

APPLICATION NO. 13/00884/PPPL**APPLICANT: MR FERGUS CLARK FOR PLANNING PERMISSION IN PRINCIPLE
FOR ERECTION OF A DWELLINGHOUSE RE-APPLICATION FOR SITE AT
KILNBANK LANE KIRRIEMUIR****ANGUS COUNCIL'S SUBMISSION****CONTENTS**

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Angus Council

Application Number:	13/00884/PPPL
Description of Development:	Planning Permission In Principle For Erection Of A Dwellinghouse Re-Application
Site Address:	Site At Kilnbank Lane Kirriemuir
Grid Ref:	338324:753984
Applicant Name:	Mr Fergus Clark

Report of Handling

Site Description

This is a site which slopes relatively steeply from north down to south and forms extensive garden ground for the applicant's property to the north. The application site measures approximately 1700sqm and is relatively overgrown with peripheral trees. Modern dwellinghouses lie to the south-east and the Gairie Burn lies to the south-west. Overgrown land lies to the west of the site. Kilnbank Lane, which serves other residential properties, stops to the north-east of the site.

Proposal

It is intended to erect a new dwellinghouse and garage on this site, and form a new vehicular access to connect into Kilnbank Lane. The applicant has provided an indicative layout to show the dwellinghouse at the northmost part of the site, with garage and turning area in the southern portion of the site.

There were no amendments made to this application for planning permission.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 4 October 2013 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

13/00812/PPPL for Planning Permission In Principle For Erection Of Dwellinghouse And

Garage was Withdrawn on 16 September 2013.

Applicant's Case

The applicant has provided a statement in response to the comments from the Roads Service. This statement indicates that there are only six residences in Kilnbank Lane. The gradient of the land is very similar to that at Tannage Brae and there was a garage at Belford Cottage (no. 8) to the north for over 40 years. Access into this garage was driving straight in then reversing out up the hill and out onto Glengate, with no accidents over that period. The new proposal gives the same access, but the situation would be improved with a turning area on the application site. Regarding the sightline onto Glengate to the west, this is over 40 yards in a slow moving 30 mile limit and where there has not been an accident for 50 years.

In response to the letter of representation, the applicant has stated that there are less people living in the lane now than there were 15 years ago (six residences instead of nine). It is also the case that construction vehicles are more lightweight than they were in the past.

Consultations

Angus Council - Flood Prevention - No objections, however, as the site lies adjacent to the 1 in 200 year flood event the lower areas of the site are at risk of inundation during this return period. In this respect, they advise that any garage or turning area in this part of the site should be constructed from flood resilient materials to mitigate flood risk.

Angus Council - Roads - object to the proposals as Kilnbank Lane is a very narrow and private lane, there are a number of dwellings that currently take access from this lane, and there are sub-standard sightlines at the junction of the private road with the public road. In this respect, it is recommended that the application is refused in the interests of pedestrian and vehicle traffic safety and free traffic flow.

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

Scottish Water - No objections

Representations

1 letter of representation was received. The main points of concern were as follows:

- Substandard Access Road

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries
Policy S6 : Development Principles (Schedule 1)
Policy SC2 : Small Sites

TAYplan Strategic Development plan

The application is not strategically significant and TAYplan policies are not referenced.

Other Guidance

Advice Note 14 : Small Housing Sites

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.

In terms of Policy S1 of the local plan, the application site lies within the settlement of Kirriemuir and as such S1(a) indicates that proposals will generally be supported where they are in accordance with the relevant policies of the local plan.

The main policies relevant to a new dwellinghouse on this site would be Policy S6 and its accompanying Schedule 1, and Policy SC2 of the Angus Local Plan Review.

In terms of Policy SC2, the application site is located in a predominantly residential area and a dwelling house would be compatible with surrounding land uses. The site measures approximately 1700sqm in area and would be compatible with plot sizes in the general area and could provide adequate private garden ground. A house could be accommodated on the site in a manner that would be unlikely to have a significant impact on the amenity of occupants of existing nearby property and the site would provide a reasonable living environment.

Similarly, I am satisfied that the proposal would not give rise to significant issues in terms of the majority of criteria identified in Policy S6 and its accompanying Schedule 1.

However, access to the site would be taken from Kilnbank Lane. The Lane is very narrow and is not wide enough for two cars to pass each other and there are no passing places on the Lane. In addition the Lane has a significant change in level being much lower at its southern end. This combination of circumstance is such that if two vehicles meet in the Lane, one is going to have to undertake a reversing movement in a confined space and in an area where there are no footpaths for pedestrians. The northern end of the Lane appears to be used for informal parking and a vehicle forced to reverse in a northerly direction could be required to cross the public footpath and enter the carriageway in a reverse gear. Whilst this situation could occur at the present time the potential for that would be increased with the provision of an additional dwelling on the application site.

In addition the junction of Kilnbank Lane and Glengate is already sub-standard with poor visibility sightlines to the west. Glengate is a B-class road and functions as the main distributor road from Kirriemuir town centre to the Glens. A junction on this roadway would be expected to provide visibility of 2.4 x 43m in each direction. The available visibility is significantly below that standard being in the region of 2.4 x 10-15m. Again, whilst it is accepted that this is an existing situation, the Roads Service has raised concern regarding the potential intensification of use of the substandard junction. In

circumstances where the access is on to a busy distributor road I understand and share those concerns particularly when this is considered in combination with the narrow access Lane discussed above. In very simple terms the access arrangements to the site are poor, do not comply with the Council's standards and the consequence of approval of this application would be intensification of use of a very narrow lane and substandard junction to the detriment of road traffic and pedestrian safety. Criterion (d) of Schedule 1 states that access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards. This proposal does not comply with that requirement and is therefore contrary to policy.

As the proposal does not comply with Schedule 1 criteria it is contrary to Policy 6 and therefore Policy SC2 of the Angus Local Plan Review. As a consequence the proposal is also contrary to Policy S1 which requires proposals within development boundaries to be in accordance with the relevant policies of the local plan. In this case, the proposals do not comply with Policies SC2 and S6 as the access to the proposed development site is sub-standard and cannot be made acceptable.

In conclusion decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. This application does not comply with relevant policies of the Angus Local Plan Review due to the inadequate vehicular access arrangements and consequential detrimental impact on road traffic and pedestrian safety. The principle of housing development on this site is contrary to the development plan. 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 proposed development is contrary to Policy S6 and its accompanying Schedule 1 criterion (d), Policy SC2 and Policy S1 of the Angus Local Plan Review (2009),

as the access to the site from Glengate is substandard and intensification of use of the access Lane and junction with the public road would be detrimental to road traffic and pedestrian safety.

Notes

Case Officer: Neil Duthie
Date: 26.03.2014

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 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 SC2 : Small Sites

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

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

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

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.

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(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.

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.
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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.

Towns, Villages and Other Settlements

2.11 The design and layout of all new housing is required to produce a viable and attractive development which relates well to the surrounding area, whether it is an allocated site, an unexpected windfall site or a small site within an existing settlement. Policy S6 :Development Guidelines seeks to ensure that relevant developments take account of a range of factors and make a positive contribution to the local environment. Housing proposals will be considered against the relevant guidelines. Angus Council's Advice Notes 6 – Backland Housing Development and 14 – Small Housing Sites provide detailed guidance relevant to small housing sites within development boundaries.

2.12 Allocations of land for residential development are made in the Settlement Statements in Part 4 of this Local Plan. In addition to allocated sites and land with planning permission, there may be other currently unidentified sites which may be suitable for residential development. The Plan provides scope for such sites to come forward, within development boundaries, where development is in accordance with the principles of the Local Plan.

Policy SC2 : Small Sites

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

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

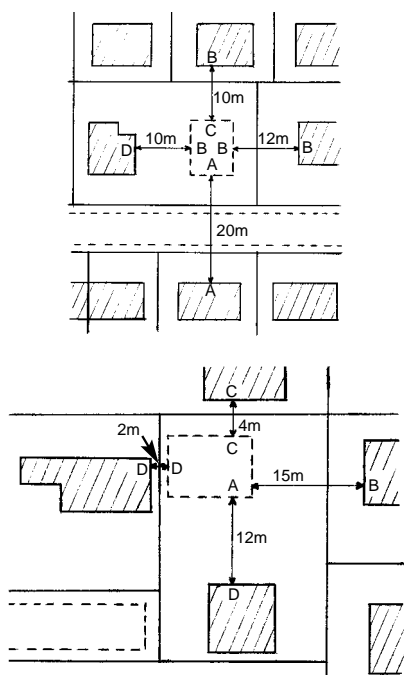
Proposals will also be required to take account of the provisions of Policy S6: Development Principles.

Development Boundaries:

Generally provides 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.

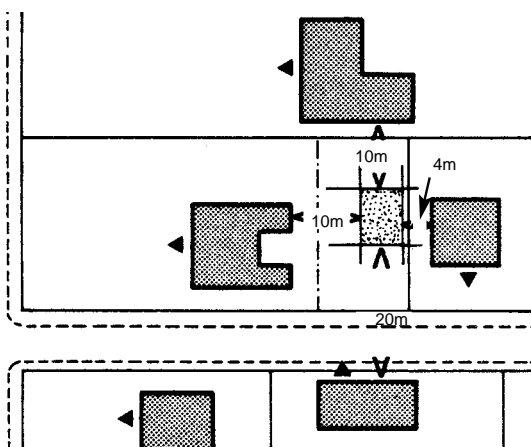
In the diagrams below, which illustrate the application of most of the above rules, the following notation has been used:-

A - Main Living Room Window **B** - Other Habitable Room Window
C - Non-Habitable Room Window **D** - Blank Wall



Note: Where the relevant windows are at an angle to each other, the distances may be reduced commensurately. As a guideline, the distance may be halved where the centre point of the two windows are at 45o to each other.

Conditions will often be imposed upon outlined planning applications to ensure that these standards are met. This will often define the site area available within which the house must be located and in rare instances it may prove too small for the desired house style or, indeed, any style. If the applicant cannot meet the conditions then obviously the proposal is an impractical one.

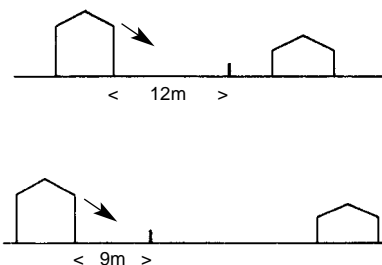


Building on a boundary will not be acceptable, at least a one metre gap must be provided to allow for maintenance etc. Exceptions might be made for lock-up garages where it is not practical to leave a gap.

Overlooking of private amenity space, particularly of existing houses should also be taken into consideration in designing the layout. As a general rule no window to a habitable room should be closer than four metres to a boundary. For first floor windows in two storey houses, significantly greater distances will be required (see below).

Screening: Most of the above distances can, if desired, be further alleviated on the part of the affected property, by the erection of screening and in certain circumstances this may be specified by the

Planning authority. Even with the erection of screen fences, distances should not be so reduced as to create an overly-cramped environment. For instance a two metre fence or wall erected closer than two metres to an existing neighbouring window, is unlikely to be acceptable as a means of overcoming a deficient window to window distance. Of course, screening cannot be effective where a second floor is concerned and this is the cause of much discontent amongst existing proprietors affected by such proposals. Accordingly, where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres. In higher density areas or where the adjacent rear garden is particularly generous this could be relaxed to a minimum of nine metres.



GARAGES

Too often garages are an afterthought in the design process. Problems can occur when endeavouring to fit the garage into a pre-developed site. Therefore, even if a garage is not to be built at the outset, the layout should allow for their later erection. For instance, 30% plot coverage should not be the objective of a new house with no garage accommodation; avoid a situation where the garage would have to be built on the boundary or, worse still, in front of the house.

On the subject of garages in front of houses, it is strongly recommended that this be avoided. Developments visually dominated by garages sited in front of the residential accommodation will rarely be acceptable.

ADDITIONAL NOTES

It is the intention of the District Council to implement this advice in a FLEXIBLE fashion. This, however, is likely to result in demands in excess of the minimum standards being more common than their relaxation. The guidance is not intended to produce a “planning by numbers” approach to housing layouts and even where the guideline figures have been attained, the planning authority reserves the right to insist on more stringent standards to, for instance, further mitigate the impact on neighbours or to produce a better quality development.

In designing a layout care should be taken not to prejudice future development in adjoining areas (for instance by building too close to boundaries or poor positioning of windows). In some instances this may not be possible but where this has occurred, the planning authority will not necessarily be tied to the guidance indicated in this Advice Note when dealing with future development proposals.

This Advice Note does not apply to sites defined as “backland”, i.e. sites without a road frontage, for which applicants should refer to Advice Note 6 - Backland Housing Development.

Angus Council



ADVICE NOTE 14

SMALL HOUSING SITES

For further information and advice contact:

Planning & Transport
 Angus Council
 County Buildings
 Market Street
 Forfar
 DD8 3LG

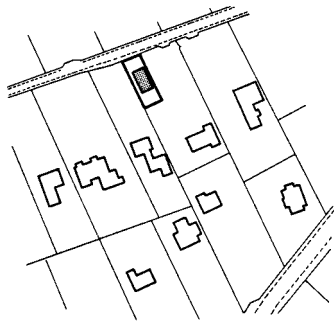
Telephone 01307 461460

INTRODUCTION

This Advice Note has been prepared to provide guidance for applicants, developers and their agents designing layouts for small housing sites (comprising between one and four detached houses) WITHIN EXISTING BUILT-UP AREAS. For houses in the open countryside refer to Schedule 1 in the Housing Section of the Angus Local Plan. Although much of the guidance is relevant to semi-detached, terraced, linked or special needs housing, the requirements, particularly in respect of plot sizes, amenity space, etc. will be interpreted flexibly. The Advice Note does not concern itself with the visual appearance of the individual houses. Compliance with this guidance will be required in order to secure a planning consent.

PLOT SIZE

The plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments THAT DO NOT RESPECT THE CHARACTER OF THE AREA, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or "squeezed in".



As a general guide only, a MINIMUM plot area of 400 square metres is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350 square metres may be acceptable, dependent upon any unduly adverse effect that the proposal may have upon neighbours. Conversely, **in low density areas, a minimum considerably in excess of 400 square metres will be required.** 400 square metres will probably be too small to provide sufficiently useable garden space where awkward shaped sites are involved. Similarly, where existing trees have to be retained or new planting is required as part of a planning consent, a larger plot area will be necessary.

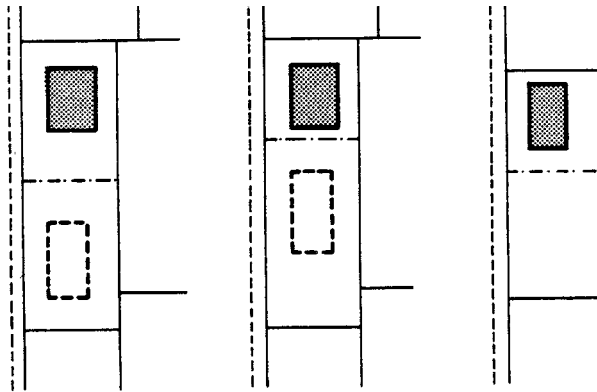


Regular shaped site of 1,200sm can accommodate 3 plots of 400sm, houses covering 30% of the plot and still provide at least 100sm of amenity space.

Awkward shaped site of 1,200sm. Fails to provide 100sm useable/private amenity space for each plot of 400sm.

This minimum plot area requirement will not only apply to the proposal but, where applicable (e.g. subdivision of an existing house plot), TO THE EXISTING HOUSE AND ITS CURTILAGE ALSO.

For clarification purposes, long driveways required to gain access to the plot proper or fingers of useless land will not count as part of the plot area.



Total Area = 820 s.m. Acceptable Sub-Division

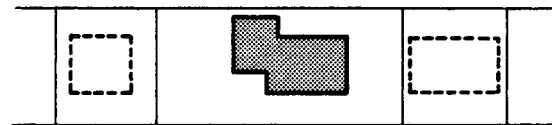
Total Area 820 s.m. Unacceptable Sub-Division

Total Area = 750 s.m. Incapable of Meeting Standard

PLOT COVERAGE

The character or spaciousness of a development is not solely determined by the size of the plot but also by the proportion of the plot that is covered by the building. Specifying a minimum plot size is of little relevance if the proposed house then fully occupies the curtilage, providing minimal living space around the dwelling.

In order to leave sufficient open space around a new house for outdoor activity, for the setting of the house and possible future extensions, the proposed house should not cover more than 30% of the plot. Again where it would be more in keeping with the character of a high density neighbourhood, this might be increased.



Plot Size = 420 s.m. House = 118 s.m. Coverage 28% Acceptable

Plot Size = 420 s.m. House 180 s.m. Coverage = 43% Not Acceptable

By the application of this standard, proposed developments on small plot areas in practical terms may be restricted to one and a half or two storeys, as these have a lesser ground floor area than bungalows. If the Council also feels it correct and proper to impose a bungalow only condition, then the proposed development of the site may not be feasible or could be restricted to a very small bungalow.

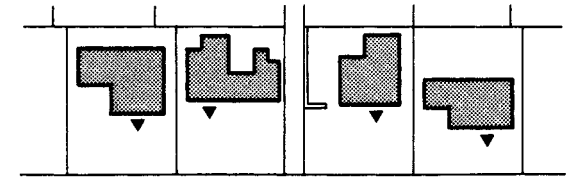
Consideration will also be given to the size of the proposed house. It may for instance, be inappropriate to site a large executive house on a small plot which just achieves the 30% plot coverage. As a general rule, large executive style houses should be sited on large plots producing considerably less than the 30% coverage. Similarly, a lower coverage might also be appropriate when an awkward shaped plot is involved in order to provide useful areas of garden ground.

PRIVATE AMENITY SPACE

Applying the above standard to a new house development should ensure that around 70% of the plot remains open but all of this could be taken up by front garden, car space, drive etc., leaving none for the long list of private activities that gardens are required to cater for, such as sitting in the sun, playing with the children, eating out-of-doors on a nice day, drying clothes or even parking the kids bicycles.

To meet this requirement for modern day living, the Council will require a MINIMUM area of 100 SQUARE METRES to be allocated for PRIVATE amenity space. Where a good case can be made out, e.g. in character with the surrounding area, this may be reduced to 70 SQUARE METRES or in the difficult case of a corner plot with two road frontages, a reduction to 50 SQUARE METRES might be acceptable. These standards will require to be met where appropriate (e.g. subdivision of an existing house curtilage) by the existing house also.

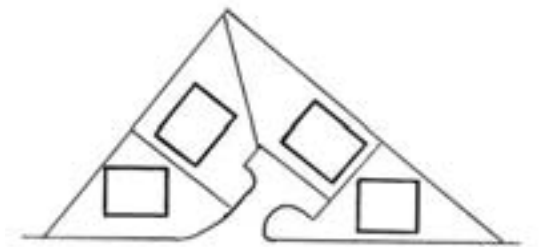
Normally to qualify as private amenity space, the area will be out of public view, i.e. a BACK garden or well screened area at the side. It must also be a usable area, ten small leftover corners or strips of 10 square metres each will not be acceptable.



Insufficient Private Space

Acceptable Provision

The diagram below illustrates the difficulties in achieving the minimum standards indicated above for private amenity space, plot coverage and plot size when an awkward shaped development site is involved. The scheme illustrated still produces plots of 400 square metres but lacks adequate usable private amenity areas and the development is overly congested producing a poor quality environment. One house is forced to breach the building line.



DISTANCE BETWEEN BUILDINGS

Perhaps the greatest bone of contention with objectors to new house proposals, concerns the distance between the proposed dwelling and their own. It is also valid that the planning authority should aim for reasonable distances even in the case where there are no objections, for instance, where only the applicant's house is affected (in the case of existing curtilage subdivision) or to ensure a reasonable level of amenity within and between the new houses on the development.

In fact the distances regarded by residents as being most critical are where windows are involved, therefore, the following guideline MINIMUM distances are based on windows. While these guideline figures should ensure a reasonable degree of amenity and privacy, there will be instances where they may not be acceptable for townscape reasons e.g. out of character with the surrounding area, the presence of trees, etc. and conversely, in higher density, older areas, it may even be possible to reduce some of the distances specified.

Main Living Room Window to:-

- Main Living Room Window - 20 metres
- Other Habitable Room window - 15 metres
- Non-Habitable Room Window - 12 metres
- Blank Wall - 12 metres

Other Habitable Room Window to:-

- Other Habitable Room Window - 12 metres
- Non-Habitable Room Window - 10 metres
- Blank Wall - 10 metres

Non-Habitable Room Window to:-

- Non-Habitable Room Window - 4 metres
- Blank Wall - 4 metres

Blank Wall to Blank Wall - 2 metres

Definitions:

Habitable Room includes Kitchen
 Non-Habitable room includes bathrooms, utility rooms, staircases, halls, landings, stores, workshops, etc.

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24 OCT 2013



Memorandum

Communities, Roads, County Buildings, Forfar Telephone 01307 461460

TO: HEAD OF PLANNING & TRANSPORT

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AGG/SC TD1.3

DATE: 23 OCTOBER 2013

SUBJECT: **PLANNING APPLICATION REF. NO. 13/00884/PPPL – PROPOSED ERECTION OF HOUSE AND GARAGE ON LAND AT 8 KILNBANK LANE KIRRIEMUIR FOR MR FERGUS CLARK**

I refer to the above planning application.

The site is located between the end of Kilnbank Lane and the Gairie Burn which runs through The Den of Kirriemuir. Kilnbank Lane is accessed from the south side of Glengate, Kirriemuir, the nearest public road.

Kilnbank Lane is a very narrow, private lane with shared pedestrian/vehicular access and currently serves eight dwellings. The land for the proposed house is at the south end of the lane where the gradient falls very steeply towards the proposed plot and onwards to The Den.

Further, the visibility sightline on the west side of the junction of Kilnbank Lane with Glengate is poor due to the historical road layout and adjacent building lines. A dwelling house at this location would clearly attract a significant increase in vehicular and pedestrian movements.

Given the narrowness of Kilnbank Lane, the amount of existing dwellings that currently take access from it and the sub-standard sightline at the junction with the public road, I would object to the application in the interest of pedestrian and vehicle traffic safety and free traffic flow.

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



From: GwynneAG

Sent: 18 November 2013 15:43

To: DuthieNG

Subject: RE: Planning Permission in Principle for Erection of Dwellinghouse (Re-Application) - Site at Kilnbank Lane, Kirriemuir - 13/00884/PPPL

Neil

I'm require to look at all sites as if a greenfield site application, therefore consideration must be given to the visibility at all proposed/existing access and for new builds. As I stated in my memo dated 23 October 2013 the substandard sight line to the west is still a concern given the increase in vehicle movements for any new development regardless if there are six or eight dwellings present.

I have investigated the accidents at the junction and there has been no report accidents in the last three years at the junction Kilnbank Lane/Glengate.

Therefore the number of dwellings will not affect my recommendation.

Adrian

From: DuthieNG

Sent: 11 November 2013 10:32

To: GwynneAG

Subject: Planning Permission in Principle for Erection of Dwellinghouse (Re-Application) - Site at Kilnbank Lane, Kirriemuir - 13/00884/PPPL

Adrian

Please find attached response from applicant on your comments. Please advise if this alters your recommendation of refusal. I would be grateful for your response by 15 November 2013.

Regards

Neil Duthie



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 P 15 OCT 2013

.....m.....

Memorandum

Communities
 (Roads)

TO: PLANNING & TRANSPORT
 Neil Duthie, Planning Officer, Development Standards

FROM: ROADS
 Neil Young, Design Engineer, Engineering & Design Services

YOUR REF: 13/00884/PPPL

OUR REF: NY/SC CF1.1

DATE: 14 October 2013

SUBJECT: **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
 PLANNING APPLICATION REF NO. 13/00884/PPPL
 PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A
 DWELLINGHOUSE RE-APPLICATION
 SITE AT KILNBANK LANE, KIRRIEMUIR
 GRID REFERENCE NO: 338324 753984**

I have considered the above planning application and have the following observations with regard to the disposal of surface water within the context of Sustainable Urban Drainage Systems (SUDS) and flood risk to the site:

Observations

1. The location of the proposed development lies adjacent to the 1 in 200 year flood envelope of the Gairie Burn, as given on SEPA's indicative flood map. The lower areas of the proposed development are therefore at risk of inundation during an event of this return period.
2. The proposed garage and turning area may be at risk of flooding, it may be advisable to use flood resilient construction in their design to mitigate this risk.

Conclusion

I have no objection to this proposal as the proposed property for occupation lies above the flood envelope of the Gairie Burn.

Should you have any further queries please call me on extension 3173.



Neil Young
Design Engineer (Engineering & Design Services)

cc Walter Scott, Design Manager, Engineering & Design Services, County Buildings
Adrian Gwynne, Traffic Engineer, Traffic Management, County Buildings
Alasdair Milne, Senior Planning Officer, Planning Service, SEPA, Strathearn House,
Broxden Business Park Perth PH1 1RX



23/10/2013

Angus Council
Angus House Orchardbank Business Park
Forfar
Angus
DD8 1AX

SCOTTISH WATER

Customer Connections
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Customer Support Team
T: 0141 414 7660
W: www.scottishwater.co.uk
E: individualconnections@scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: 13/00884/PPPL
DEVELOPMENT: Kirriemuir Kilnbank Lane
OUR REFERENCE: 634261
PROPOSAL: Planning Permission In Principle For Erection Of A Dwellinghouse Re-Application

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Lintrathen Water Treatment Works – has limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water.

Kirriemuir Waste Water Treatment Works currently has capacity to service this proposed development.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully,

Harry White
Customer Connections Administrator

Comments for Planning Application 13/00884/PPPL

Application Summary

Application Number: 13/00884/PPPL

Address: Site At Kilnbank Lane Kirriemuir

Proposal: Planning Permission In Principle For Erection Of A Dwellinghouse Re-Application

Case Officer: Neil Duthie

Customer Details

Name: Mrs Moira Thomson

Address: 3 Kilnbank Lane Kirriemuir

Comment Details

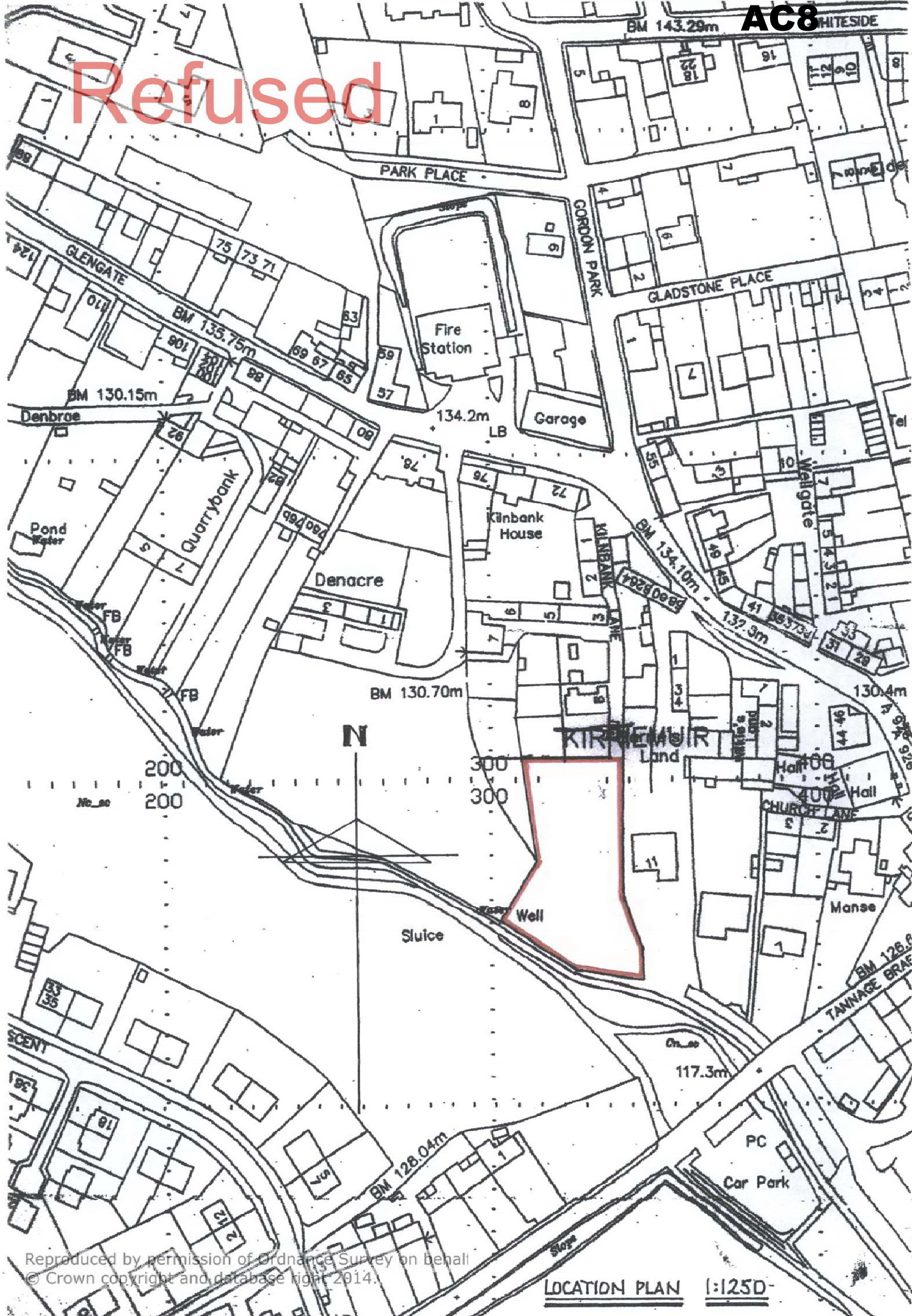
Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

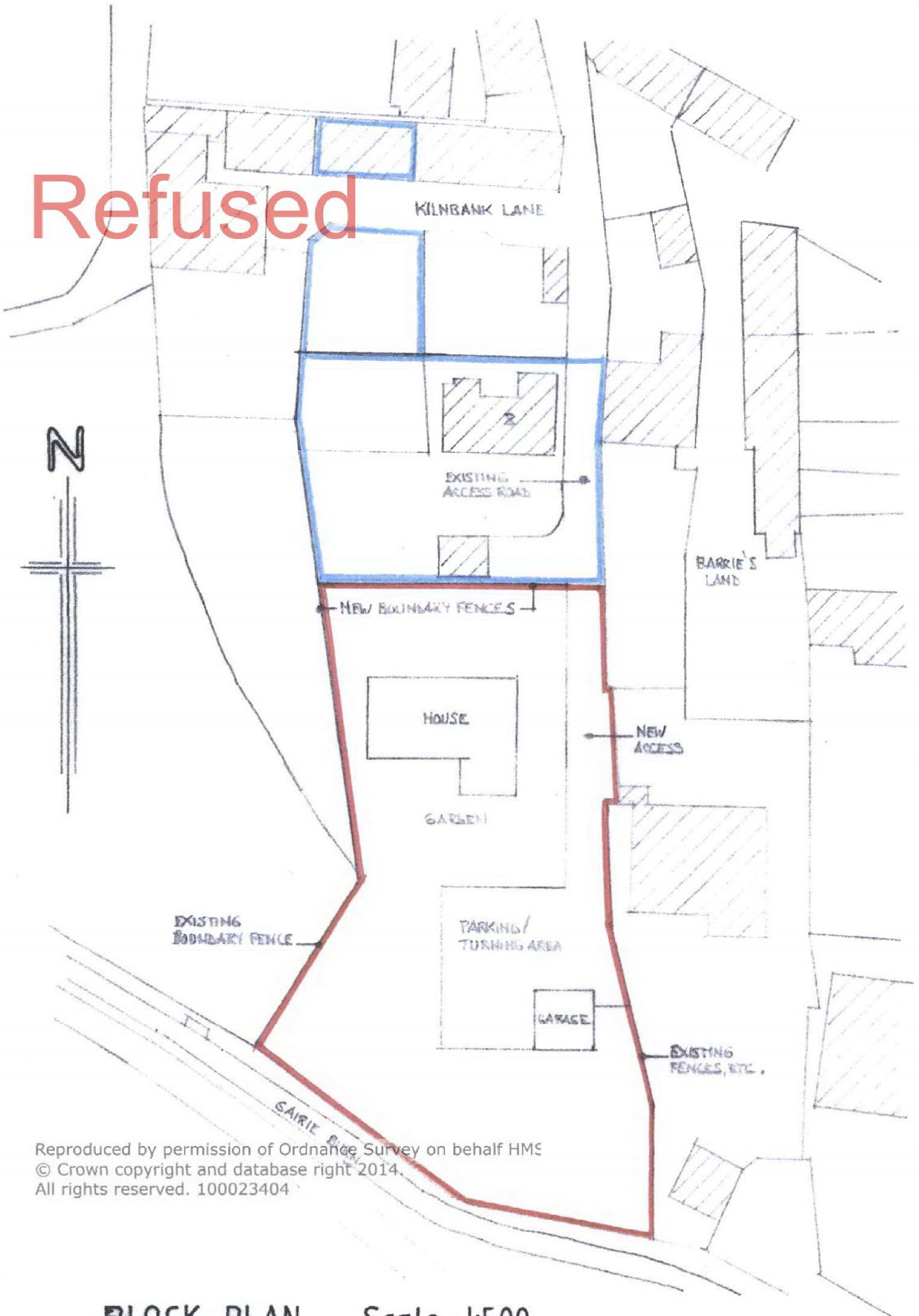
Comment Reasons:

Comment: I would like to formally lodge my objection to the above planning application. I feel that Kilnbank Lane is already over congested, and would not support the extra traffic involved. I fear for my house which sits on the lane and feel that the thoroughfare is far too narrow for the construction vehicles entering and exiting - I am afraid that my house will be damaged. One of my neighbours, who is an octogenarian, has her front door right on the Lane, there are no pavements down the lane and I am concerned for every ones safety. I would also like to raise the question of who will repair/maintain the damage caused by the extra traffic using the Lane - especially the construction vehicles.

Refused



Refused



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ANGUS COUNCIL

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

PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE 13/00884/PPPL



To **Mr Fergus Clark**
c/o L D Bertram
Garlowbank Farmhouse
Kirriemuir
Angus
DD8 4LH

With reference to your application dated 26 September 2013 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission In Principle For Erection Of A Dwellinghouse Re-Application at Site At Kilnbank Lane Kirriemuir for Mr Fergus Clark

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed 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 proposed development is contrary to Policy S6 and its accompanying Schedule 1 criterion (d), Policy SC2 and Policy S1 of the Angus Local Plan Review (2009), as the access to the site from Glengate is substandard and intensification of use of the access Lane and junction with the public road would be detrimental to road traffic and pedestrian safety.

There were no amendments made to this application for planning permission.

Dated this 9th April 2014

[Redacted signature]

Iain Mitchell
Service Manager
Angus Council
Communities
Planning
County Buildings
Market Street
FORFAR
DD8 3LG

Memorandum

Your Ref GH/AGG/SC TD13

Subject:- Planning application Ref No 13/00884/PPPL

In response to your memorandum there are only six occupancies in Kilnbank Lane not eight

The gradient of the land is very similar to Tannage Brae

There was a garage at Belford Cottage, No 8, for approximately 40 + Years

Access into the garage was driving straight in then reversing out up the hill and out onto the Glengate With no accidents over the period as this is a 30 mile limit the traffic is slow moving which gives plenty time to access the main road

The new proposal gives the same access but instead of reversing up the lane a turning point would be provided which would insure greater safety

Signed

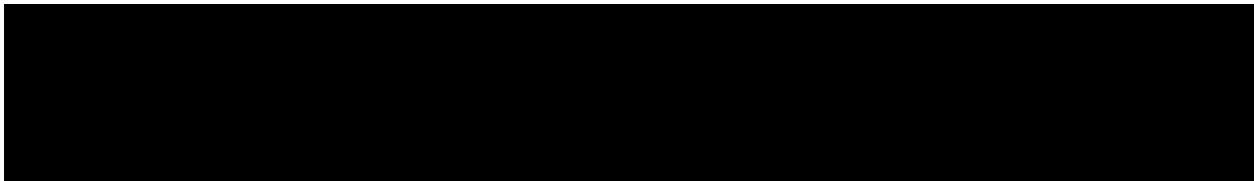
Fergus Clark

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17 / NOV 2013
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Response to comments for planning application

13/00884/PPPL

As there are less people living in the lane now than there were 15 years ago (six occupancies in stead of nine) I would suggest that the lane is less congested As for construction vehicles light weight is now the common thing instead of heavy machines which were used in the past



Signed

Fergus Clark

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7 NOV 2013
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21 NOV 2013

For the attention of Mr Gwynne

Response to comments for planning application

13/00884/PPPL

Dated 18th November 2013

In response to the memo dated 23rd October 2013 (18th November) The sightline to the west, the Y distance is over 40 yards, this is in a slow moving 30 mile limit which there has not been an accident in the past 50 years. As pointed out the vehicles from Belford Cottage reversed up the lane to the main road with no accidents

Also it is used by a very elderly lady who has never had a problem. All other entries and exits have in excess of 100 yards visibility This is for entering and leaving Kilnbank Lane

Signed

Fergus Clark

20th November 2013