

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 18 AUGUST 2015

2 WESTCROFT COTTAGES, CARMYLLIE, ARBROATH

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 Change of Use from Garden Area to Car Sales Display Area (Retrospective) application No 15/00213/FULL at 2 Westcroft Cottages, Carmyllie, Arbroath.

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 47(3), 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.

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

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

APPLICATION NUMBER – 15/00213/FULL**APPLICANT- S. M. TRADING****PROPOSAL & ADDRESS – CHANGE OF USE FROM GARDEN AREA TO CAR SALES
DISPLAY AREA (RETROSPECTIVE) AT 2 WESTCROFT COTTAGES CARMYLLIE
ARBROATH DD11 2RJ****ANGUS COUNCIL'S SUBMISSION****CONTENTS**

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Angus Council

Application Number:	15/00213/FULL
Description of Development:	Change of Use from Garden Area to Car Sales Display Area (Retrospective)
Site Address:	2 Westcroft Cottages Carmyllie Arbroath DD11 2RJ
Grid Ref:	354914 : 743402
Applicant Name:	S. M. Trading

Report of Handling**Site Description**

The application site consists of a large section of the garden ground of the residential property at number 2 Westcroft Cottages. The neighbouring property at number 3 Westcroft Cottages bounds the application site to the east with agricultural land bounding the site to the north. The application site is located within a small grouping of four existing properties at Westcroft, with a further area of land located to the south east where planning permission has previously been granted for an additional house (application 08/01212/FUL refers).

Proposal

The current application seeks retrospective planning permission for a change of use form garden ground to car sales display area at number 2 Westcroft Cottages. The area being used for car sales is a gravelled / tarmac area which is approximately 144sqm. At the time of the site visit, eleven cars were displayed for sale on site.

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 20 March 2015 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

None.

Applicant's Case

As part of the application no supporting information was submitted initially. However upon request from Environmental Health the applicant made additional comments which are summarised below:

O That there is no valeting, washing, hovering etc. that takes place on site and all works are subcontracted out to other businesses in Arbroath;

o That hours of operations are between 10am and 5pm by appointment only and viewings and test drives must be pre-arranged;

Following concerns raised with the applicant regarding the nature of the use proposed on this particular site the applicant made further additional comments which are summarised as follows:

- o That consideration of the use of the area as car sales is being used in a very diluted manner if Policy SC30 is being relied upon as a reason for refusal;
- o That the reduction in garden ground is the applicants own choice;
- o That in times of recession that small businesses should be encouraged.

Consultations

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

Angus Council - Roads - Raised no objections to the proposal subject to conditions.

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

Angus Council Environmental Health - No objections subject to conditions being attached to control hours of operation and ensure that no maintenance, repairs or valeting are carried out on site.

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

Representations

1 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 1 supported the proposal.

The main points of concern were as follows:

- the car sales doesn't cause any disturbance or noise and the cars are not blocking the road in any way.

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries
Policy S3 : Design Quality
Policy S6 : Development Principles (Schedule 1)
Policy SC30 : Car Showrooms

TAYplan Strategic Development plan

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

Other Guidance

None.

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.

Policy SC30 of the ALPR relates to proposals for car showrooms and the general principles provided by this policy are relevant in the consideration of a proposal for car sales. Policy SC30 indicates that car showrooms will only be permitted on sites within development boundaries and provides a number of criteria that proposals must meet. In this case the site is located outwith a development boundary in the open countryside and as such is contrary to the principle test of Policy SC30.

Criterion (a) of Policy SC30 requires that development proposals should not lead to a shortage of good quality employment land. The proposal would not affect established employment land. Criterion (b) indicates that *the scale and location of any car sales proposal should not have a detrimental impact on residential amenity*. At the time of the site visit, eleven cars were on site advertised for sale and occupied the vast majority of the useable garden ground associated with 2 Westcroft Cottage. That property is located within a small grouping of four existing dwellings and there are no known other commercial uses within that housing development. In terms of residential amenity impacts, the area of car sales is directly adjacent to and within the garden ground of the existing residential property at number 3 Westcroft Cottages leaving next to no useable garden ground for the household. It is considered that at this close proximity there would be detrimental impacts on the residential amenity of the existing house as well as neighbouring houses. Car sales operations attract visiting customers coming and going from the premises and vehicle movements associated with the delivery and sale of vehicles as well as vehicles being test driven. This type of use is not compatible with the existing residential use of the development, where typical comings and goings and general activity would be limited. While a small scale car sales operation might be acceptable in some rural locations where it would not adversely impact on any existing residential property, it is not considered that this particular rural location would be able to achieve that. The proposal is contrary to Policy SC30 because of its rural location and because the scale and location of the proposed car sales operation would have a detrimental impact on the existing house and neighbouring property, contrary to criterion (b) of SC30.

Policy S6 of the ALPR is also applicable and includes tests relating to amenity; roads/parking/access; landscaping/open space/biodiversity; drainage and flood risk; waste management and supporting information. For the reasons detailed above I consider that the proposal would unreasonably impact upon residential amenity (criterion a). Environmental Health has not raised any objections to the proposed use provided conditions regulating the hours of operation and to ensuring no maintenance, repairs or valeting is carried out on site. However, as indicated above this type of use at this location is not considered to be appropriate and the close proximity of the site to other residential properties would result in residential amenity impacts. No objection has been received from the Roads Service in respect of impacts on road

traffic and pedestrian safety and no comments have been received in terms of drainage. The proposal raises no issues against the remaining tests of Policy S6. Overall it is considered that the proposal would be contrary to policy S6 of the ALPR as it is considered that the use of the land for car sales would have a detrimental impact on residential amenity.

Policy S1, criterion (b) of the current Angus Local Plan Review 2009 (ALPR) states that 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. A car sales operation in the location proposed is not considered to be of a scale and nature appropriate to the location. I have previously concluded that the proposal is contrary to policies SC30 and S6 of the local plan. On this basis the proposal is also contrary to Policy S1(b).

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 SC30 of the Angus Local Plan Review 2009 because the site is located outwith the development boundary and because the scale and location of the proposed car sales operation within an existing residential curtilage and within an established housing development would result in unacceptable impacts on residential amenity.
2. That the proposal is contrary to Policy S6 of the Angus Local Plan Review 2009 and the associated Schedule 1 Development Principles because the proposed car sales operation within an established housing development would result in unacceptable impacts on residential amenity.
3. That the proposal fails to comply with Policy S1 criterion (b) because the car sales operation within a residential development would not be of a scale and nature appropriate to its location and because it is contrary to policy S6 and SC30 of the Angus Local Plan Review 2009.

Notes:

Case Officer: James Wright
Date: 28 April 2015

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 SC30 : Car Showrooms

Car showrooms will only be permitted on sites within development boundaries. Proposals must satisfy the following criteria:

(a) the development would not lead to a shortage of good quality employment land; and

(b) the scale and location would not have a detrimental impact on residential amenity.

TAYplan Strategic Development plan

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

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.

Car Showrooms

2.73 Proposals for car showrooms should be directed towards suitably accessed sites within towns or larger villages. There can be an obvious attraction for these to be grouped together, as at Queenswell Road, Forfar, and this is one reason why rural areas or good quality employment land are not considered appropriate locations for such developments.

Policy SC30 : Car Showrooms

Car showrooms will only be permitted on sites within development boundaries. Proposals must satisfy the following criteria:

- (a) the development would not lead to a shortage of good quality employment land; and**
- (b) the scale and location would not have a detrimental impact on residential amenity.**

From: BallW
Sent: 9 Apr 2015 12:06:51 +0100
To: WrightJ
Subject: RE: Planning Application 15/00213/FULL - 2 Westcroft Cottages, Carmyllie

James,
this service would have no objections to the above application providing conditions are applied to
- ensure that hours of operating are restricted to between 10am and 5pm
- ensure that no maintenance, repairs or valeting are carried out on the site
Should you require any further assistance with this matter please do not hesitate to contact me.
Wendy

Wendy Ball, Environmental Health Officer, Communities Department, 12 Hill Terrace, Arbroath, Tel 01241-435600

From: WrightJ
Sent: 08 April 2015 11:43
To: BallW
Subject: FW: Planning Application 15/00213/FULL - 2 Westcroft Cottages, Carmyllie

Wendy,

Please see the e-mail below relating to Car sales at Carmyllie. Can you let me know your comments?

Thanks

James

From: stephen matthewson
Sent: 08 April 2015 11:39



To: WrightJ

Subject: Re: Planning Application 15/00213/FULL - 2 Westcroft Cottages, Carmyllie

Morning James there is no valeting, washing hovering etc that takes place here, all my works that I require are sub-contracted out to other businesses in Arbroath, I do not even have an outside tap!

Hours of opening are between 10am and 5pm but by appointment only, viewings and test drives must be pre arranged.

Regards

Stephen Matthewson

On Wednesday, 8 April 2015, 10:56, WrightJ <WrightJ@angus.gov.uk> wrote:

Mr Matthewson,

I refer to the above application.

I have now received correspondence from Environmental Health and they have asked if you could confirm details of any noisy activities planned within the business (ie. valeting, washing, hovering etc) and also opening hours for sales. Once these detail have been confirmed they can provide a further response.

I would be grateful if you could confirm these details within 7 days from the date of this e-mail to allow the application to be fully assessed.



Memorandum

**Communities
(Roads)**

TO: HEAD OF PLANNING & PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CM TD1.3

DATE: 20 March 2015

SUBJECT: PLANNING APPLICATION REF. NO. 15/00213/FULL – PROPOSED CHANGE OF USE FROM GARDEN TO CAR SALES DISPLAY AREA AT HOUSE B WEST CROFT CARMYLLIE FOR MR STEPHEN MATHEWSON

I refer to the above planning application.

The site is located at Westcroft Carmyllie, Arbroath with access from the U499(2) Greystone Road. Access to the location is via a private driveway approximately 50m in length, is surfaced to a good standard and serves four dwellings.

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.

Angus Council Parking standards for vehicle display areas require 2 spaces per 100m² for visitors plus 1 space per 2 staff. Submitted drawing 102.PL shows an area of 144m² designated for car sales which would require a total of 3 car parking spaces for visitors. As the car sales is from a private home, the staff parking space can be eliminated from consideration.

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, I do not object to the application but would recommend that any consent granted shall be subject to the following conditions:

- 1 That, prior to the commencement of sales confirmation that three parking spaces are available for customers in connection with the car sales.

Reason: to ensure that suitable parking arrangements are provided in a timely manner.

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

p.p.

Comments for Planning Application 15/00213/FULL**Application Summary**

Application Number: 15/00213/FULL

Address: 2 Westcroft Cottages Carmyllie Arbroath DD11 2RJ

Proposal: Change of Use from Garden Area to Car Sales Display Area

Case Officer: James Wright

Customer Details

Name: Miss Lisa Keogh

Address: Cottage A Westcroft, Carmyllie Arbroath

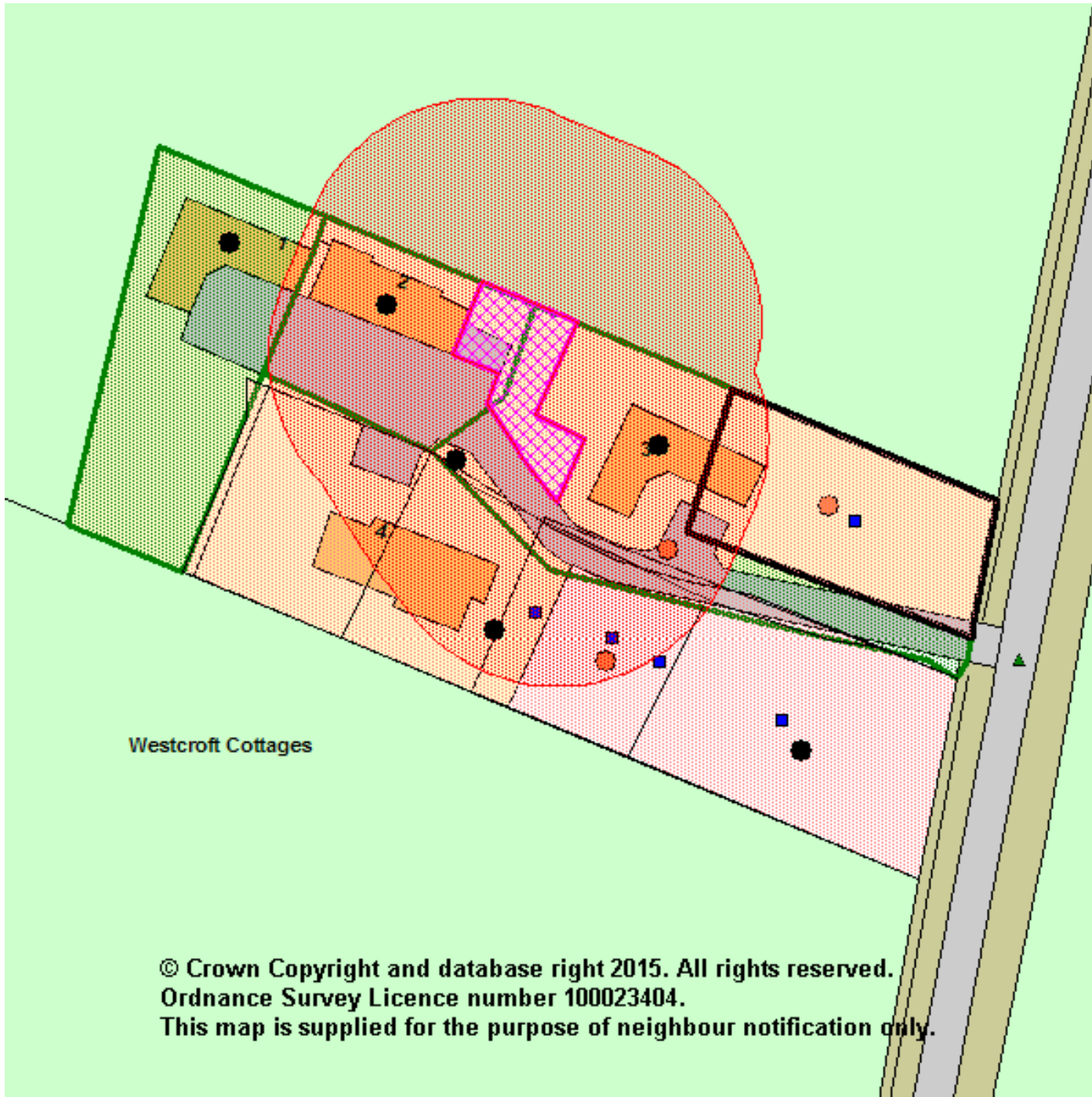
Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

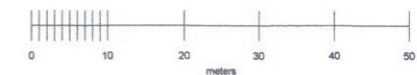
Comment: I see no reason to object to car sales. It doesn't cause any disturbance or noise and the cars are not blocking the road in any way



REFUSED



Westcroft Cottages

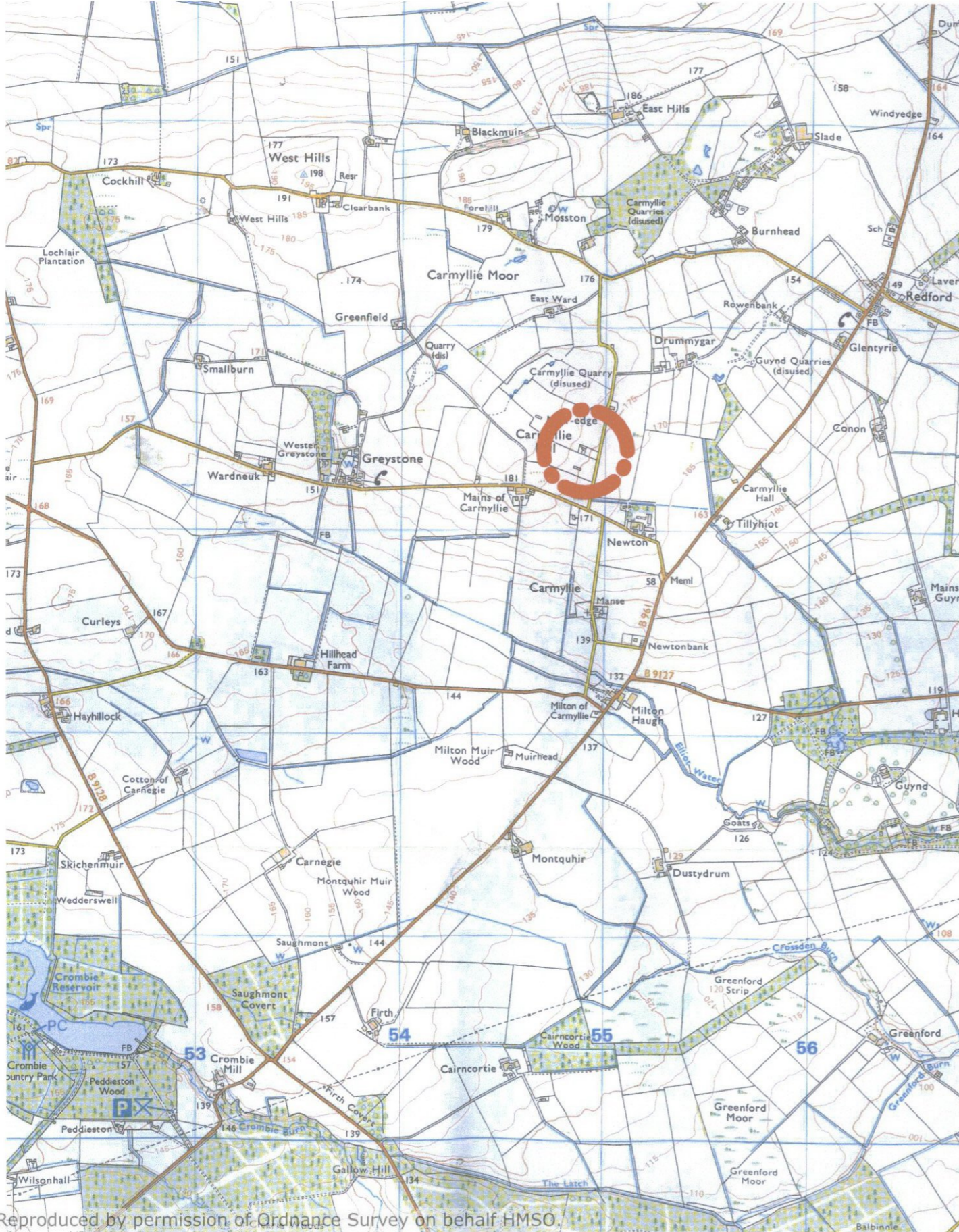


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block plan

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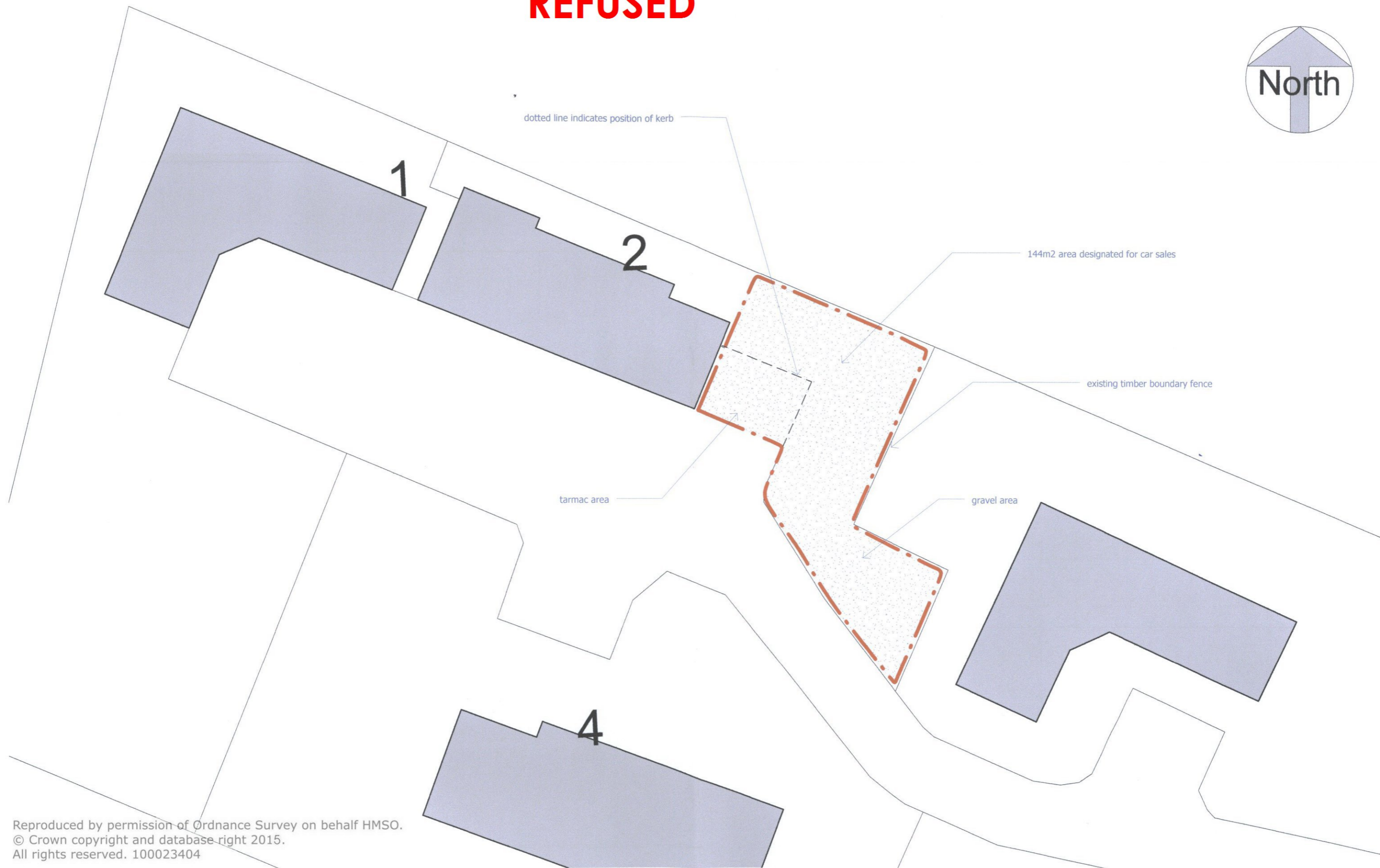
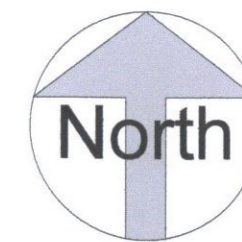
1to50000 location

1 : 1

No.	Description	Date	Location Plan		101.PL	Change of use from Gravel Garden to Car Sales Area at 2 Westcroft Cottages, Carmyllie. Mr S Mathewson
	Project number		100			
	Date		08.03.2015			
	Drawn by		AS			
	Scale		As indicated			

REFUSED

AC7



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1 **Site**
 1 : 200

No.	Description	Date	Site Plan		102.PL	Change of use from Gravel Garden to Car Sales Area at 2 Westcroft Cottages, Carmyllie. Mr S Mathewson
			Project number	100		
			Date	08.03.2015		
			Drawn by	Author		
			Scale	1 : 200		







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

PLANNING PERMISSION REFUSAL
REFERENCE 15/00213/FULL

To S. M. Trading
Mr Stephen Matthewson
House B
Westcroft
Carmyllie
DD11 2RJ

With reference to your application dated 12 March 2015 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Change of Use from Garden Area to Car Sales Display Area (Retrospective) at 2 Westcroft Cottages Carmyllie Arbroath DD11 2RJ for S. M. Trading

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 SC30 of the Angus Local Plan Review 2009 because the site is located outwith the development boundary and because the scale and location of the proposed car sales operation within an existing residential curtilage and within an established housing development would result in unacceptable impacts on residential amenity.
- 2 That the proposal is contrary to Policy S6 of the Angus Local Plan Review 2009 and the associated Schedule 1 Development Principles because the proposed car sales operation within an established housing development would result in unacceptable impacts on residential amenity.
- 3 That the proposal fails to comply with Policy S1 criterion (b) because the car sales operation within a residential development would not be of a scale and nature appropriate to the location and because it is contrary to policy S6 and SC30 of the Angus Local Plan Review 2009.

Amendments:

The application has not been subject of variation.

Dated this **8 May 2015**

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

From:WrightJ
Sent:20 Apr 2015 15:21:26 +0100
To:'stephen matthewson'
Subject:RE: Planning Application 15/00213/FULL - 2 Westcroft Cottages, Carmyllie

Mr Matthewson,

Thank you for your e-mail and I have noted the contents. The material planning considerations raised will be addressed in any report of handling prepared with any decision.

Regards

James

From: stephen matthewson [REDACTED]
Sent: 20 April 2015 14:44
To: WrightJ
Subject: Re: Planning Application 15/00213/FULL - 2 Westcroft Cottages, Carmyllie

Good afternoon James.

Reference to your e-mail dated 17/04/2015 and further to our telephone conversation this afternoon.

I do wish for the application to proceed and be heard by the relevant members of your department.

I have a friend in the legal industry look at policy SC30 Angus Local Plan Review 2009 (ALPR), whilst I do understand that guidelines must be set its in their opinion that

working away in the small way that I do that you are taking my circumstances and business in a very diluted manner and using the above mentioned SC30 plan fit the reason for refusal.

You mentioned in your e-mail also that your department has concerns that I would be restricting myself of garden amenity by making it less than 50sqm in area and that my dwelling house would then have garden space brought down to an unacceptable level in your departments view [REDACTED] and as you are aware we have never changed what is already here and that it was always just stones and slabs.

I would have thought having just come through the worst recession in memory and in these times of austerity that small businesses would be encouraged, [REDACTED] and then spend my disposable income in my local town of [REDACTED] that I would be considered a success to have survived but as this stands at the moment I risk being an unemployed [REDACTED] man [REDACTED]

I await your departments decision but give you advanced notice that I will appeal a refusal.

Kind Regards

Stephen Matthewson

On Saturday, 18 April 2015, 17:54, stephen matthewson <[REDACTED]> wrote:

On Friday, 17 April 2015, 15:45, WrightJ <WrightJ@angus.gov.uk> wrote:

Mr Matthewson,

I refer to the above application. I have now reviewed all information, visited the site and the application has been discussed within this Service.

Unfortunately in this instance there are concerns with the use of the land for car sales and the proposals compatibility with the relevant policies in the development plan. Policy SC30 of the Angus Local Plan Review 2009 (ALPR) is the most relevant policy to this application and relates to car showrooms. This policy states that car showrooms will only be permitted on sites within development boundaries and proposals must satisfy criteria which includes that the site and location should not have a detrimental impact on residential amenity.

In this instance the current proposal for car sales is outwith the development boundary and also surrounded by other residential properties. Given the close proximity to these properties there is concern that that there would be amenity impacts associated with the proposed use. In addition the proposal would leave the existing dwellinghouse with a garden ground less than 50sqm in area. It is considered that the proposal would reduce the garden ground of the existing residential property to an unacceptable level.

Overall, unfortunately your current proposal is considered to be contrary to the relevant policies in the development plan and 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 by response within 7 days from the date of this e-mail. After this date I will have to proceed to determine the application.

I trust this clarifies our position. However please do not hesitate to contact me should you wish to discuss.

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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DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

2 WESTCROFT COTTAGES, CARMYLLIE, ARBROATH, DD11 2RJ

APPLICATION NO 15/00213/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Location Plan and Block Plan
- ITEM 3** Site Plan

NOTICE OF REVIEW



DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY 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 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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.

Use BLOCK CAPITALS if completing in manuscript

For Official Use Only			
Date			

For Official Use Only	Date:
Form A1 received	__/__/__
Stage 1 Hearing	__/__/__
Stage 2 Hearing (if required)	__/__/__
Site Visit (if required)	__/__/__
Determination deadline	__/__/__
Decision reached	__/__/__

Applicant(s)

Name **STEPHEN MATTHEWSON**

Address **HOUSE B
WESTCROFT
CARMYLLIE**
Postcode **DD11 2RJ**

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]
Postcode [REDACTED]

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]
Fax No [REDACTED]

E-mail* [REDACTED]

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Site address **HOUSE B, WESTCROFT
CARMYLLIE DD11 2RJ**
Application No **15/00213/FULL**

Description of proposed development **CHANGE OF STONED GARDEN AREA TO
STONED CAR DISPLAY AREA**

Date of application **12/03/15** Date of decision (if any) **08/05/15**

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

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

BECAUSE THE REASON FOR REFUSAL UNDER POLICY SC30 OF THE ANGUS PLAN IS NOT RELEVANT TO MY PLANNING APPLICATION

Site inspection

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

- | | | |
|--|---|-----------------------------|
| 1. Can the site be viewed entirely from public land? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

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.

① POLICY SC30 OF THE ANGLUS PLAN 2004 IS NOT RELEVANT TO MY SITUATION OR PLANNING APPLICATION.

② NO OBJECTIONS TO MY PLANNING APPLICATION.

③ A COMPANY WITH A £500,000 TURNOVER WILL BE OUT OF BUSINESS AND A DIRECTOR THAT PAYS £30,000 PER YEAR TO H.M.R.C WILL BE UNEMPLOYED AND HAVE TO SIGN ON AT THE JOB CENTRE

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

POLICY SC30 IS NOT RELEVANT TO MY APPLICATION

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 and intend to rely on in support of your review.

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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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.

Please Note 10 copies of all plans submitted are required

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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

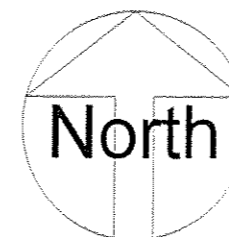
Date

18/06/2015

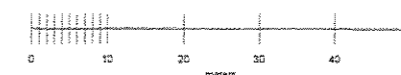
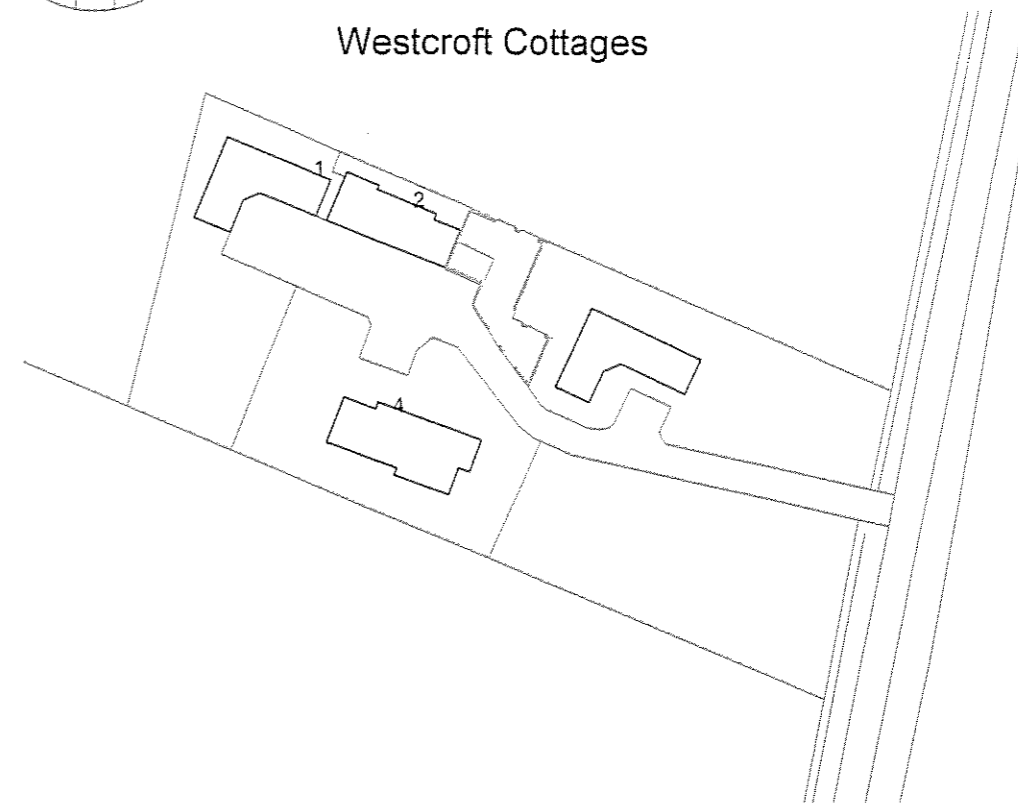
APPLICANT

15/001 3/FULL

REFUSED

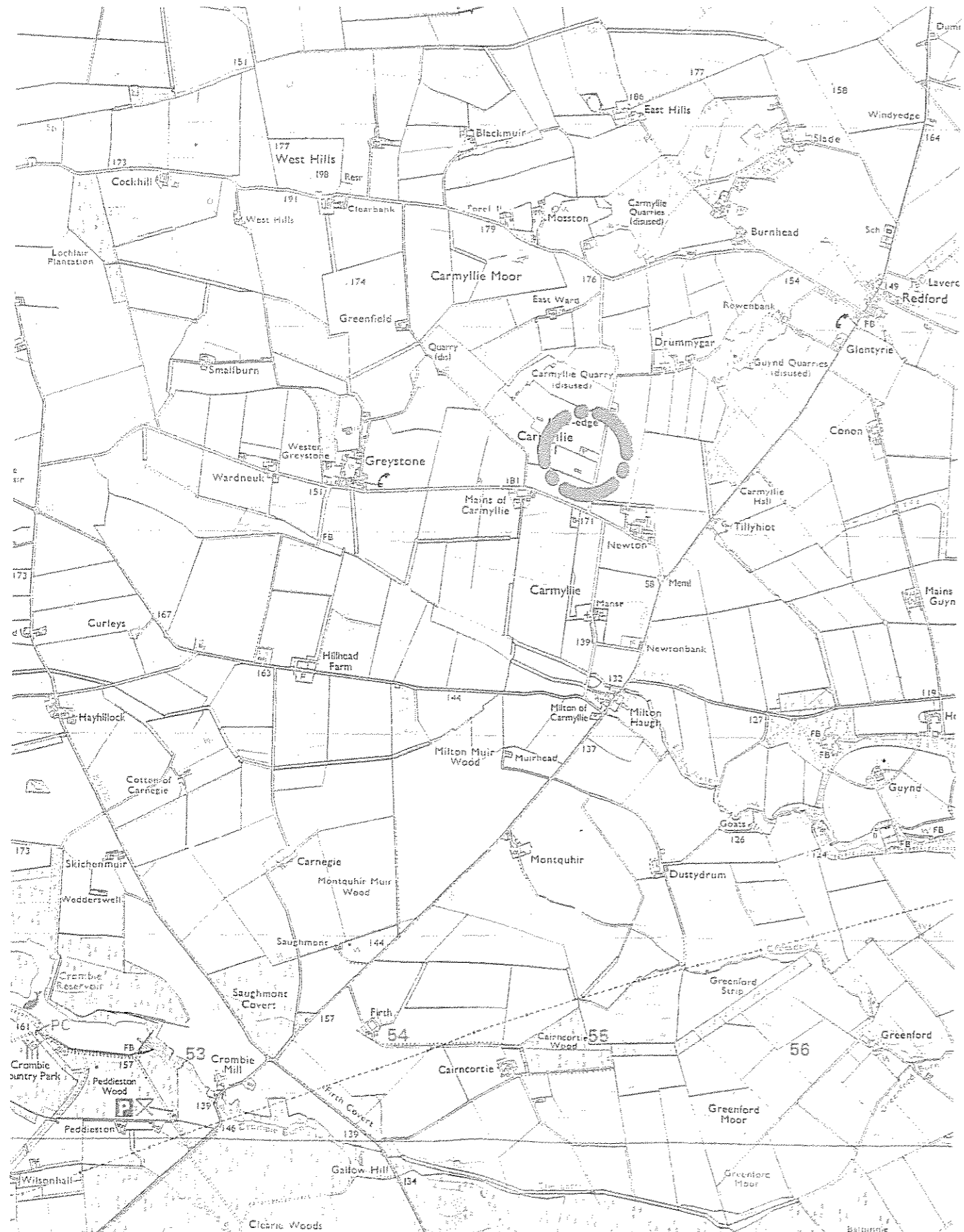


Westcroft Cottages



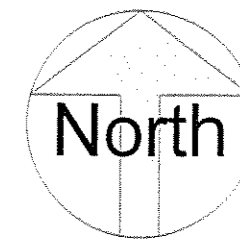
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2 block plan
1 : 1000



1 1to50000 location
1 : 1

No.	Description	Date			101.PL	Change of use from Gravel Garden to Car Sales Area at 2 Westcroft Cottages, Carmyllie. Mr S Mathewson
	Location Plan					
	Project number	100				
	Date	08.03.2015				
	Drawn by	AS				
	Scale	As indicated				



15/00 5/FULL

APPLICANT

REFUSED



No.	Description	Date	Site Plan		102.PL	Change of use from Gravel Garden to Car Sales Area at 2 Westcroft Cottages, Carmyllie. Mr S Mathewson
			Project number	100		
			Date	08.03.2015		
			Drawn by	Author		
			Scale	1 : 200		

1 Site
1 : 200