considerations.
-

There are no specific TAYplan policies specifically relevant to this proposal.

The site lies with a countryside area as defined by the Angus Local Plan Review.

The following Angus Local Plan Review policies are and are reproduced below:
Angus Local Plan Review 2009

Policy S1(b): Development Boundaries
Policy S3: Design Quality
Policy S6: Development Principles (Schedule 1)
Policy SC6: Countryside Housing – New Houses

Policy S1: Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

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 (Schedule 1)

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.

Schedule 1 : Development Principles

Amenity

(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.

(b) Proposals should not result in unacceptable visual impact.

(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).

Roads/Parking/Access

(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.

(e) Access to housing in rural areas should not go through a farm court.

(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, 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 SC6: Countryside Housing – New Houses states:

- a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group (page 30).
- b) Gap Sites – In Category 1 RSUs a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSUs up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including

the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

d) Open Countryside - Category 2 RSUs - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met (page 30).

The Local Plan Review's Rural Brownfield definition states:

Brownfield Sites are broadly defined as sites that have previously been developed. In rural area this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity. PAN 73: Rural Diversification Feb 2005.

Schedule 2: Countryside Housing Criteria states:

In addition to taking account of the provisions of the General Policies including Policy S6 : Development Principles, and the associated Schedule 1, all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Development proposals should:

a) be on self-contained sites and should not set a precedent or open up further areas for similar applications; **(does not apply to proposals for conversion under Policy SC5, rural brownfield sites under Policy SC6(c) or essential worker houses under Policy SC7)**

b) meet the plot size requirements; (does not apply to proposals for conversion under Policy SC5, or new country house proposals under Policy SC8);

c) not extend ribbon development;

d) not result in the coalescence of building groups or of a building group with a nearby settlement;

e) have regard to the rural character of the surrounding area and not be urban in form and/or appearance;

f) provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Angus Council's Advice Note 14 - Small Housing Sites provides guidance on minimum standards in relation to private amenity space and distance between dwellings which will be acceptable for proposals involving between one and four dwellings on sites within existing built up areas. In countryside areas it will commonly be expected that these standards should be greater than the minimum having regard to the nature of the location. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 -- Agricultural Land to Garden Ground.

g) be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision;

h) not adversely affect or be affected by farming or other rural business activities (may not apply to proposals for essential worker houses related to the farm or business under Policy SC7);

i) not take access through a farm court (may not apply to proposals for essential worker houses for farm workers under Policy SC7);

j) not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large; and

k) make provision for affordable housing in line with Policy SC9 : Affordable Housing.

Policy S6: Development Principles states:

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.

Policy SC4 : Countryside Housing – Retention of Existing Houses states:

In preference to demolition and replacement, Angus Council will encourage the retention and renovation of stone-built houses and other houses of visual, architectural or historic merit which are sound and/or wind and watertight, or

which have four walls standing to eaves height and at least 50% of the roof structure and covering in place and are therefore capable of attracting improvement grant. Sensitively designed extensions forming part of the renovation of such houses will also be supported.

Where such a house is demonstrated by a suitably qualified professional to be structurally incapable of renovation or is of minimal visual, architectural or historic interest, demolition and reconstruction or replacement may be acceptable.

The replacement house should represent a substantial improvement on the original property and meet Schedule 2: Countryside Housing Criteria as applicable (page 30).

The Angus Local Plan Review 2009 under Policy SC6(c) clearly supports the redevelopment of redundant rural brownfield sites that would remove dereliction or result in a significant environmental improvement. It is submitted that the proposed development would remove dereliction. Further, the proposal would also result in a significant environmental improvement by reason of visual enhancement following the removal of the derelict, redundant building and the removal of the former potentially non-conforming joinery workshop use adjacent to the existing dwelling. Additionally, it is submitted that the traditional design and proportions of the proposed dwelling would enhance the character and appearance of the area in addition to safeguarding the residential amenity of the adjacent Elmwood Cottage.

Policy SC6(c) does not restrict the length of frontage of the brownfield sites. It is clear that the application site is degraded from its former activity and contains a derelict workshop building. It is submitted that the proposal complies with Policy SC6(c).

It is submitted that the proposed development complies with Policy S3: Design Quality of the Angus Local Plan Review. The proposed dwelling would be sited over the footprint of the existing building and therefore it would not significantly alter the landscape or pattern of development in the area as the historic pattern of development would be respected. In terms of design, the proposed dwelling would enhance the visual amenity of the area. It is considered that the proposed development complies with Policy S3.

Policy S6 and Schedule 1 of the Angus Local Plan Review are relevant. Schedule 1 contains a number of assessment criteria relating to amenity, roads/parking/access, landscaping/open space/biodiversity, drainage/flood risk, waste management and supporting information. As explained above, there would be no detrimental impact regarding residential and visual amenity, on the contrary these would be enhanced as a result of the development. In terms of highway safety, it is considered that the proposed access is safe would not result in any detrimental impact.

Additional landscaping/planting would be provided to enhance the setting of the proposed dwelling and enhance privacy levels and this could be addressed in a planning condition. The proposal would not have any impact upon trees.

The site is not located in an area of known flood risk.

A refuse storage/recycling area would be provided to the rear of the dwelling.

In terms of ecology, the development would not result in any adverse impact. Additional tree planting would potentially enhance the ecology value of the site.

It is considered that the proposed development would not conflict with Policy S6 and Schedule 1 Criteria.

9.0 CONCLUSION

The proposed development would provide a high quality design and energy efficient dwelling.

The sensitively designed dwellinghouse is located in a similar position to the existing building and would respect the traditional pattern of development in the area and enhance the character, appearance and visual and residential amenity of the area.

The proposed redevelopment of this brownfield site which has never formed part of any garden area would remove dereliction and result in a significant environmental improvement.

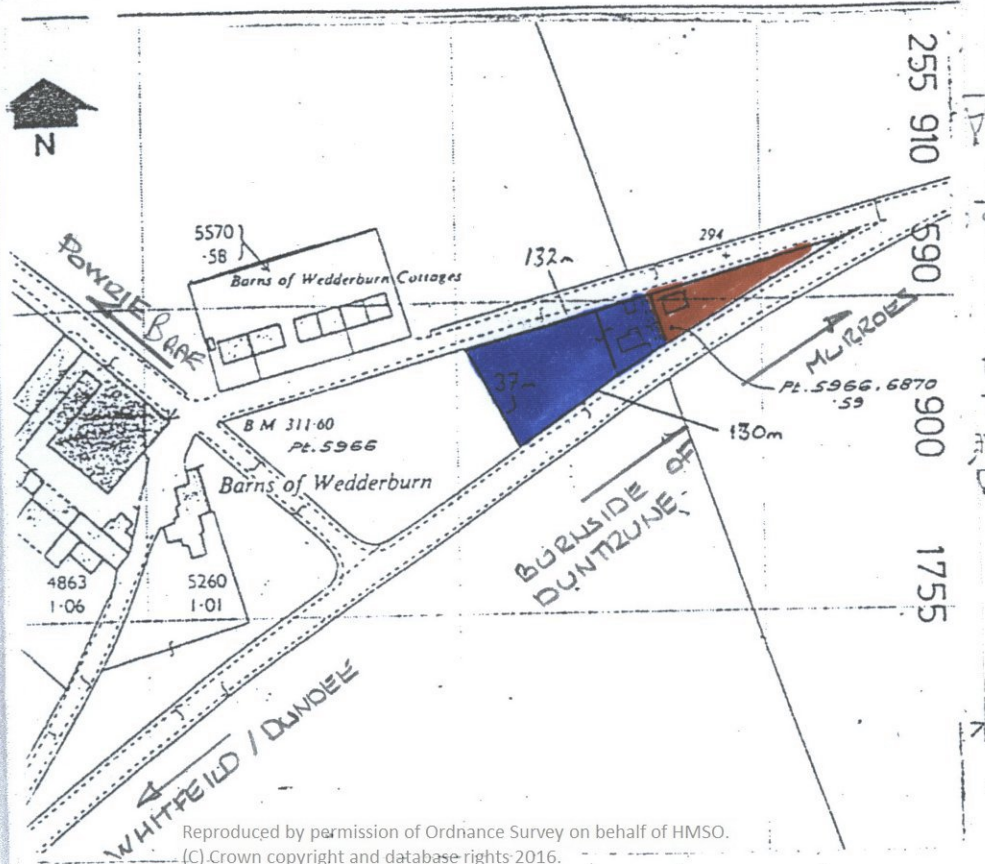
It is clear that no detrimental impact, only positive impacts, would result from the proposed development. The proposal complies with the relevant provisions of the development plan and would not result in any adverse impact upon the character or amenity of the surrounding area. There are no material considerations that would justify the refusal of the application.

The proposed development would not conflict with development plan policy and it is requested that the application is approved.

Jane K Fox MSc Pg Dip
Planning & Development Consultant
29 February 2016

Refused

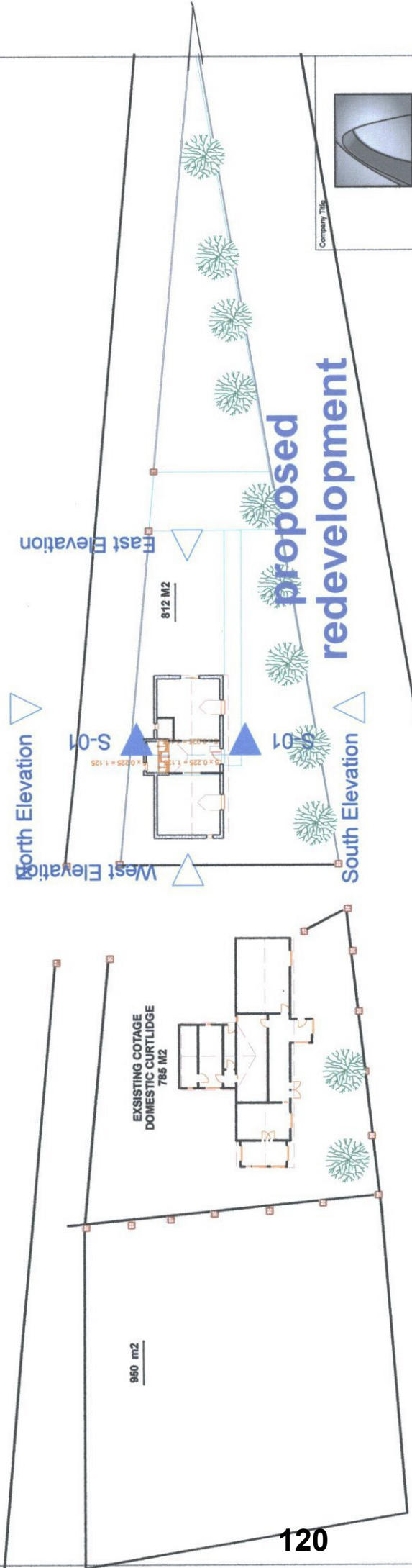
BARNES OF WEDDERBURN



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SITE LOCATION PLAN SCALE 1-2500

Refused



Company Title



BESPOKE DESIGN

Job Title

PROPOSED COTTAGE

#Street

#City

#State/Country

#Post

Drawing Name

SITE PLAN

Drawing Status

REDEVELOPMENT

ARCHITECT

SIMON RICHARDSON

Drawing Scale

1-500

Layout ID

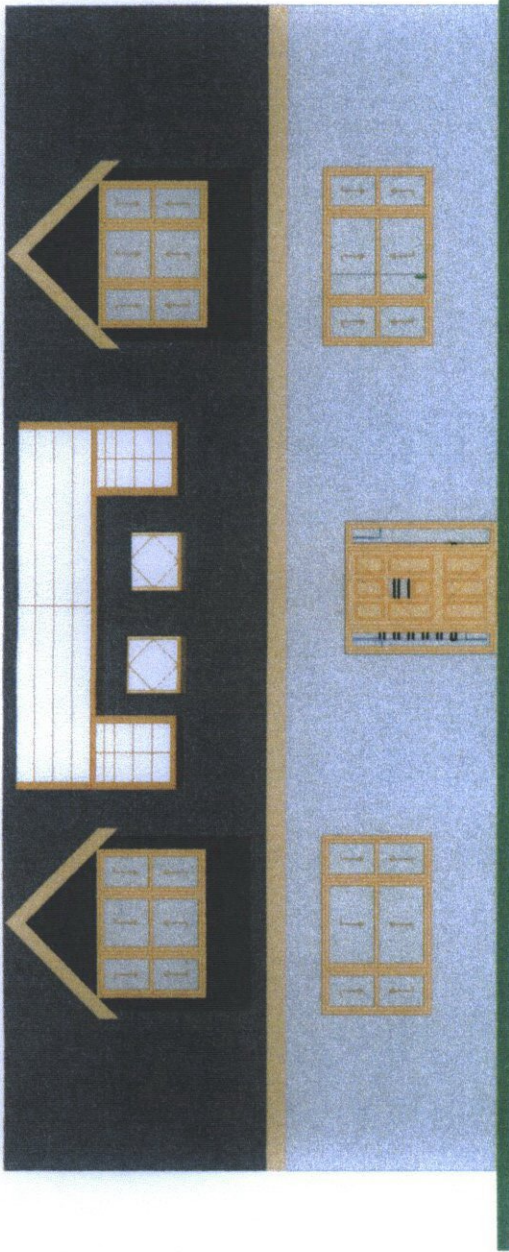
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Status

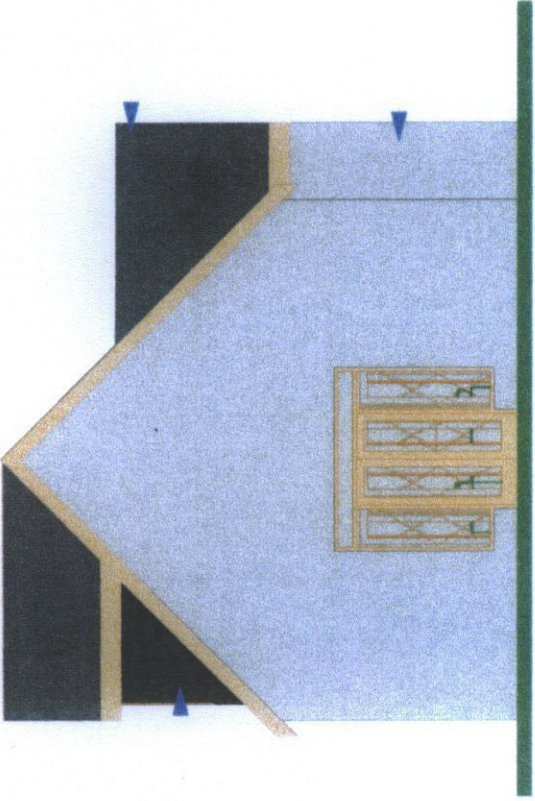
Revision



Refused



Weeks of dormers
1 in spanish slate

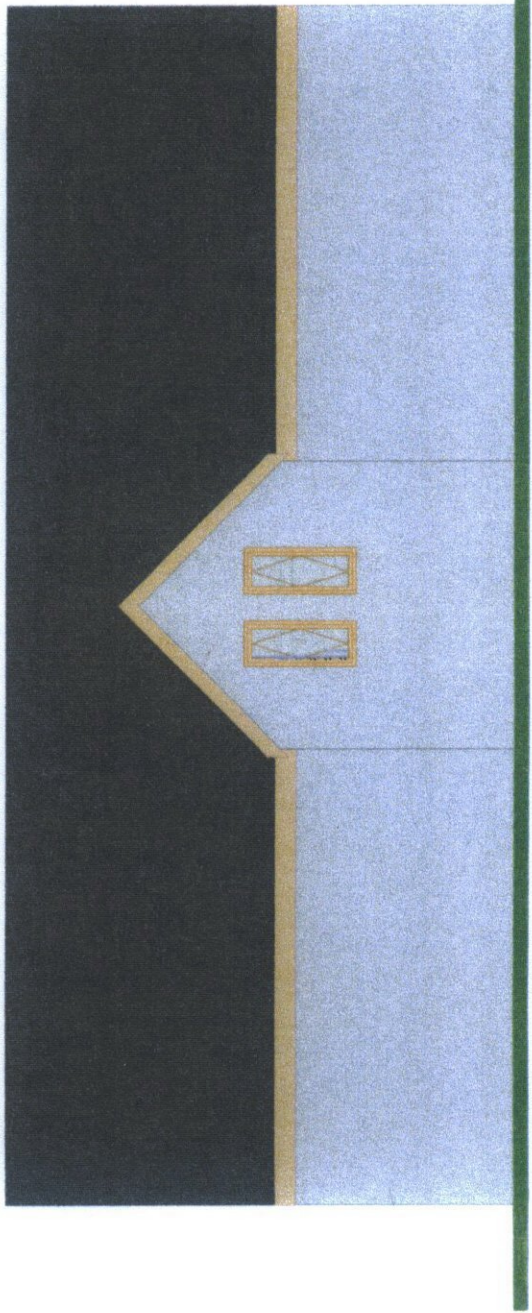


South Elevation

East Elevation

1:50


1:45



West Elevation

South Elevation

1:45

Company Title 

Street
City
State/Country
Postal Code

Job Title **Proposed Cottage**

BARNS OF WEDDERBURN
DUNTRINE
ARCHITECTS GROUP

REDEVELOPMENT

Architect **ARCHITECTS**

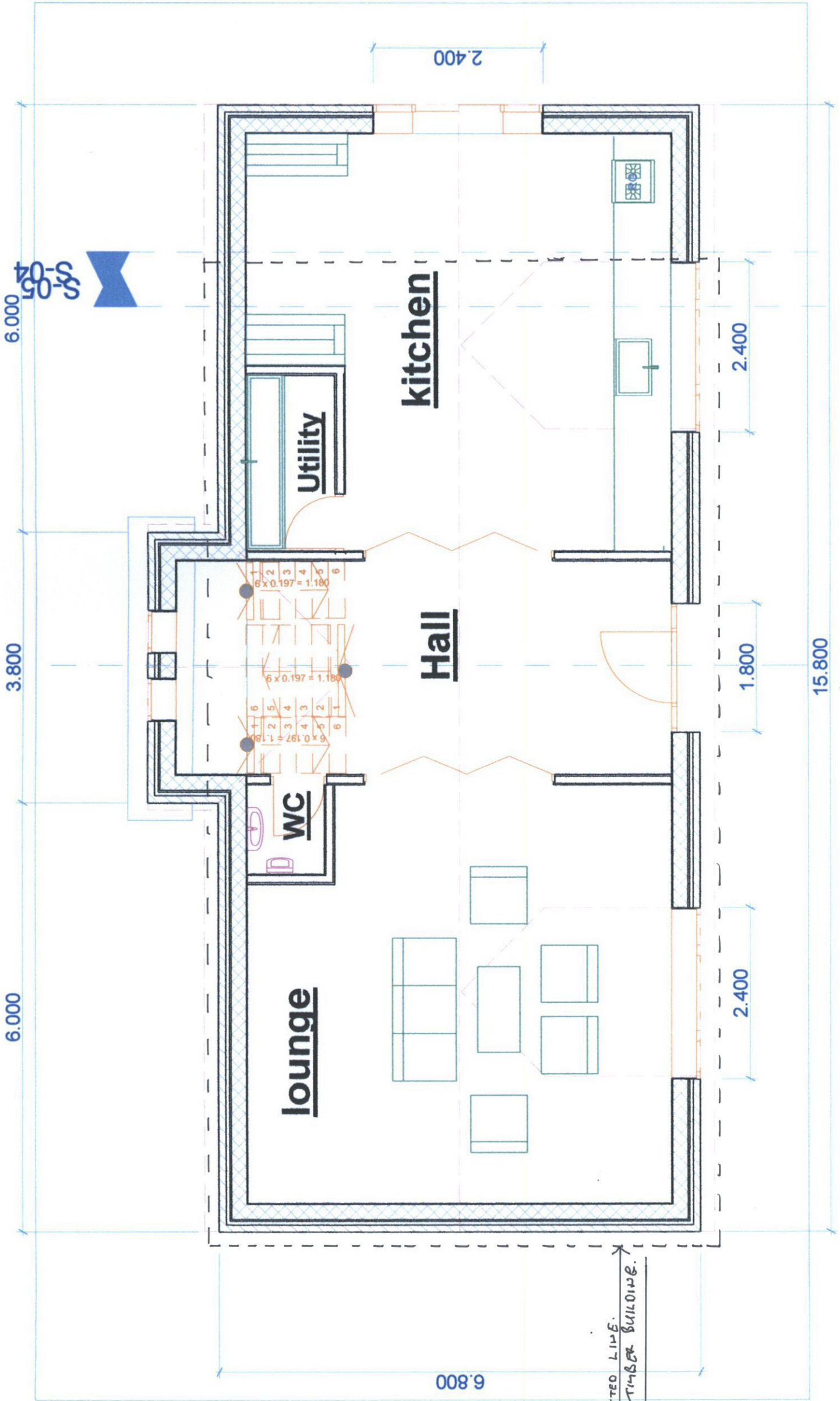
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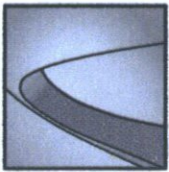
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Drawing Scale **1:50, 1:45, 1:47**

Layout ID **#LayID**

Status Revision

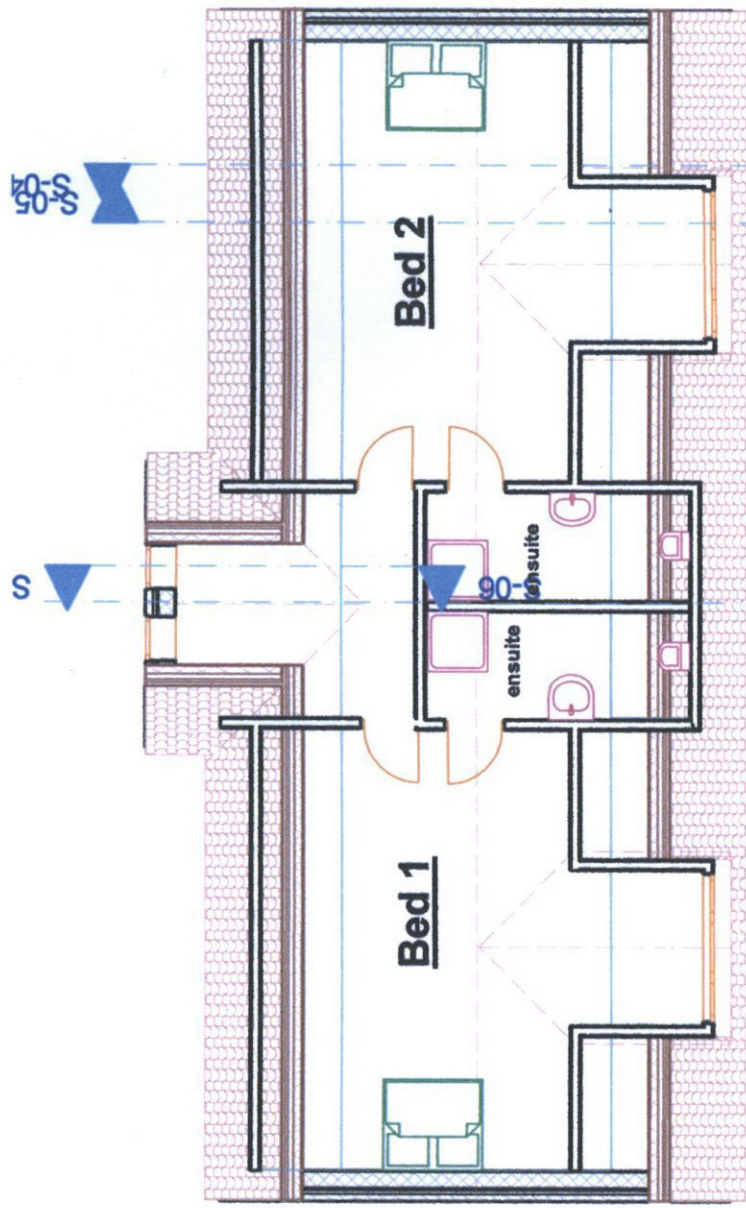


Company Title	
Company name	Bespoke Design
Street	
City	
State/Country	
Postal Code	
Job Title	proposed Cottage
Drawing Name	Ground Floor
Drawing Status	REDEVELOPMENT
Architect	Simon Richardson
Project ID	#1/2018
Drawing Scale	1:43
Layout ID	#LayID
Status	
Revision	

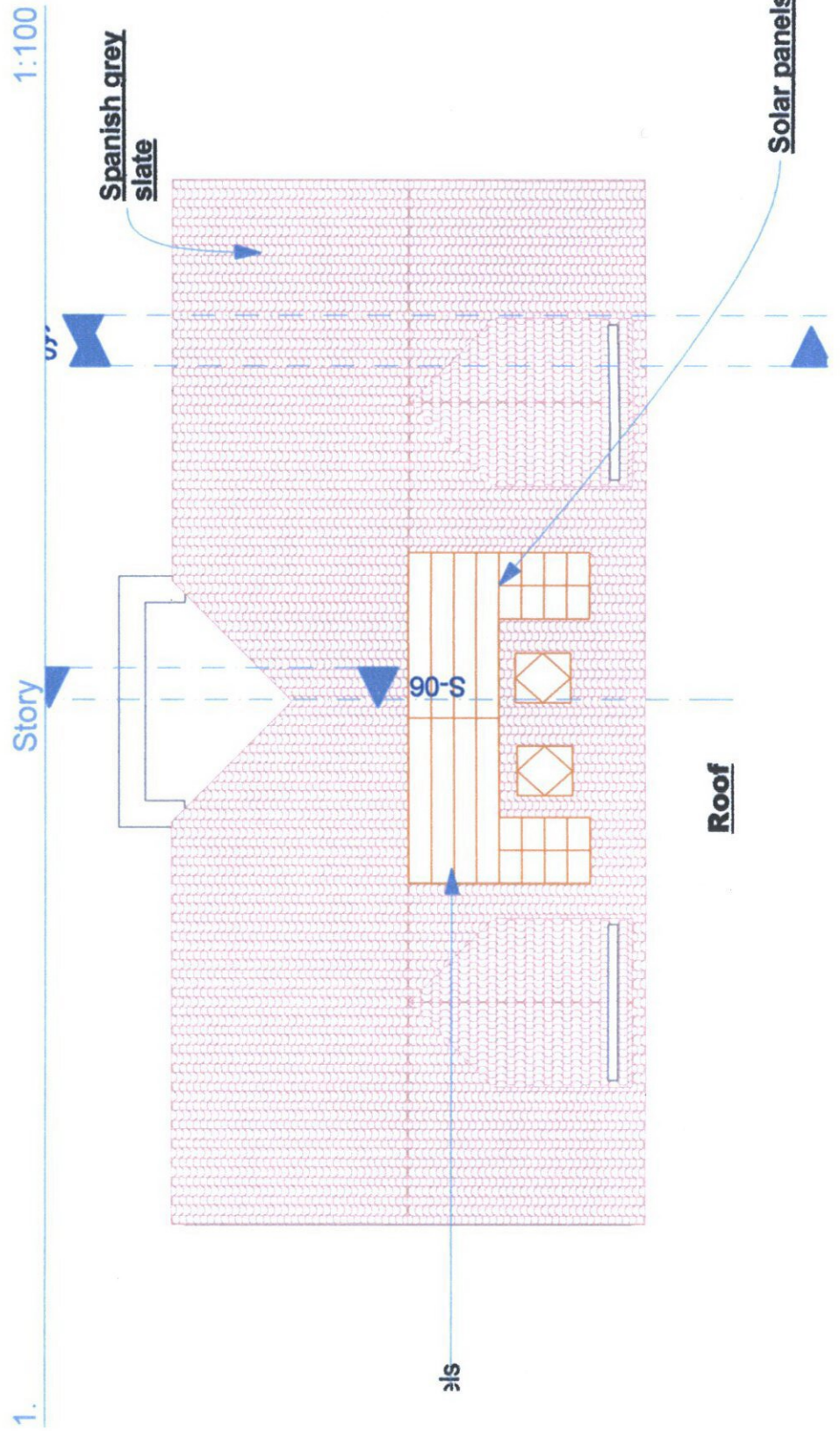
Refused

DOTTED LINE.
EX-TIMBER BUILDING.

Refused

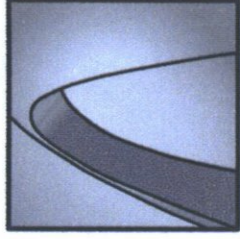


1 st Floor



Roof

Company Title



BESPOKE DESIGN

Job Title

Proposed Cottage

BARNS OF WEDDERBURN
DUNTRUNE
ANGUS
DD40PG

1st floor plan

Roof plan

Drawing Status

Redevelopment

ARCHITECT

5/1/2016

Simon Richardson

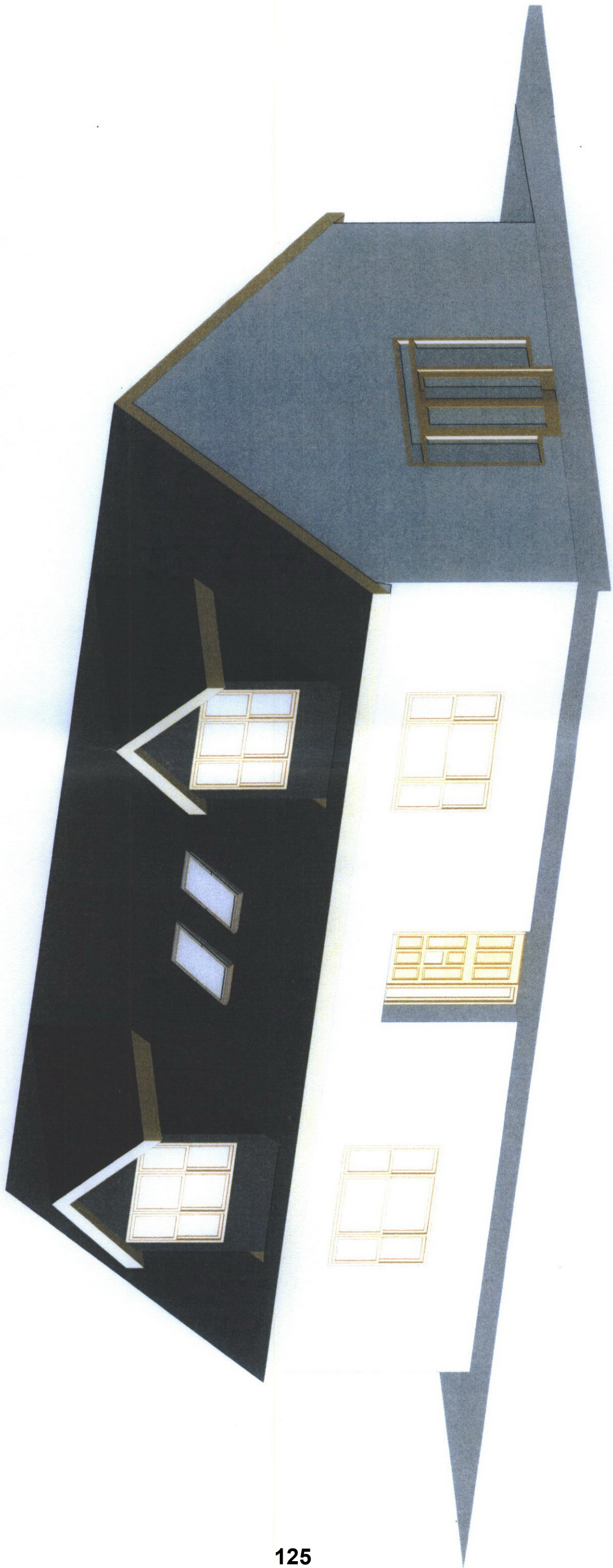
Drawing Scale

1:100

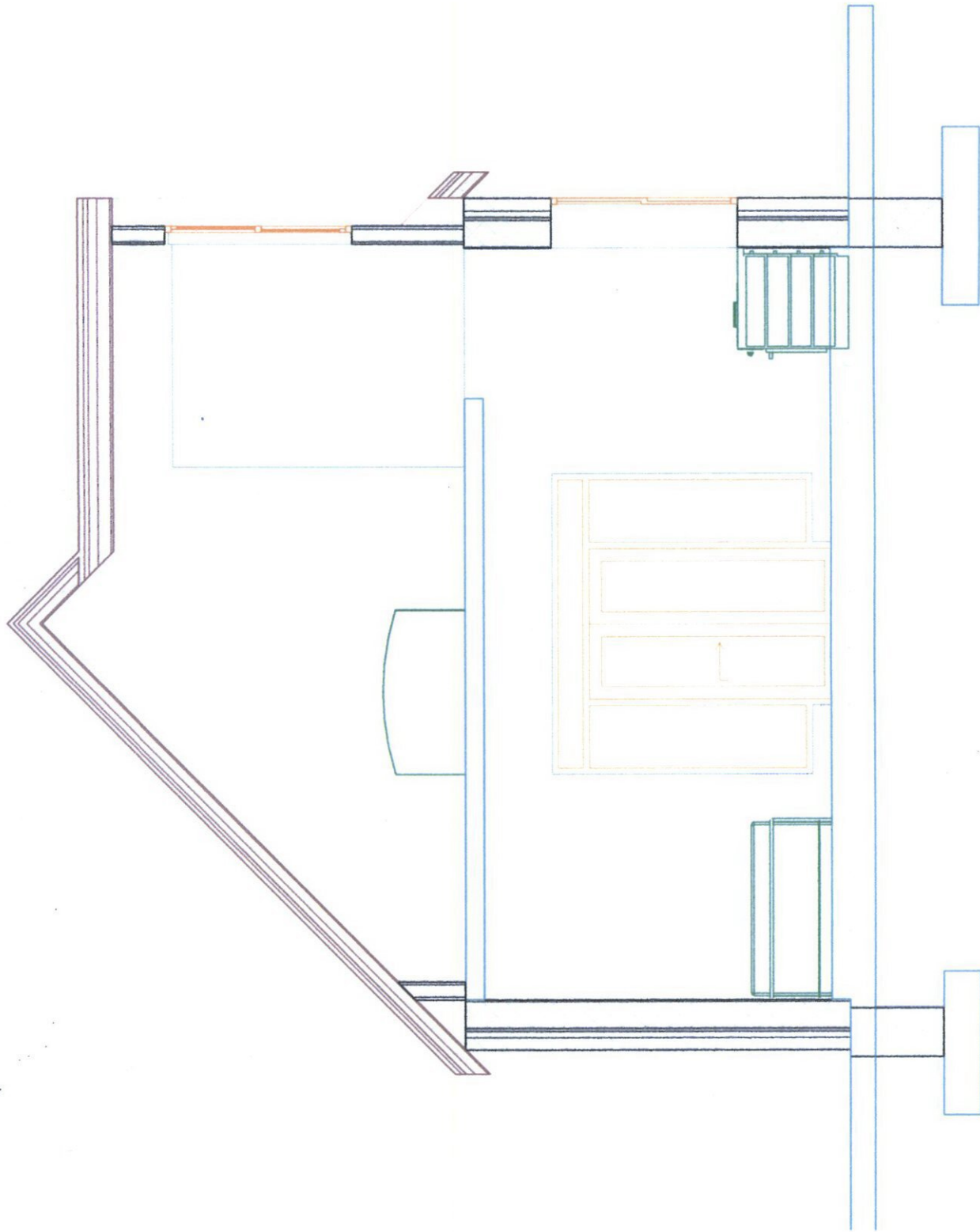
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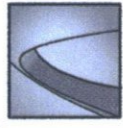
Status Revision

#LayID



Refused



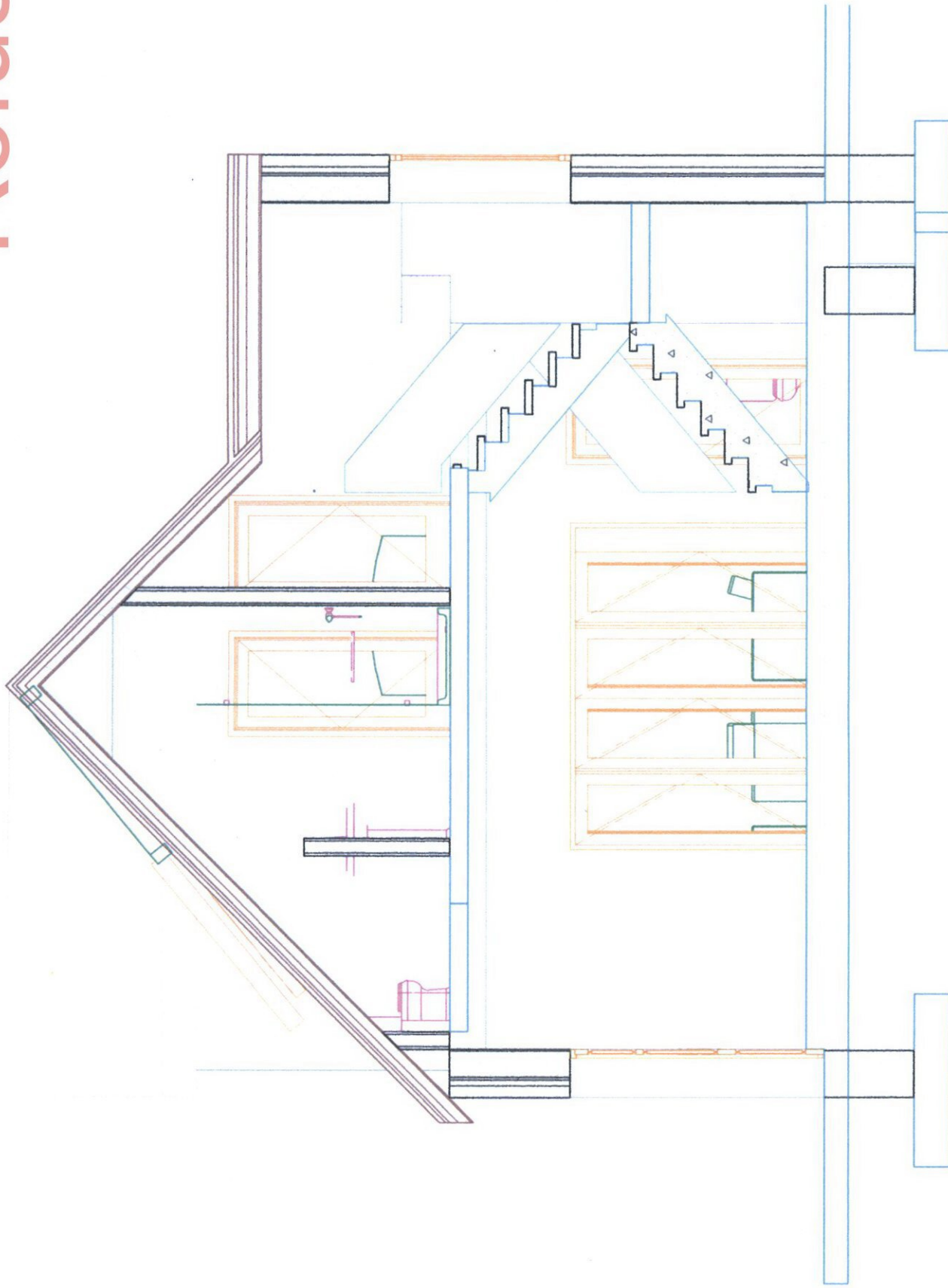
Company Title	
Street	Respoke Design
City	
State/Country	
Postal Code	
Job Title	Proposed Cottage
Name of Member/Client	MARK OF WOODBURN
Address	1000 W. 10TH
City	OMAHA
State	NE
Zip	68104
Drawing Name	Building Section
Drawing Status	REDEVELOPMENT
Architect	Respoke Design
Architect License No.	522818
Drawing Scale	
Drawing Date	1/23
Layout ID	#LayID
Status	
Revision	

1/23

Building Section

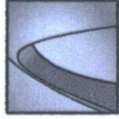
S-05

Refused

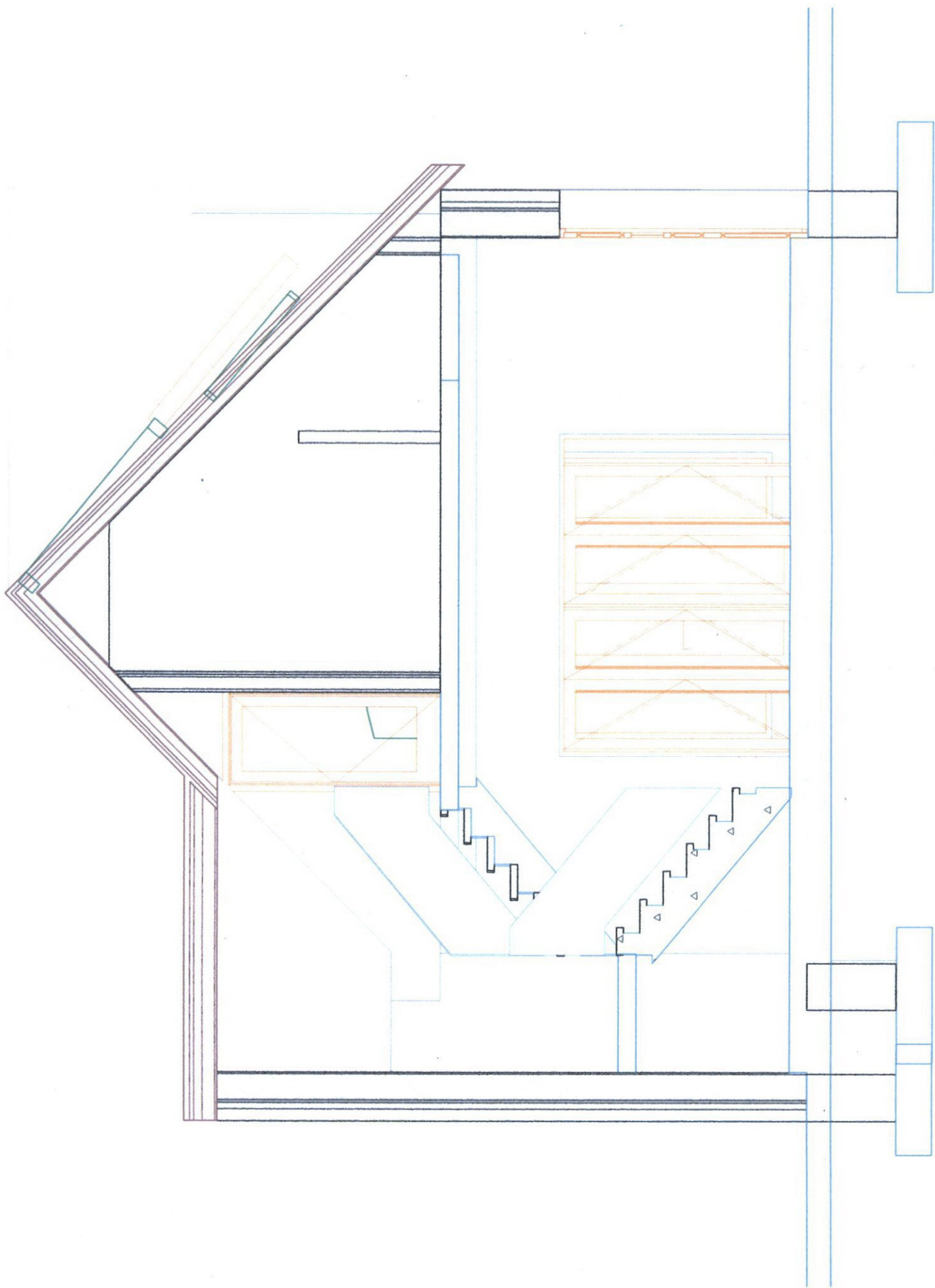


Building Section 1/23

S-03

Company Title	
Street	Bespoke Design
City	
State/County	
Postal Code	
Job Title	Proposed Cottage
NAME OF MEMBER/CLIENT	
DRAWING NO.	
DATE	
Drawing Name	Building Section
Drawing Status	REDEVELOPMENT
Architect	Bespoke Design
Architect License No.	
Drawing Scale	1:23
Layout ID	#LayID
Status	
Revision	


Refused



S-02

Building Section

1/20

Company The	
Street	Bespoke Design
City	
State/Country	
Postal Code	
Job Title	Proposed Cottage
BARNS OF WEDDERBURN DUNTHUNE LAWSON COYNE	
Drawing Name	Building Section
Drawing Status	REDEVELOPMENT
Architect	202018
Drawing Scale	
Drawing Size	1:25, 1:20
Layer ID	#LayID

DELIVERED

JW
RECEIVED
 - 8 APR 2016
 PLANNING & PLACE
 COUNTY BUILDINGS
 AH

Tom Ireland
 Elmwood Cottage
 Barns of Wedderburn
 Dundee
 Angus
 DD40PG
 8/4/16

Hi Mr. Wright,

When I submitted my application, I had studied the policies, and the LDP, and thought my proposal was quite straightforward. It became apparent, that there was a lot more information that you required, in order to give a fair assessment, of my proposal.

I had failed to mention, that the workshop, was purpose built, and paid for by my Company, I was a director of that Company, which was called Morgan Baxter Construction LTD, the building was owned by them, and an asset of the Company. When the company changed to Elmwood Joinery LTD, in 2000, the workshop became the property of Elmwood Joinery Ltd. and a company asset. I am not a director of Elmwood Joinery Ltd. merely an employee, I have no legal jurisdiction, or authority, regarding the Company, or the workshop.

I have been advised, that, as the workshop is owned by a third party, Elmwood cottage has no legal jurisdiction or authority, regarding it. As such, the workshop is in its own Curtilage, and not within the domestic Curtilage of Elmwood Cottage.

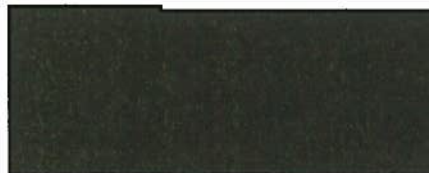
It should also be noted, that if in the event, of consent, then the workshop will have to be purchased from Elmwood Joinery Ltd. before work can begin. In this event, the area left to Elmwood cottage would be 1745 sq mtr. I cannot understand, why the land to the west of the cottage is not in the Curtilage, yet you claim the land to the east is in the Curtilage. This is a contradiction.

I would like to bring to your attention, some of the many positive aspects, in favour of my proposal.

- 1 The planning statement submitted by Fox Consultancy, is an expert analysis, of the policies, relating to Brownfield sites, and states that the proposal complies with all issues in the policy, and the LDP.
- 2 Every person, who lives, and works, at Barns of Wedderburn, has submitted letters of support. They have stated that the proposal will add enhancement, and

environmentally improve the area. There were 13 signatures out of 13, which gives me 100% of the local community in support of my proposal.

- 3** Documentary proof has been submitted, showing that the workshop was used commercially.
- 4** Documentary proof has been submitted, showing the workshop is the legally registered address of Elmwood joinery Ltd. since 2000.
- 5** Documentary proof was submitted, showing large deliveries of materials to the workshop.
- 6** Submissions were made that the entrance to the workshop was purposely built, with access from the service road at the rear.
- 7** Submissions were made that Elmwood Cottage has its own two entrances, with access from the main road at the front.
- 8** The workshop was built by, and is owned by, Elmwood joinery Ltd. and is an asset of that Company.
- 9** Elmwood Cottage has no legal jurisdiction, or authority, over the workshop.
- 10** The workshop sits in its own Curtilage , and is not part of the domestic Curtilage of Elmwood Cottage.
- 11** A yearly fee has been paid by Elmwood Joinery Ltd. for the land occupied by the workshop.
- 12** The ownership of the land, occupied by the workshop, can quickly, and legally, be purchased and, transferred to Elmwood Joinery Ltd. if required.
- 13** The building has not been used as a workshop, for quite some time due to its condition, but it is still being used commercially. Elmwood Joinery Ltd. has an ongoing contract with Hammonds Fitted Furniture Ltd, and they make deliveries to the workshop more or less on a weekly basis. Hammonds have their own set of keys for access, when delivering. This can all be confirmed if required, the last delivery, was Friday ^{1st} April 2016.



TW
RECEIVED

23 MAR 2016

PLANNING & PLACE
COUNTY BUILDINGS

IM

Tom Ireland
Elmwood cottage
Barns of Wedderburn
Dundee Angus
DD40PG
22/3/16

Mr J.Wright
Planning Officer

Hi Mr Wright,

I have enclosed copies of past invoices, over a number of years, for your inspection. You will see that there were some large deliveries undertaken to my workshop. I hope this will be enough confirmation, but if more is required, please let me know and I will organize this immediately.

Kind regards

Tom Ireland





Memorandum

**Communities Directorate – Technical & Property Services
Roads & Transport Business Unit**

TO: HEAD OF PLANNING AND PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CG TD1.3

DATE: 7 MARCH 2016

SUBJECT: PLANNING APPLICATION REF. NO.16/00116/FULL – PROPOSED DEMOLITION OF EXISTING BUILDING AND REPLACEMENT WITH TWO BEDROOMED COTTAGE ON LAND TO THE EAST OF ELMWOOD COTTAGE, BARNS OF WEDDERBURN, DUNTRUNE FOR MR TOM IRELAND

I refer to the above planning application.

The site is located on the unadopted section of track between the C5 Middleton road and the C6 Dundee – Tealing – Auchterhouse road. The proposed access to the development is from the adjacent unadopted track.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

In accordance with the NRDG, a visibility sightline of 2.4 x 215 metres should be maintained on the south-west side of the unadopted track at its junction with the public road (C5).

In order to maintain the free flow of traffic on the existing public road, a minimum of 2 no. car parking spaces should be provided within the site. The proposal provides for 4 no. car parking spaces within the site and is therefore acceptable in this respect.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, do not object to the application but would recommend that any consent granted shall be subject to the following condition:

- 1 That, prior to the commencement of development, a visibility splay shall be provided at the junction of the private access track with the C6 Dundee – Tealing – Auchterhouse road giving a minimum sight distance of 215 metres in a south-westerly direction at a point 2.4 metres from the nearside channel line of the C6 Dundee – Tealing – Auchterhouse road. The visibility splay shall thereafter be maintained in perpetuity.

Reason: to ensure a safe and suitable access, in the interests of road safety.

- 2 That, within the above visibility splay, nothing shall be erected or planting permitted to grow to a height in excess of 1050 mm above the adjacent channel level of the C6 Dundee – Tealing – Auchterhouse road.

Reason: to provide and maintain adequate sightlines, in the interests of road safety.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 3393.

p.p.

List of neighbours (7 letters):

Mr & Mrs J Johnston
LAVEROCK COTTAGE
BARNES OF WEDDERBURN
DUNDEE
DD40PG 7 years

Mr & Mrs MOFFAT
1 BARNES OF WEDDERBURN
DUNDEE
DD40PG 10 years

Ms RITA CHRISTALL
2 BARNES OF WEDDERBURN
DUNDEE
DD40PG 31 YEARS

MR & MRS W HUTCHINSON
3 BARNES OF WEDDERBURN
DUNDEE
DD40PG 12 YEARS

MR & MRS R MITCHELL
4 BARNES OF WEDDERBURN
DUNDEE
DD40PG 2 YEARS

MRS ROHNDA JACKSON
5 BARNES OF WEDDERBURN
DD40PG 3 YEARS

MR & MRS J GIBB
6 BARNES OF WEDDERBURN
DD40PG 38 YEARS

PLANNING APPLICATION REF: 16/00116/FULL
PROPOSED ERECTION OF DWELLINGHOUSE FOLLOWING DEMOLITION OF JOINERS
WORKSHOP BUILDING
LAND EAST OF ELMWOOD COTTAGE, BARNES OF WEDDERBURN, DUNDEE DD4 0PG
FOR MR T IRELAND



