

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 18 AUGUST 2015**

**DOWER HOUSE, 8 CHURCH ROAD, LIFF**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a Review of the non-determination of application No 15/00116/FULL, Section 42 Application to Vary Condition 10 to Extend Planning Permission 07/008/12/FULL for a Further Three Years at Dower House, 8 Church Road, Liff.

**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



**From:**PEOPlanApps  
**Sent:**10 Apr 2015 16:28:29 +0100  
**To:**KellyR  
**Cc:**HughesE;ScottJ  
**Subject:**RE: OUTSTANDING PLANNING APPLICATION CONSULTATIONS  
**Attachments:**EDUCATION CONSULTATION 15.00159.full.doc, EDUCATION PRO FORMA 1500206FULL.doc, EDUCATION PRO FORMA 1500256FULL.doc, Chapelpark Education.doc

Hi Ruari

Apologies for the delay in response.

I have noted below the response to the specific questions on the applications detailed below or have attached completed consultations as appropriate.

Please do not hesitate to contact if you need any further information or require clarification on any of the points noted.

I am not aware of any other planning applications that have education consultations outstanding but please let me know if there have been any that have been overlooked

Regards

---

Margaret S Laing, Principal Officer (Finance), People - Education, Angus House,  
Orchardbank Business Park, Forfar, DD8 1AE, Tel 01307 476312

**From:** KellyR  
**Sent:** 08 April 2015 09:45  
**To:** PEOPlanApps  
**Cc:** TaylorE; PorterSG

**Subject:** OUTSTANDING PLANNING APPLICATION CONSULTATIONS

**Importance:** High

The following consultations on planning applications are outstanding:

**15/00116/FULL** – Dowerhouse, 8 Church Road, Liff (Section 42 to Vary Condition 1 of Planning Permission 07/00812/FULL)

E MAIL 12.02.15

The projected roll for Liff PS for session 2015/16 will bring the school to almost 90% of its planning capacity and on this basis the Department will require a commuted payment. I can confirm that this should be £3,000 per house.

Liff is in the catchment area for Monifieth HS. Given that Monifieth HS is projected to be at almost 100% capacity in session 2015/16 and given the other developments that have been approved in the Monifieth catchment area, are we in a position to request a contribution to an extension to the High School? Due to the nature of a secondary school, the extension that would be required would be a teaching block as opposed to a one/two classroom extension and is thereby considerably more expensive. The contribution requested from other developments impacting on Monifieth HS is circa £5,000 per house.



AC2



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Town & Country Planning (Scotland) Act 1997 As Amended  
 APPROVED ON BEHALF OF THE ANGUS COUNCIL  
 SUBJECT TO THE CONDITIONS SET FORTH IN  
 INTIMATION OF PERMISSION

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**LIST OF NEIGHBOURS NOTIFIED :**

5	THE GLEBE	DD25WE	OWNER & OCCUPIER
6	THE GLEBE		OWNER & OCCUPIER
7	THE GLEBE		OWNER & OCCUPIER
8	THE GLEBE		OWNER & OCCUPIER
29	KIRKCROFT BRAE	DD25RT	OWNER & OCCUPIER
31	KIRKCROFT BRAE		OWNER & OCCUPIER
33	KIRKCROFT BRAE		OWNER & OCCUPIER



Neighbours notified indicated thus \* on location plan

**LOCATION PLAN**

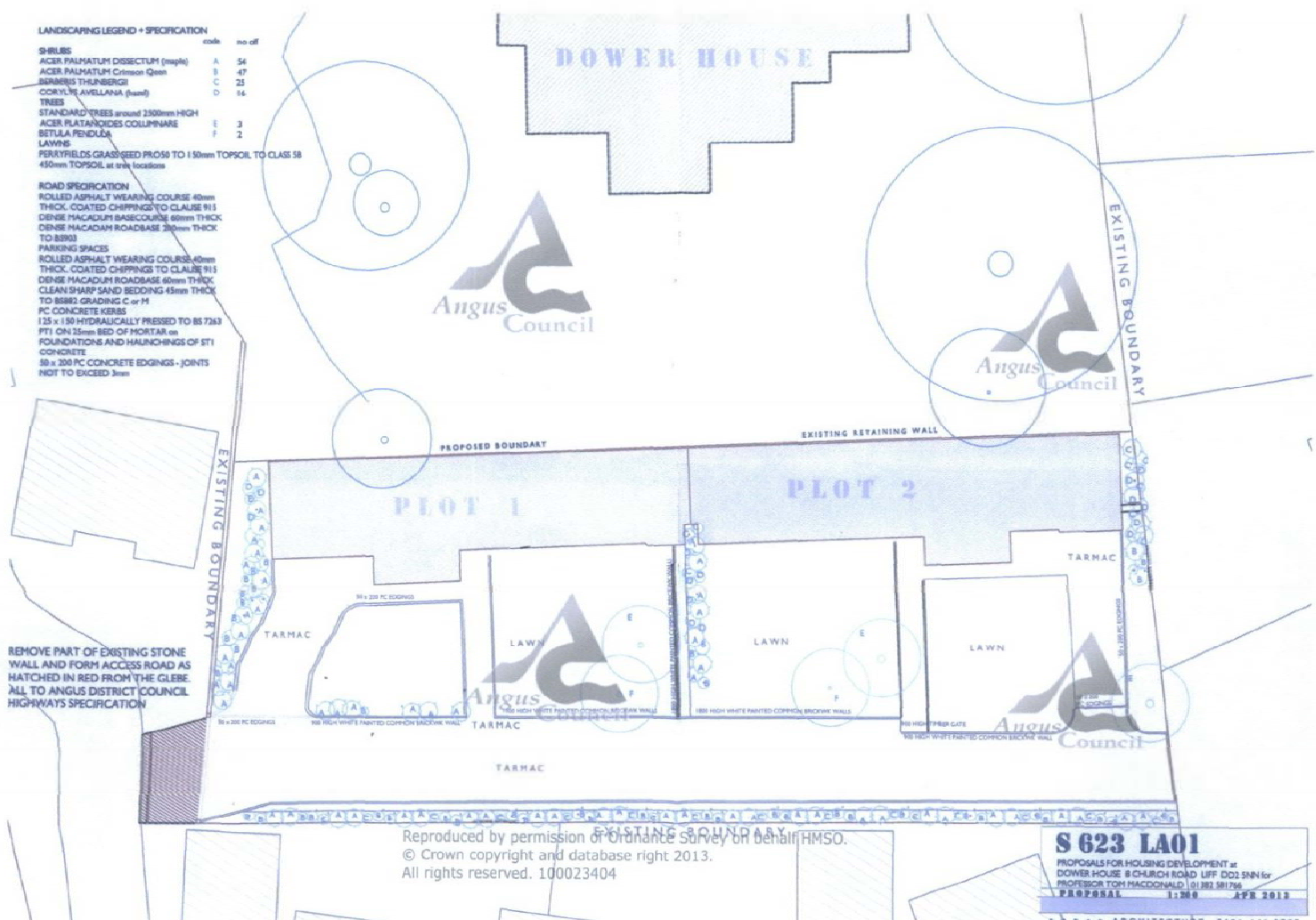
THIS IS A COPY OF THE PLAN AS SUBMITTED TO THE LOCAL AUTHORITY FOR COMMENT. IT IS NOT A COPY OF THE PLAN AS APPROVED BY THE LOCAL AUTHORITY. ANY CHANGES TO THE PLAN AS APPROVED BY THE LOCAL AUTHORITY WILL BE INDICATED BY A DOTTED LINE ON THE PLAN.

**S 623 SK LO**  
 PROPOSED HOUSE DEVELOPMENT  
 60/61A BURNHILL ROAD LIFF BRIDGE  
 BUSINESS TOWN BURNHILL LIFF BRIDGE  
 FORTHGATE 11568 APR 2001  
 s p e c a ARCHITECTURE 0191 441 8750



LANDSCAPING LEGEND + SPECIFICATION

SHRUBS	code	no off
ACER PALMATUM DISSECTUM (maple)	A	54
ACER PALMATUM Crimson Queen	B	47
BURNING BUSH (Spice)	C	21
CORYLIS AVELLANA (hazel)	D	14
TREES		
STANDARD TREES around 2500mm HIGH		
ACER PLATANOIDES COLUMNARE	E	3
BETULA PENDULA	F	2
LAWNS		
FOUR FIELDS GRASS SEED PRO 50 TO 1 50mm TOPSOIL TO CLASS 5B		
450mm TOPSOIL at tree locations		
ROAD SPECIFICATION		
ROLLED ASPHALT WEARING COURSE 40mm THICK, COATED CHIPPINGS TO CLAUSE 911		
DENSE MACADAM BASE COURSE 60mm THICK		
DENSE MACADAM ROADBASE 200mm THICK TO BS903		
PARKING SPACES		
ROLLED ASPHALT WEARING COURSE 40mm THICK, COATED CHIPPINGS TO CLAUSE 911		
DENSE MACADAM ROADBASE 60mm THICK		
CLEAN SHARP SAND BEDDING 45mm THICK TO BS882 GRADING C or M		
PC CONCRETE KERBS 125 x 150 HYDRAULICALLY PRESSED TO BS 7263		
PTI ON 75mm BED OF MORTAR on FOUNDATIONS AND HAUNCHINGS OF ST1 CONCRETE		
50 x 200 PC CONCRETE EDGINGS - JOINTS NOT TO EXCEED 3mm		



**S 623 LA01**  
 PROPOSALS FOR HOUSING DEVELOPMENT at  
 DOWER HOUSE 8 CHURCH ROAD LUFF D02 5NN for  
 PROFESSOR TOM MACDONALD | 01 882 981 786  
 PREPARED 1:2000 APR 2013  
 H B R C ARCHITECTURE 0151 445 8795

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION 75

### AGREEMENT

between

ANGUS COUNCIL, the local authority for the local government area of Angus constituted in terms of Section 2 the Local Government etc (Scotland) Act 1994 and having their principal offices at Angus House, Orchardbank Business Park, Forfar, Angus (who and whose successors are hereinafter referred to as "the First Party")

and

THOMAS MacLENNAN MacDONALD, residing at the Dower House, Eight Church Road, Liff, Dundee (hereinafter described or of any part or parts of them are hereinafter referred to as "the Second Party")

and

BANK OF SCOTLAND PLC, incorporated under the Companies Acts (Registered Number SC327000) and having their Registered Office at The Mound, Edinburgh, who and whose successors are hereinafter referred to as "the Third Party")

WHEREAS the First Party is the planning authority for the local government area of Angus in terms of Section 1 of the Town and Country Planning (Scotland) Act 1997;

AND WHEREAS the Second Party is heritable proprietor of ALL and WHOLE that plot or area of ground lying on or towards the south-east of Dower House, Eight Church Road, Liff, Dundee in the County of Angus being the subjects shown bounded in red on the plan annexed and signed as relative hereto which subjects are part of subjects belonging to him and registered in the Land Register of Scotland under Title Number ANG21342 (which subjects are hereinafter referred to as "the Planning Permission Subjects");

AND WHEREAS application has been made to the First Party by planning application registered with the First Party on the Sixth day of June Two thousand and seven (the First Party's reference number being 07/00812/FUL for planning consent for the erection of two dwellinghouses (hereinafter referred to as "the Development");

AND WHEREAS the said application for planning consent was approved by the First Party subject inter alia to the Second Party entering into this Agreement with the First Party;

AND CONSIDERING THAT the Third Party, as successor to Halifax plc, incorporated under the Companies Acts and having their Registered Office at Trinity Road, Halifax, West Yorkshire and from whom they acquired right by virtue of (One) the HBOS Group Reorganisation Act 2006 and (Two) Notice in the Edinburgh Gazette dated 17 August 2007 pursuant to the said Act, is heritable creditor over the Planning Permission Subjects in terms of a Standard Security granted by the Second Party in favour of the said Halifax plc registered in the Land Register for Scotland under Title Number ANG21342;

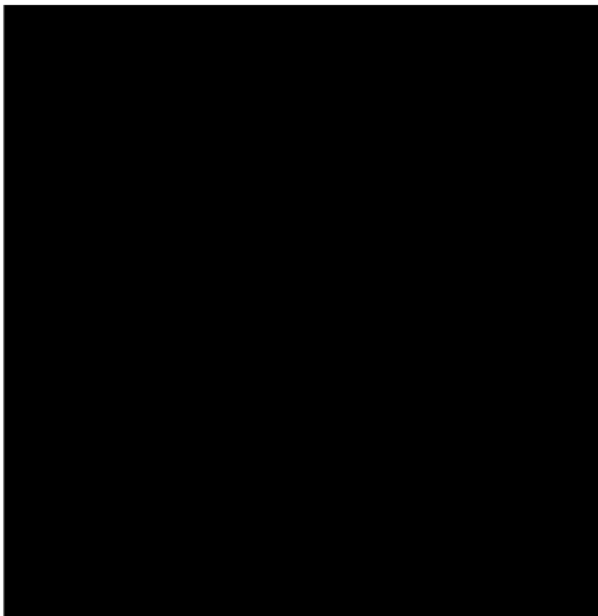
NOW THEREFORE the First Party and the Second Party, in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them in that behalf, HAVE AGREED and DO HEREBY with the consent and concurrence of the Third Party as heritable creditor aforesaid as is evidenced by their subscriptions hereof, AGREE as follows; videlicet:-

- (FIRST)           The Second Party undertakes to pay to the First Party a commuted payment of THREE THOUSAND POUNDS (£3,000.00) STERLING in respect of each of the two residential units within the Development prior to occupation of either of said dwellinghouses. The said commuted payment shall be applied by the First Party for the purpose of upgrading primary school provision.
- (SECOND)          The said planning consent shall not take effect unless and until these presents are registered in the Land Register of Scotland.
- (THIRD)           The Second Party shall not dispoise, burden, convey, lease, transfer or assign its right and title in and to the Planning Permission Subjects or its rights and obligations hereunder prior to the registration of this Agreement in the Land Register of Scotland.
- (FOURTH)         The parties hereto agree that the terms of these presents shall apply in every respect to any successor or successors in title to the Second Party as heritable proprietor or proprietors of the Planning Permission Subjects as they apply to the Second Party and also in substitution for the Second party except insofar as relating to a breach of any obligation hereunder by the Second Party prior to its disposal or conveyance of its interest in the Planning Permission Subjects or any part thereof in which event the Second Party having title to the Planning Permission Subjects at the time of breach shall remain bound jointly and severally with any successor of it as heritable proprietor aforesaid in any obligation hereunder so breached and to remedy any such breach.
- (FIFTH)           The First Party may, if requested, grant a full or partial Discharge of the provisions of this Agreement capable of being registered in the appropriate Division of the General Register of Sasines or the Land Register of Scotland on being satisfied in its sole discretion that the relevant obligations hereunder, or any of them as the case may be, have been implemented in full or are no longer appropriate, whether due to a change in circumstances or otherwise.

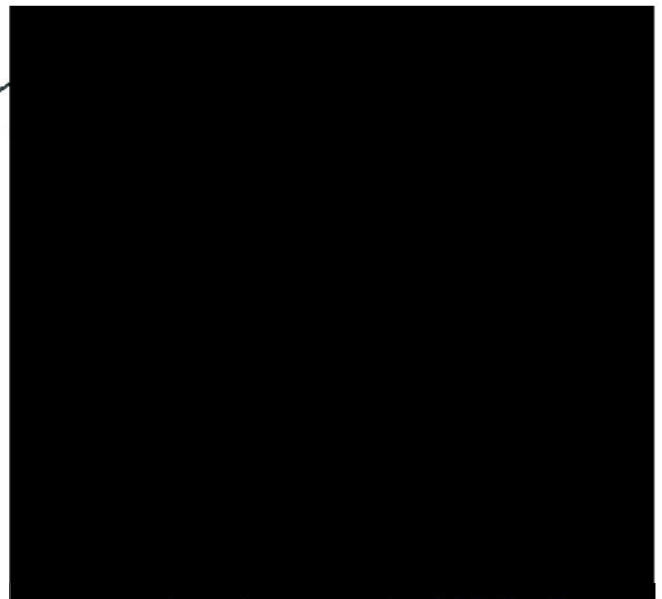


(SIXTH) The Second Party shall reimburse the First Party in respect of the First Party's proper and reasonable legal expenses and outlays incurred in connection with the preparation and execution of these presents and also, if applicable, any full or partial Discharge of these presents which may be granted by the First Party including, without prejudice to the foregoing generality, any Stamp Duty Land Tax payable thereon, recording or registration dues and the cost of obtaining two extracts hereof if the same be registered.

(SEVENTH) The First Party and the Second Party hereto consent to the registration hereof for preservation and execution as well as for publication and the Third Party hereto consents to the registration hereof for preservation and publication only: IN WITNESS WHEREOF these presents consisting of this and the previous two pages together with the plan annexed and signed as relative hereto are executed as follows: they are subscribed for and on behalf of us, Bank of Scotland plc, at Halifax on the Twenty third day of September Two thousand and ten by Gail Yvonne Nicholson, authorised signatory, before this witness, Tristan Sheard, Bank of Scotland plc, Halifax; they are signed by me, the said Thomas MacLennan MacDonald at Dundee on the First day of November in the year last mentioned before this witness, Catherine Mary Bowman, Thirty Main Street, Kingseat, Dunfermline; and they are subscribed on behalf of the said Angus Council by Sheona Craig Hunter, Head of Law and Administration, at Forfar on the Tenth day of the month and year last mentioned before this witness, Michael David Devine, Angus House, Orchardbank Business Park, Forfar.



Tristan Alexander Sheard  
Clerical Assistant Customer Operations  
Bank of Scotland plc Halifax



Gail Yvonne Nicholson  
its Authorised Signatory



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BANK OF SCOTLAND PLC

before this witness



Gail Yvonne Nicholson  
Authorised Signatory



Clerical Assistant Customer Operations  
Bank of Scotland plc Halifax



This is the plan referred to in the foregoing Section 75 Agreement  
between Angus Council and Thomas MacLennan MacDonald with  
the consent and concurrence of Halifax Limited dated 23 September  
and 18 November 2010.



SITE PLAN

APPROX HALF OF EXISTING STONE  
WALL 2372 HIGH STONE WALL IS  
ATTACHED BY LINES FROM THE 6888  
AT THE GENERAL BOUNDARY CORNER  
REMARKS BY 2010/10/10

**PA**  
PROPOSALS FOR HOUSING DEVELOPMENT at  
DOWER HOUSE 31 CHURCH ROAD LFF 002 SPN for  
PROFESSOR TOM MACDONALD 01382 981766  
S E E T C H PROPOSAL 1:5000 DAT 2000  
S P S L V ARCHITECTURE  
31 WOODHALL ROAD EDINBURGH EH3 3DH 0131 441 4793

7/12/295

**SECTION 75  
AGREEMENT**

between

**ANGUS COUNCIL**

and

**THOMAS MacLENNAN MacDONALD**

2009  
MD/SME

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Town and Country Planning (Scotland) Act 1997  
(Section 75)

Subjects: Area of ground at Dower House,  
8 Church Road, Liff, Dundee

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Head of Law and Administration  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
FAS 0220



**From:**KellyR

**Sent:**8 May 2015 16:25:57 +0100

**To:** [REDACTED]

**Subject:**Planning Application 15/00116/FULL - Section 42 Application to Vary Condition 1 to Extend Planning Permission 07/00812/FULL for a Further Three Years at Dower House, 8 Church Road, Liff, Dundee

Our Ref: 15/00116/FULL/RK

Professor Thomas MacDonald

Dower House

8 Church Road

Liff

Dundee

DD2 5NN

Dear Professor MacDonald

## **Town And Country Planning (Scotland) Act 1997 (As Amended)**

**Section 42 Application to Vary Condition 1 to Extend Planning Permission 07/00812/FULL for a Further Three Years at Dower House, 8 Church Road, Liff, Dundee**

**Application Reference – 15/00116/FULL**

I refer to the above planning application which was registered with this Service on 2 February 2015 and apologise for the delay in providing an update on the application but this was due an outstanding consultation response from the Education Service which I am now in receipt of.

Planning permission reference 07/00812/FUL was approved subject to a planning obligation requiring a financial contribution of £3,000 per dwellinghouse (£6,000 in total)

towards the cost of upgrading Liff primary school. In the intervening period since the grant of planning permission 07/00812/FUL there are capacity issues at Monifieth High School (almost 100% capacity in session 2015/16) and the Education Service has requested an additional contribution of £5,000 per dwellinghouse (£10,000 in total) towards the cost of upgrading Monifieth High School.

Whilst I would have sought clarification from you as to whether or not the financial contribution would have been provided I would advise you that there are discussions taking place at a managerial level regarding financial contributions being required for new dwellinghouses within areas where the affected primary and secondary school capacities are above 80% capacity. It is anticipated that this matter should be clarified in the coming weeks therefore I do not propose to progress your application until the outcome of the proposed managerial discussions.

I will provide you with a further update in due course but I trust the above proves helpful and clarifies the situation for you meantime.

Yours sincerely

Ruari Kelly

**Ruari Kelly | Planning Officer (Development Standards)** | Angus Council | Communities  
- Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG. 📞 (01307) 473306

**From:** [REDACTED]  
**Sent:** 19 May 2015 11:07:25 +0100  
**To:** KellyR  
**Subject:** RE: Planning Application 15/00116/FULL - Section 42 Application to Vary Condition 1 to Extend Planning Permission 07/00812/FULL for a Further Three Years at Dower House, 8 Church Road, Liff, Dundee

Dear Mr Kelly

Thank you for your email of 8th May 2015.

Firstly, I would like to clarify that this application is for an extension to a planning application previously approved by the development standards committee of Angus council. It is not a new planning application. As such I contend that extension should be judged against the conditions prevailing at the time the application was first proposed and granted.

I have already agreed to the sum of £3000 per house in a legally binding agreement. This was an agreement entered into between both parties. Can the council lawfully dissolve this agreement without my consent as the other material party to this agreement?

This application is for a very modest development likely to be viable only to a small builder. The economies of scale that come with large developments cannot be realised in this instance.

You will of course be familiar with the Government circular 3/2012. This states that ALL FIVE tests must be met to justify planning obligations.

Note that paragraph 18 and 20 which state:

"Planning obligations should not be used to extract advantages, benefits or payments from land owners or developers which are not directly related to the proposed development".

"Planning obligations must be related to scale.....Attempts to extract excessive contributions towards the cost of infrastructure are unacceptable (paragraph 20))

"Planning obligations should not be used to resolve existing deficiencies in infrastructure..... which are not strictly necessary to allow permission to be granted for a particular development" (paragraph 21).

I would also point out that any imposed obligation may be challenged in the courts (paragraph 19).

In addition:

Planning obligations must take account the scale of any development and be 'proportionate'. I would remind you that there is a presumption in favour of sustainable development to be adhered to.

The market value of the houses surrounding the site of this proposed development materially impact on the market value of the proposed development. These are largely 'Kit' houses built to enjoy the economies of scale. The site preparation and build costs of the proposed development in this case is high or very high due to the need to lower the site by 1 meter in height and the very bespoke nature of the houses approved (it is likely that the development will need waterproofing or tanking, the dividing wall will need rebuilt or shored up and the current design is bespoke and thus not a typical 'kit house' new build). Adding a further cost burden to this development would result in the development risk of the proposal being far too high for any builder to consider. Thus a further obligation would be disproportionate as it would render the present proposal financially unviable. This is alluded to in paragraph 22 and stated more clearly in paragraph 23.

I would also draw you attention to the 'Reasonableness Test (paragraph 24) bullet point 3 "Is the requirement for the obligation so directly related to the regulation of the proposed development that it should not be permitted without it?"

Paragraph 25 clearly states that if the answer to any of the bullet points is no, a planning obligation is not appropriate.

Note that paragraph 35 states that "Where planning authorities propose to rely on standard charges and formulae, these should be included in supplementary guidance along with information on how standard charges have been calculated...". I have found this document pertaining to Fife Planning but I cannot find such supplementary guidance documents pertaining to Angus Planning. In addition, no such supplementary guidance was made available to me at the time of my application renewal. I note from your email that senior management at planning are still discussing these issues and it thus appears unjust that they be applied retrospectively without due notice and without prior supplementary guidance. This appear contrary to circula3 3/2012.

It would thus appear to me that the 5 tests set out in *Government circular 3/2012* cannot be met.

Note also that according to the planning regulations (Regulation 14 and 26) which state:

4.81 The planning authority has 4 months to determine applications for planning permission for national developments or major developments and 2 months to determine applications for planning permission for local developments.

The time period for determining my application therefore expired in April 2015.

I would also point out:

4.85 Where the provisions at regulation 26(3)(b) prevent the planning authority from granting permission, this does not alter the period for making an appeal or seeking a review on the grounds of non-determination of the application - see paragraphs below.

I would further point out:

4.91 Where such an application is not determined within the appropriate 2 month or 4 month time period, the applicant may appeal to Ministers within 3 months from the end of the period or, alternatively, may await a decision by the planning authority - following which the applicant can still lodge an appeal against the terms of that decision.

I thus have only two months left to appeal non-determination.

In view of the above I would be most grateful if Angus planning would kindly approve my application to extend existing planning and Listed Building consent.

Yours sincerely



Prof Tom MacDonald

Medicines Monitoring Unit and Hypertension Research Centre

Division of Medical Sciences

University of Dundee

Ninewells Hospital & Medical School

Dundee DD1 9SY

Tel: [REDACTED]

Email: [REDACTED]

PA Lyn Mitchell: [REDACTED]

[REDACTED]

**From:**KellyR

**Sent:**29 Jun 2015 11:56:11 +0100

**To:** [REDACTED]

**Subject:**RE: Planning Application 15/00116/FULL - Section 42 Application to Vary Condition 1 to Extend Planning Permission 07/00812/FULL for a Further Three Years at Dower House, 8 Church Road, Liff, Dundee

**Attachments:**DVS Information.pdf

Dear Professor MacDonald

I apologise for not providing a response to your email of 19 May 2015 regarding the above planning application.

I would advise that at this time the content of my email of 8 May still remains in that the Education Service are requesting a financial contribution from new housing developments and that discussions regarding this matter are still ongoing at the highest level within the Council. There are a number of housing applications throughout Angus that are currently affected by this situation and at this time all affected applications are unfortunately not being progressed to determination until a definitive decision has been reached on the matter which should hopefully occur in the next 7 days.

Should you have concerns regarding the request of the Education Service and the impacts the requested level of contribution would likely have on the viability of the proposed development as suggested in your email of 19 May then you may wish to consider submitting a Development Viability Statement in support of your application. I have attached a document that identifies the information that should be included within a Development Viability Statement should you decide to pursue the submission of this information.

In relation to a potential appeal against the non-determination of the planning application as this is a Local Application where the determination would be by a and there was no extension to the determination period agreed prior to the 2 month time period for determining the application the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 indicates the applicant has 3 months beginning with the date of expiry of that period within which to seek a local review on the grounds of non-determination of the application. Having reviewed the application file the application was validated on 2 February with the determination date being 1 April therefore the 3 month period for submitting a local review against non-determination would be 30 June 2015. Should you decide to pursue a local review



against non-determination a Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> .

I will provide you with a further update once there is a conclusion to the ongoing discussions but I trust the above proves helpful and clarifies the situation for you meantime.

Yours sincerely

Ruari Kelly

**Ruari Kelly | Planning Officer (Development Standards)** | Angus Council | Communities - Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG. ☎ (01307) 473306

**From:** [REDACTED]  
**Sent:** 26 June 2015 09:52  
**To:** KellyR  
**Subject:** RE: Planning Application 15/00116/FULL - Section 42 Application to Vary Condition 1 to Extend Planning Permission 07/00812/FULL for a Further Three Years at Dower House, 8 Church Road, Liff, Dundee  
**Importance:** High

Dear Mr Kelly

I tried to phone today but unfortunately you were out of the office.

Has there been any progress with the renewal of planning consent? I did write to you about this issue previously but received no reply.

Whilst I am reluctant to appeal to the recorder there seems no other alternative at present unless you can suggest something that I have not thought of.

Yours sincerely

Tom MacDonald

*Prof Thomas M MacDonald*

*Medicines Monitoring Unit and Hypertension Research Centre*

*Medical Research Institute*

*University of Dundee*

*Ninewells Hospital & Medical School*

*Dundee*

*DD1 9SY*

[REDACTED]

PA Lyn Mitchell [REDACTED]

[REDACTED]

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**DOWER HOUSE, 8 CHURCH ROAD, LIFF, DD2 5NN**

**APPLICATION NO 15/00116/FULL**

**APPLICANT'S SUBMISSION**

- ITEM 1** Notice of Review
- ITEM 2** Email correspondence with Ruari Kelly
- ITEM 3** Plans
- ITEM 4** Listed Building Consent Approval
- ITEM 5** Planning Permission Approval

**NOTICE OF REVIEW**

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Professor"/>	Ref No.	<input type="text" value="S261"/>
Forename	<input type="text" value="Thomas"/>	Forename	<input type="text" value="Cruickshank"/>
Surname	<input type="text" value="MacDonald"/>	Surname	<input type="text" value="Graham"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="SPACE Architecture"/>
Building No./Name	<input type="text" value="Dower House"/>	Building No./Name	<input type="text" value="1"/>
Address Line 1	<input type="text" value="8 Church Road"/>	Address Line 1	<input type="text" value="Elliot Park"/>
Address Line 2	<input type="text" value="Liff, Angus"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Dundee"/>	Town/City	<input type="text" value="Edinburgh"/>
Postcode	<input type="text" value="DD2 5NN"/>	Postcode	<input type="text" value="EH14 1DY"/>
Telephone	<input type="text" value="REDACTED"/>	Telephone	<input type="text" value="0131 441 4305"/>
Mobile	<input type="text" value="REDACTED"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value="t.m.macdonald@dundee.ac.uk"/>	Email	<input type="text" value="spacearch@live.co.uk"/>
3. Application Details			
Planning authority	<input type="text" value="Angus"/>		
Planning authority's application reference number	<input type="text" value="15/00116/FULL (Original 07/00812/FULL)"/>		
Site address	<input style="height: 100px;" type="text" value="Dower House, 8 Church Road, Liff, Angus, Dundee DD2 5NN"/>		
Description of proposed development	<input style="height: 40px;" type="text" value="Two houses in a style to compliment the Dower House (a grade B listed Building)"/>		

Date of application

2nd February 2015

Date of decision (if any)

None

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

**4. Nature of Application**

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

**5. Reasons for seeking review**

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

**6. Review procedure**

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

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

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

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

**7. Site inspection**

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

### 8. Statement

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

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

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

I originally got planning permission (07/00812/FULL) and listed building consent to form an opening in the listed wall (07/01202/LBC) in March 2010 after the proposal went to the full planning committee meeting. Shortly thereafter, the Banking crisis made it impossible to go ahead with the works at that time. I applied to have the planning and LBC extended in February 2015 under a Section 42 Application 15/00116/FULL. However, this was not been determined and there is no clear indication that this will be determined any time soon. I have liaised with Mr Ruari Kelly on this matter (see emails sent separately) but I still have no indication as to whether my planning consent will be renewed. Since this is a renewal of consent and since the original application was approved by the full committee (and not delegated) and since it is a modest project I wish to appeal the non-determination of this consent. I have at all times adhered to all planning regulations and I think it is not natural justice to essentially decline renewal by non-determination. My appeal for non-determination of extension of planning consent should take into account that the original application was passed by the full planning committee and that the reason that the project did not progress was due to the general financial crisis that affected us all. Achieving planning consent for this modest proposal has been protracted and very expensive business. I contend that it is not proportionate for planning authorities to withhold renewal of consent for renewal when they already have agreed additional funding for schools provision in this proposal. This is a very modest proposal and despite my asking for clarification, it is not clear that all 5 tests set out in Government circular 3/2012 have actually been met. I am a private individual, I am not an agent and I am not a lawyer. As a planning authority the presumption should be to consent to this extension rather than impose obstacles to consent.

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

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

## 9. List of Documents and Evidence

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

Email correspondence with Mr Ruari Kelly sent separately to Mr A S Wilson  
Original plans will be submitted by Mr Graham Cruickshank to Mr A S Wilson  
Original approvals

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

## 10. Checklist

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

Full completion of all parts of this form

Statement of your reasons for requesting a review

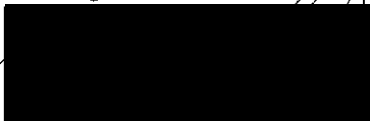
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

## DECLARATION

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

Signature:



Name:

Prof Thomas M MacDonald

Date:

30th June 2015

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

## ITEM 2

Email From Ruari Kelly Fri 08/05/2015 16:26  
Our Ref: 15/00116/FULL/RK

Professor Thomas MacDonald  
Dower House  
8 Church Road  
Liff  
Dundee  
DD2 5NN

Dear Professor MacDonald

**Town And Country Planning (Scotland) Act 1997 (As Amended)**  
**Section 42 Application to Vary Condition 1 to Extend Planning Permission**  
**07/00812/FULL for a Further Three Years at Dower House, 8 Church Road, Liff, Dundee**  
**Application Reference – 15/00116/FULL**

I refer to the above planning application which was registered with this Service on 2 February 2015 and apologise for the delay in providing an update on the application but this was due an outstanding consultation response from the Education Service which I am now in receipt of.

Planning permission reference 07/00812/FUL was approved subject to a planning obligation requiring a financial contribution of £3,000 per dwellinghouse (£6,000 in total) towards the cost of upgrading Liff primary school. In the intervening period since the grant of planning permission 07/00812/FUL there are capacity issues at Monifieth High School (almost 100% capacity in session 2015/16) and the Education Service has requested an additional contribution of £5,000 per dwellinghouse (£10,000 in total) towards the cost of upgrading Monifieth High School.

Whilst I would have sought clarification from you as to whether or not the financial contribution would have been provided I would advise you that there are discussions taking place at a managerial level regarding financial contributions being required for new dwellinghouses within areas where the affected primary and secondary school capacities are above 80% capacity. It is anticipated that this matter should be clarified in the coming weeks therefore I do not propose to progress your application until the outcome of the proposed managerial discussions.

I will provide you with a further update in due course but I trust the above proves helpful and clarifies the situation for you meantime.

Yours sincerely

Ruari Kelly

**Ruari Kelly | Planning Officer (Development Standards) | Angus Council |**  
Communities - Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG.  
☎ (01307) 473306



Email to Mr Ruari Kelly Tue 19/05/2015 11:07

Dear Mr Kelly

Thank you for your email of 8th May 2015.

Firstly, I would like to clarify that this application is for an extension to a planning application previously approved by the development standards committee of Angus council. It is not a new planning application. As such I contend that extension should be judged against the conditions prevailing at the time the application was first proposed and granted.

I have already agreed to the sum of £3000 per house in a legally binding agreement. This was an agreement entered into between both parties. Can the council lawfully dissolve this agreement without my consent as the other material party to this agreement?

This application is for a very modest development likely to be viable only to a small builder. The economies of scale that come with large developments cannot be realised in this instance.

You will of course be familiar with the Government circular 3/2012. This states that ALL FIVE tests must be met to justify planning obligations.

Note that paragraph 18 and 20 which state:

"Planning obligations should not be used to extract advantages, benefits or payments from land owners or developers which are not directly related to the proposed development".

"Planning obligations must be related to scale.....Attempts to extract excessive contributions towards the cost of infrastructure are unacceptable (paragraph 20))

"Planning obligations should not be used to resolve existing deficiencies in infrastructure..... which are not strictly necessary to allow permission to be granted for a particular development" (paragraph 21).

I would also point out that any imposed obligation may be challenged in the courts (paragraph 19).

In addition:

Planning obligations must take account the scale of any development and be 'proportionate'. I would remind you that there is a presumption in favour of sustainable development to be adhered to.

The market value of the houses surrounding the site of this proposed development materially impact on the market value of the proposed development. These are largely 'Kit' houses built to enjoy the economies of scale. The site preparation and build costs of the proposed development in this case is high or very high due to the need to lower the site by 1 meter in height and the very bespoke nature of the houses approved (it is likely that the development will need waterproofing or tanking, the dividing wall will need rebuilt or shored up and the current design is bespoke and thus not a typical 'kit house' new build). Adding a further cost burden to this development would result in the development risk of the proposal being far too high for any builder to consider. Thus a further obligation would be disproportionate as it would render the present proposal financially unviable. This is alluded to in paragraph 22 and stated more clearly in paragraph 23.

I would also draw your attention to the 'Reasonableness Test (paragraph 24) bullet point 3 "Is the requirement for the obligation so directly related to the regulation of the proposed development that it should not be permitted without it?"

Paragraph 25 clearly states that if the answer to any of the bullet points is no, a planning obligation is not appropriate.

Note that paragraph 35 states that "Where planning authorities propose to rely on standard charges and formulae, these should be included in supplementary guidance along with information on how standard charges have been calculated...". I have found this document pertaining to Fife Planning but I cannot find such supplementary guidance documents pertaining to Angus Planning. In addition, no such supplementary guidance was made available to me at the time of my application renewal. I note from your email that senior management at planning are still discussing these issues and it thus appears unjust that they be applied retrospectively without due notice and without prior supplementary guidance. This appears contrary to circular 3/2012.

It would thus appear to me that the 5 tests set out in Government circular 3/2012 cannot be met.

Note also that according to the planning regulations (Regulation 14 and 26) which state:

4.81 The planning authority has 4 months to determine applications for planning permission for national developments or major developments and 2 months to determine applications for planning permission for local developments.

The time period for determining my application therefore expired in April 2015.

I would also point out:

4.85 Where the provisions at regulation 26(3)(b) prevent the planning authority from granting permission, this does not alter the period for making an appeal or seeking a review on the grounds of non-determination of the application - see paragraphs below.

I would further point out:

4.91 Where such an application is not determined within the appropriate 2 month or 4 month time period, the applicant may appeal to Ministers within 3 months from the end of the period or, alternatively, may await a decision by the planning authority - following which the applicant can still lodge an appeal against the terms of that decision.

I thus have only two months left to appeal non-determination.

In view of the above I would be most grateful if Angus planning would kindly approve my application to extend existing planning and Listed Building consent.

Yours sincerely

Tom MacDonald

Prof Tom MacDonald  
Medicines Monitoring Unit and Hypertension Research Centre  
Division of Medical Sciences  
University of Dundee  
Ninewells Hospital & Medical School  
Dundee DD1 9SY



**Email from Ruari Kelly Mon 29/06/2015 11:56**

Dear Professor MacDonald

I apologise for not providing a response to your email of 19 May 2015 regarding the above planning application.

I would advise that at this time the content of my email of 8 May still remains in that the Education Service are requesting a financial contribution from new housing developments and that discussions regarding this matter are still ongoing at the highest level within the Council. There are a number of housing applications throughout Angus that are currently affected by this situation and at this time all affected applications are unfortunately not being progressed to determination until a definitive decision has been reached on the matter which should hopefully occur in the next 7 days.

Should you have concerns regarding the request of the Education Service and the impacts the requested level of contribution would likely have on the viability of the proposed development as suggested in your email of 19 May then you may wish to consider submitting a Development Viability Statement in support of your application. I have attached a document that identifies the information that should be included within a Development Viability Statement should you decide to pursue the submission of this information.

In relation to a potential appeal against the non-determination of the planning application as this is a Local Application where the determination would be by a and there was no extension to the determination period agreed prior to the 2 month time period for determining the application the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 indicates the applicant has 3 months beginning with the date of expiry of that period within which to seek a local review on the grounds of non-determination of the application. Having reviewed the application file the application was validated on 2 February with the determination date being 1 April therefore the 3 month period for submitting a local review against non-determination would be 30 June 2015. Should you decide to pursue a local review against non-determination a Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> .

I will provide you with a further update once there is a conclusion to the ongoing discussions but I trust the above proves helpful and clarifies the situation for you meantime.

Yours sincerely

Ruari Kelly

**Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities - Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG.**  
☎ (01307) 473306

**Email to Ruari Kelly 29<sup>th</sup> June 2015**

Dear Mr Kelly

Thank you for this.

I intend to ask for a local review. I note that if this fails I can still appeal to the recorder.

I spent some time looking through the websites but it is not clear how a local review is requested. If it is OK with you I will phone you tomorrow to try and clarify this issue as tomorrow is the last date that I can submit such an appeal?

Yours sincerely

Tom MacDonald

**Email from Ruari Kelly Tue 30/06/2015 08:30**

Dear Professor MacDonald

I note your intention to submit a review but this is not a process that the planning officer is overly involved in.

Notice of Review Form and Guidance Note can be obtained from the following link:  
<https://eplanning.scotland.gov.uk/WAM/paperforms.htm;jsessionid=101DE6A84B60A9D2A70C8302D047F6AC>

The Review is submitted to Democratic Services who deal with the registration and its progress through the process. The Committee Officer who is responsible for this is Sarah Forsyth who can be contacted on 01307 476269 or one of her colleagues would be able to assist.

I trust the above proves helpful but should you wish to discuss please do not hesitate to contact me.

Yours sincerely

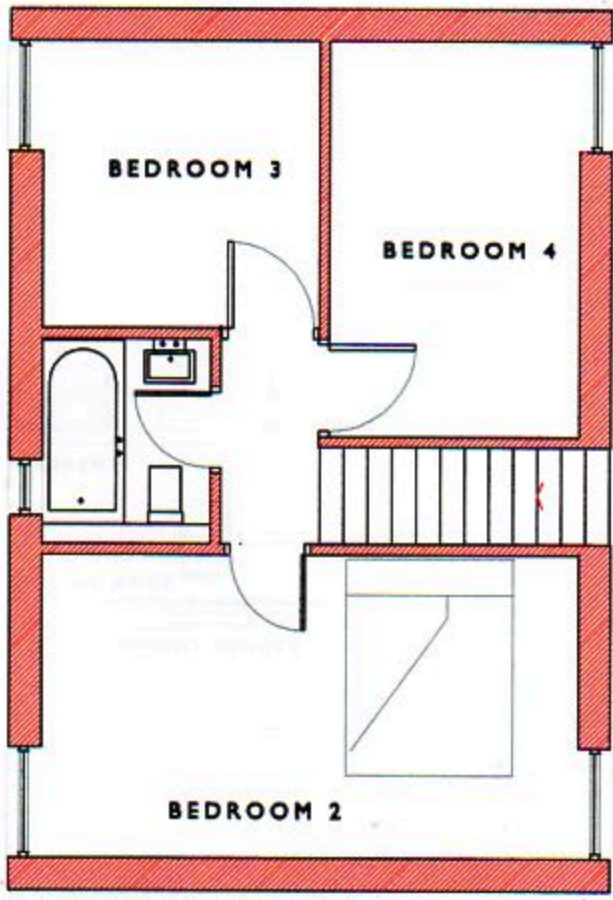
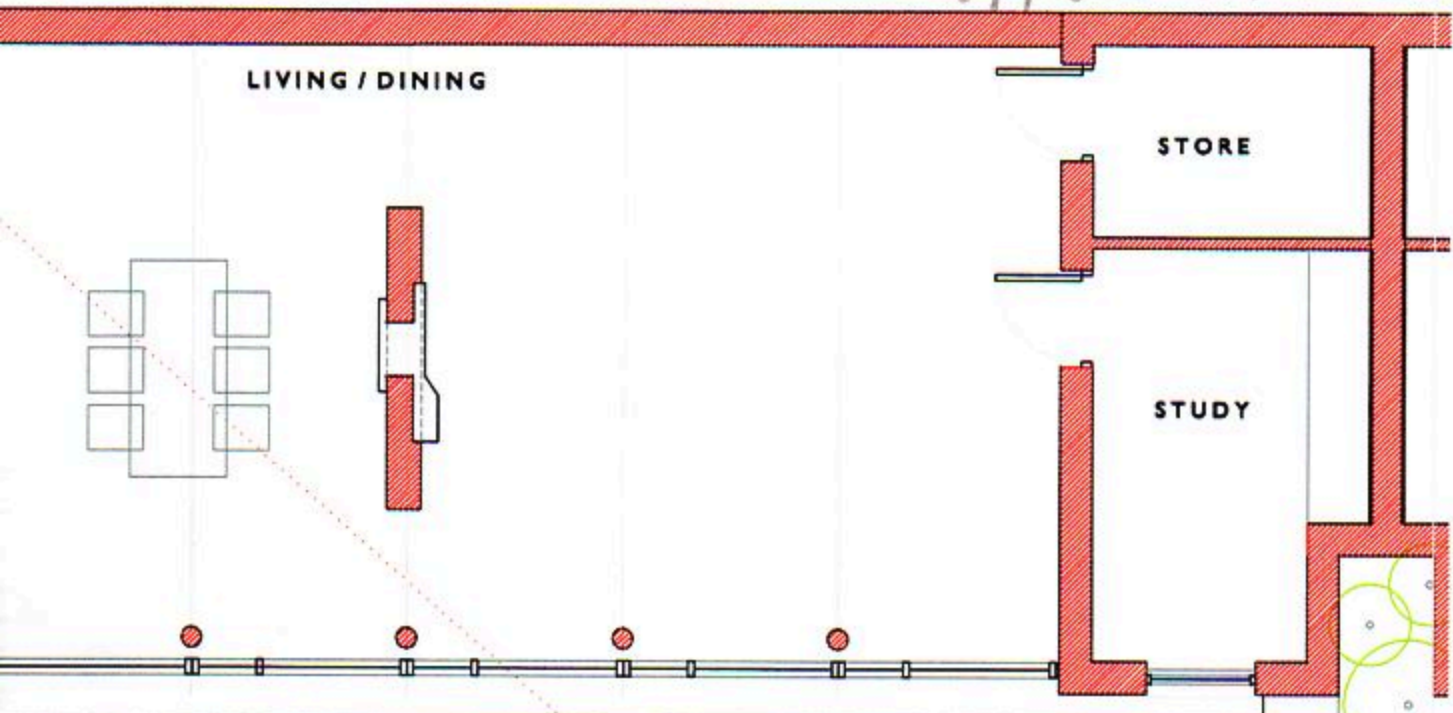
Ruari Kelly

**Ruari Kelly | Planning Officer (Development Standards) | Angus Council |**  
Communities - Planning & Place | County Buildings, Market Street, Forfar, DD8 3LG.  
☎ (01307) 473306



EXISTING RETAINING WALL

07 / 00812 / FUL



## PLOT 1

4 BEDROOM HOUSE

AREA GF : 123m<sup>2</sup>  
FF : 38m<sup>2</sup>  
AREA TOTAL : 161m<sup>2</sup>  
FOOTPRINT : 188m<sup>2</sup>  
PLOT AREA : 574m<sup>2</sup>

**FIRST FLOOR**

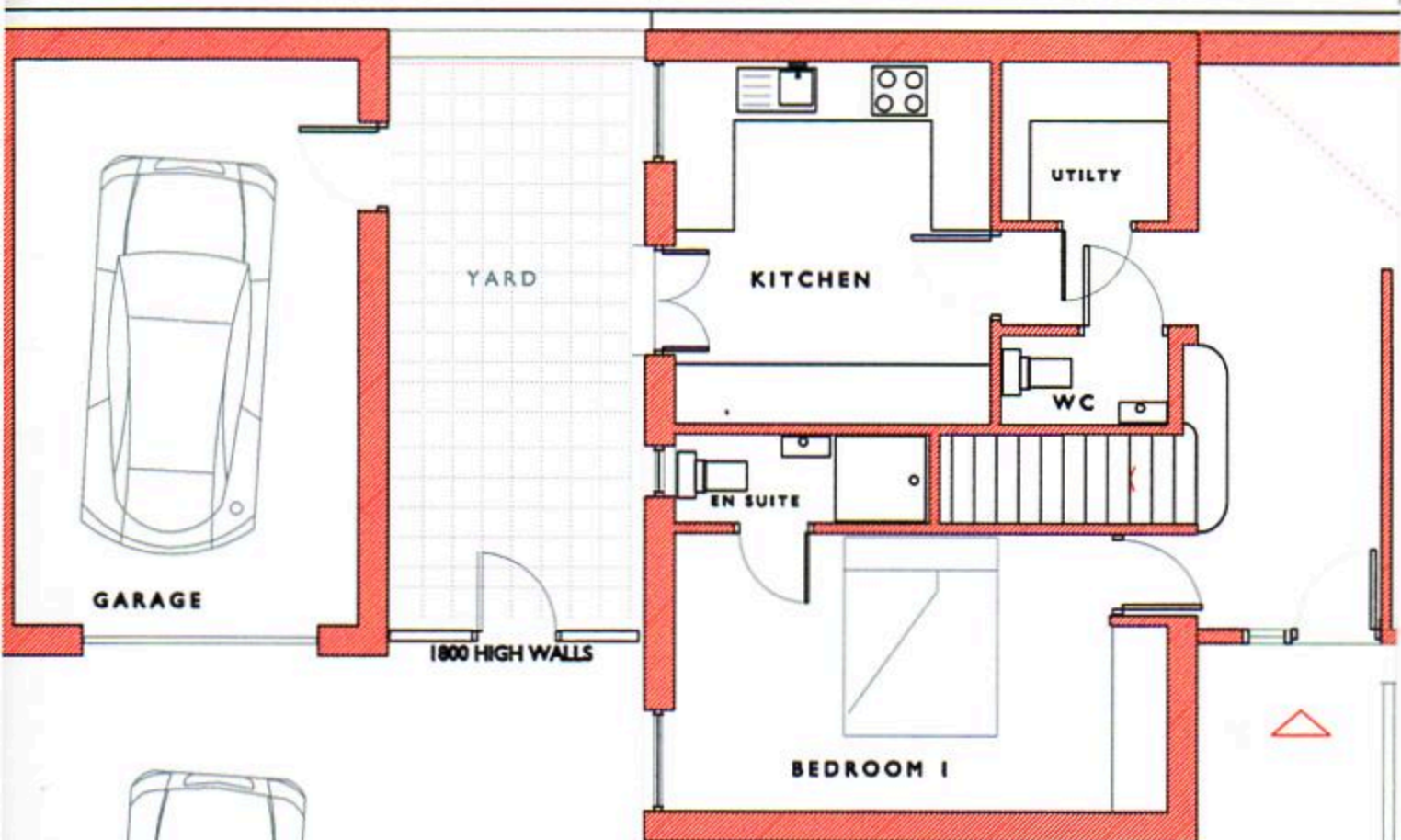
# S 623 05PA

PROPOSALS FOR HOUSING DEVELOPMENT at  
DOWER HOUSE 8 CHURCH ROAD LIFF DD2 5NN for  
PROFESSOR TOM MACDONALD 01382 581766

**SKETCH PROPOSAL 1:100 MAY 2007**  
space ARCHITECTURE

51 WOODHALL ROAD EDINBURGH EH13 0HD 0131 441 6795

1800 HIGH WALLS



## GROUND FLOOR

### DESIGN STATEMENT

We have attempted to respect the setting of the existing house by dropping the site by one full storey to the south. The site has an existing drop in level along the retaining wall line of around 1.2m and a further scrape of around 1.2m will allow the full storey to be tucked behind the wall. This device is rather like the use of ha-ha ditches as physical barriers but allowing uninterrupted views over planted flat roofs.

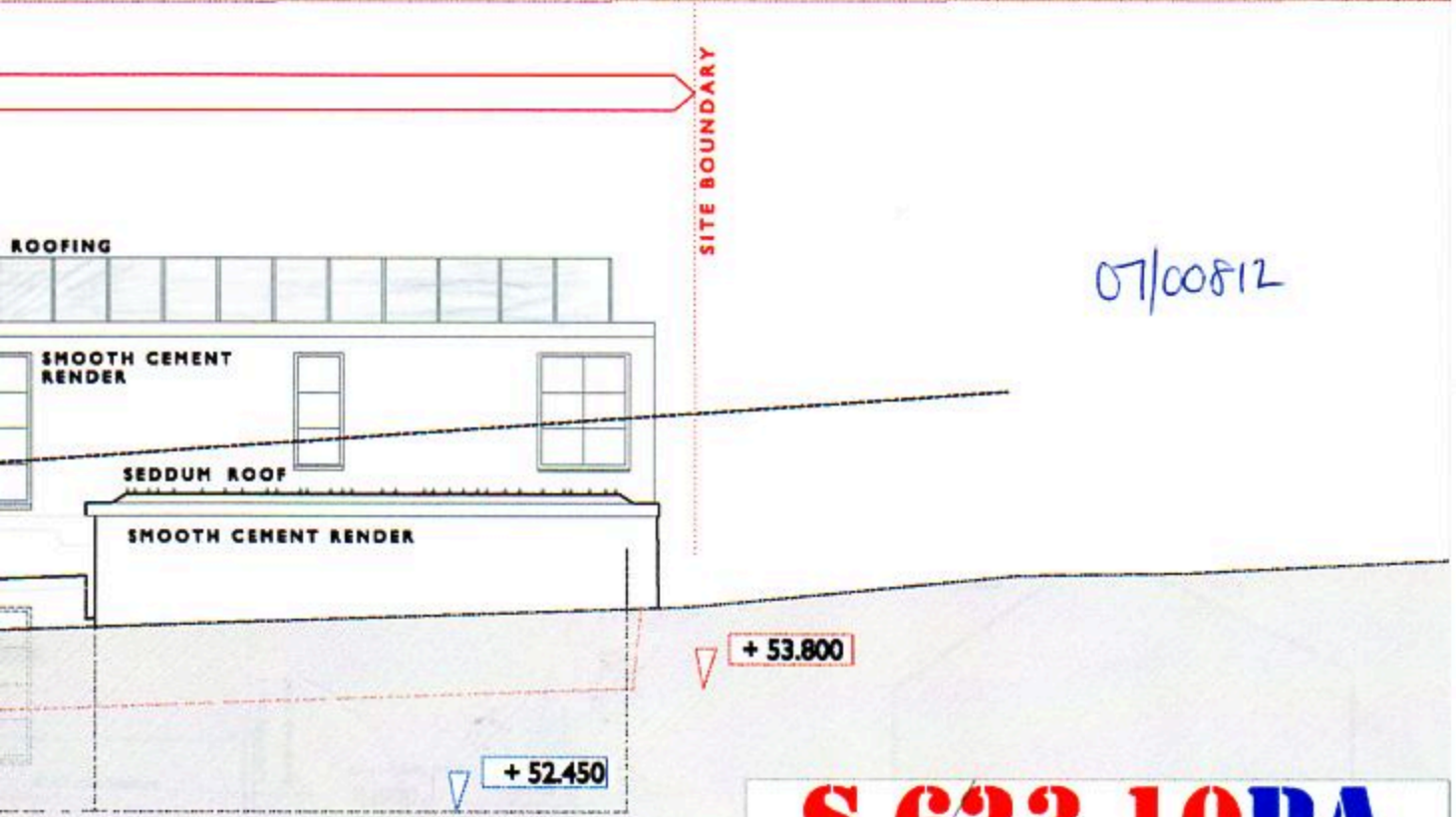
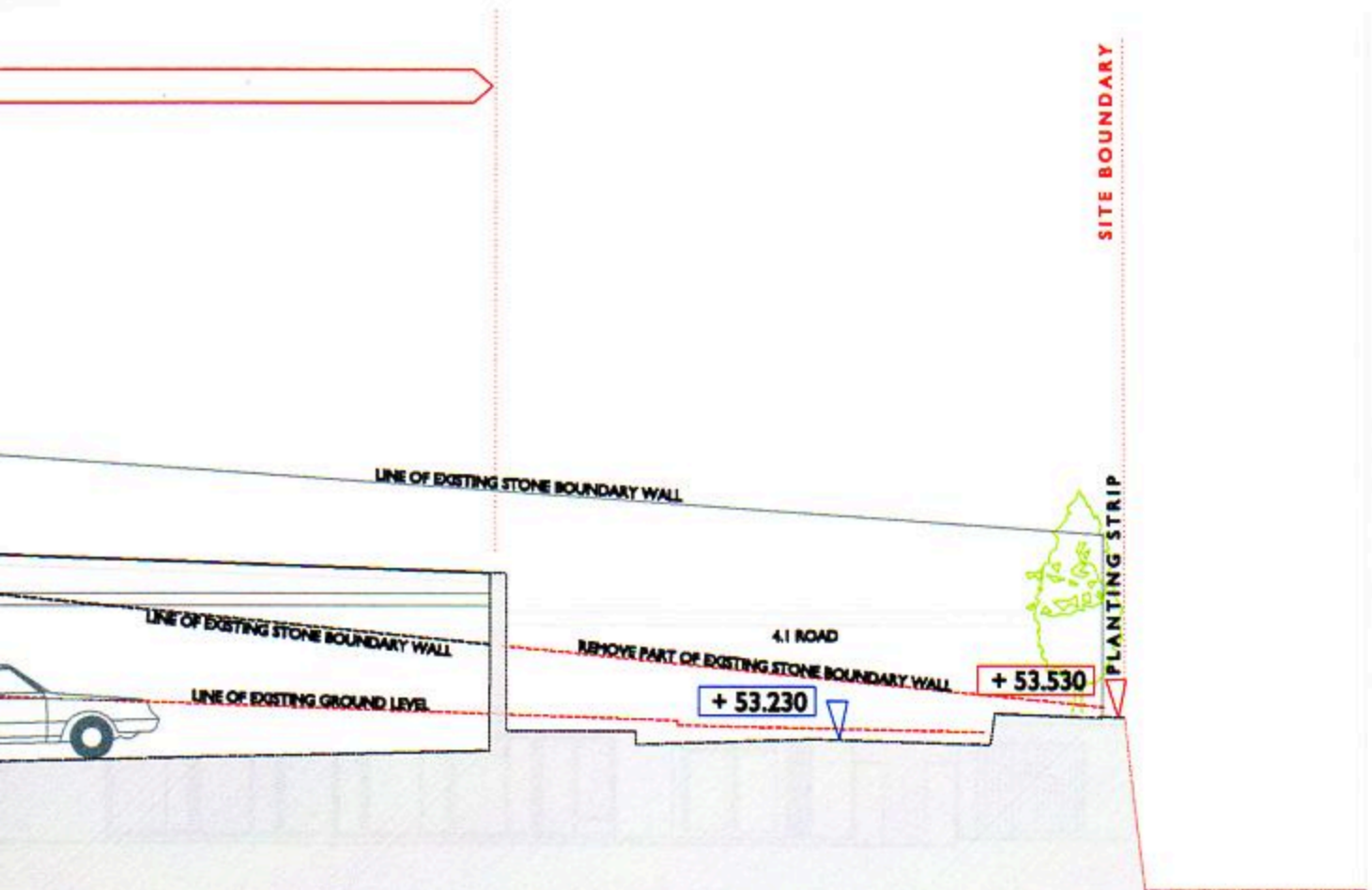
It is understood that the architect Playfair was born in Dower House and a classical approach to plan design has been attempted. This would take the linear symmetrical form (as seen in stables blocks for instance) but in a contemporary style. All windows would look into a 1.8m high wall with east and west aspects from the top floor towers. No neighbouring property would be affected in terms of privacy or overshadowing.

The towers are a proportional device to give the new development some presence whilst framing views from Dower House.

600 HIGH WALLS

COLOURED TARMAC SURFACE





# S 623 10PA

PROPOSALS FOR HOUSING DEVELOPMENT at  
 DOWER HOUSE 8 CHURCH ROAD LIFF DD2 5NN for  
 PROFESSOR TOM MACDONALD 01382 581766

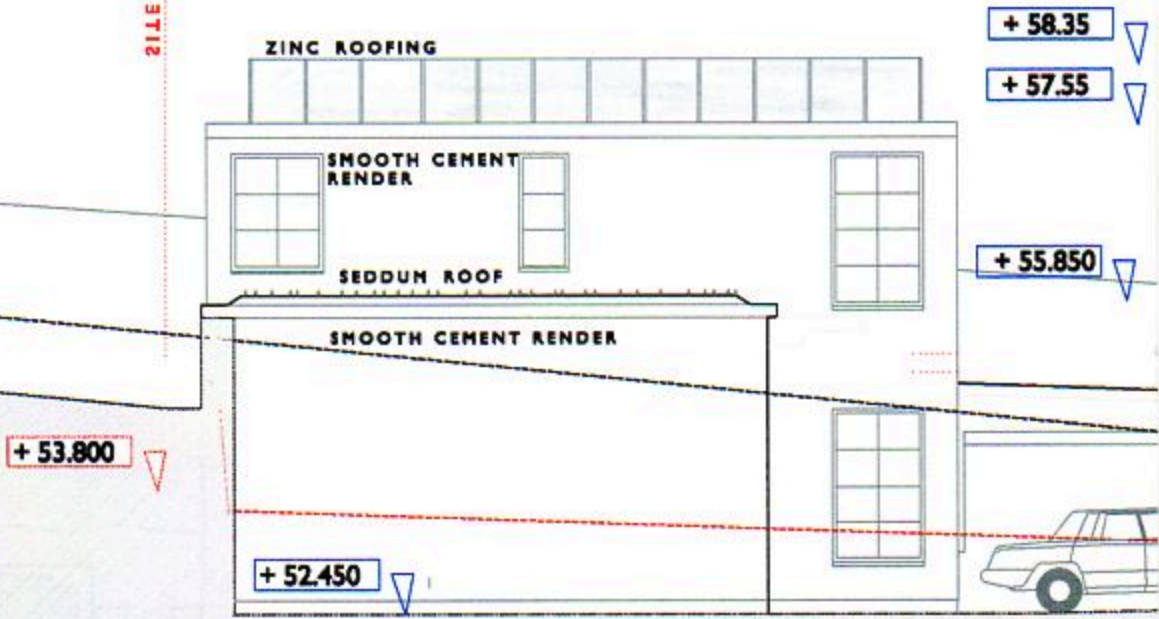
ELEVATIONS 1:50 JUNE 2006

space ARCHITECTURE

51 WOODHALL ROAD EDINBURGH EH13 0HD 0131 441 6795

**PLOTS 1 + 2**

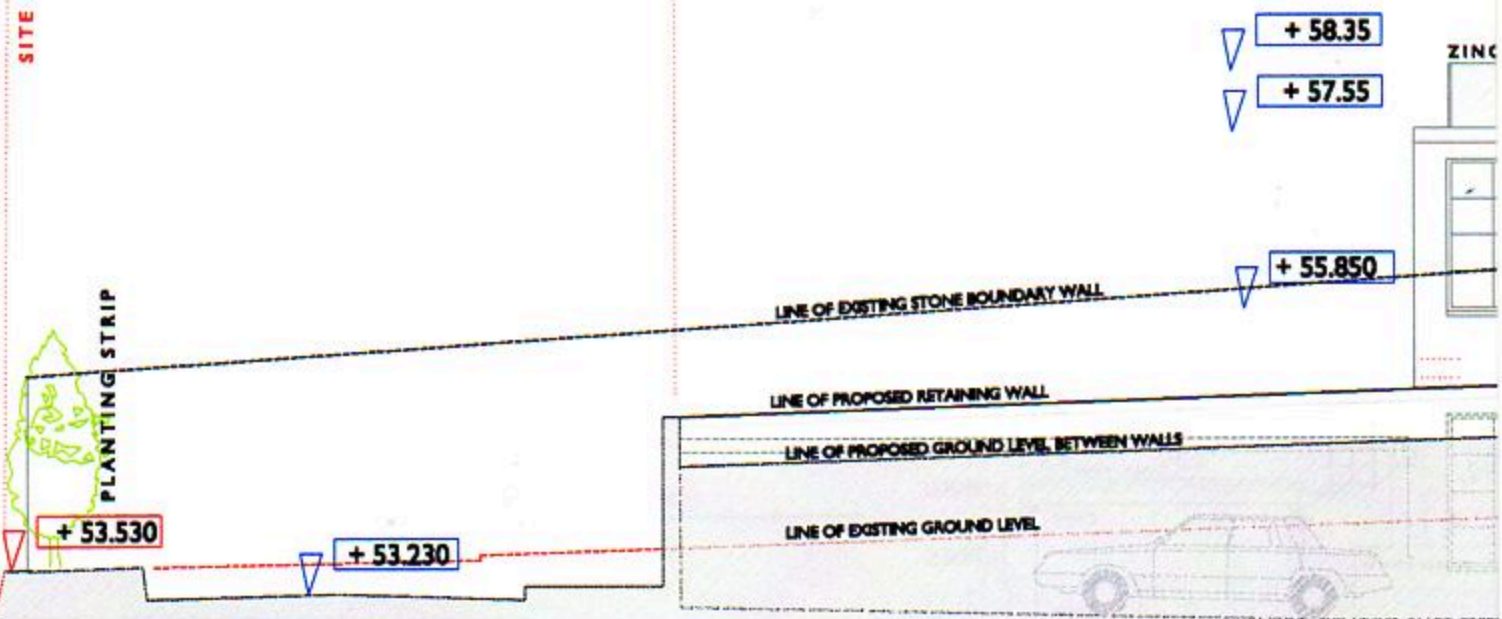
SITE BOUNDARY



**WEST ELEVATION**

**PLOTS 1 + 2**

SITE BOUNDARY



**EAST ELEVATION**

BETWEEN EXIST + PROPOSED RETAINING WALL





**SOUTH ELEVATION IN CONTEXT OPTION 3**



**SECTION AA IN CONTI**

**S 623 80 PA**

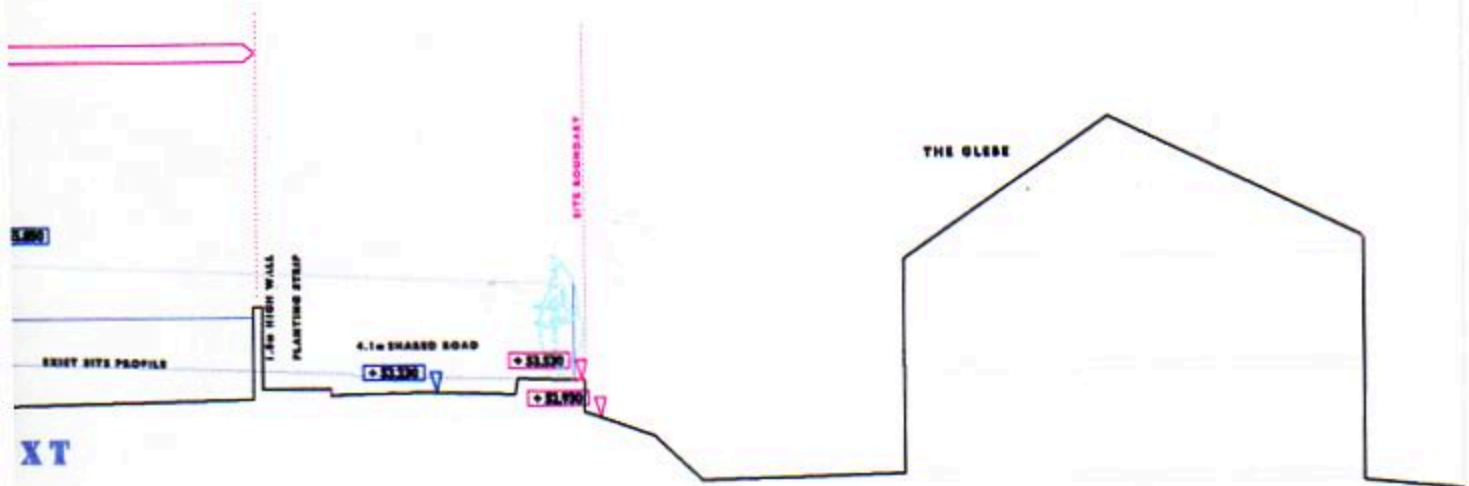
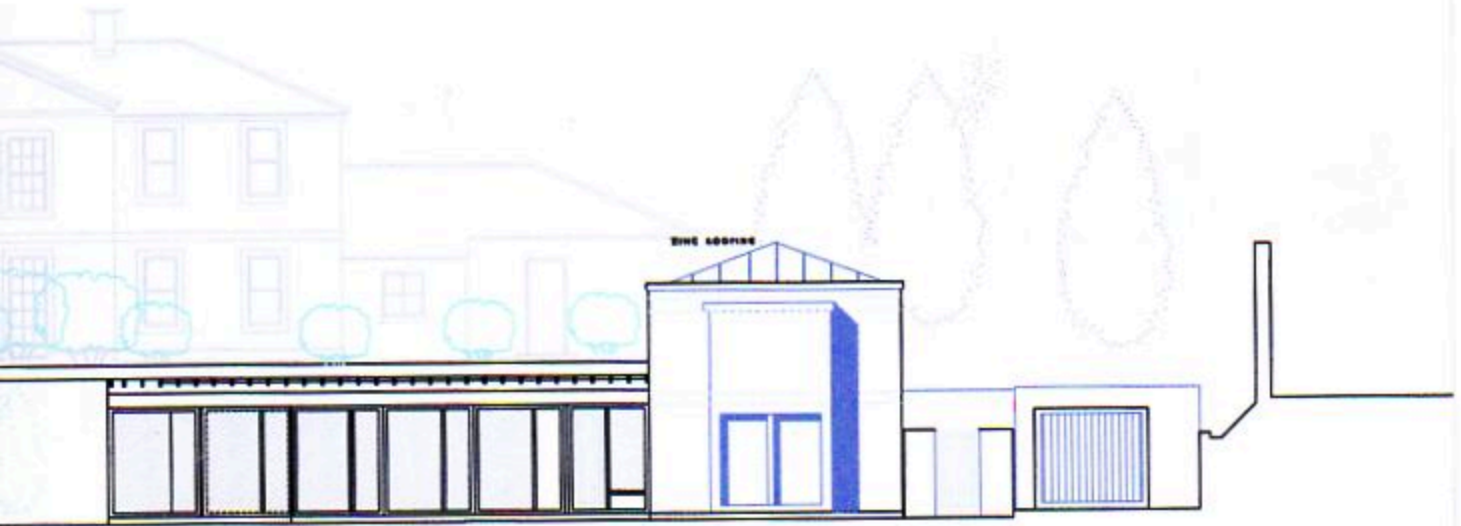
PROPOSALS FOR HOUSING DEVELOPMENT at  
 DOWER HOUSE 8 CHURCH ROAD LIFF DD2 5NN for  
 PROFESSOR TOM MACDONALD 01382 581766

**SOUTH ELEVATION JULY 2008**  
 space ARCHITECTURE

51 WOODHALL ROAD EDINBURGH EH13 0HD 0131 441 6795

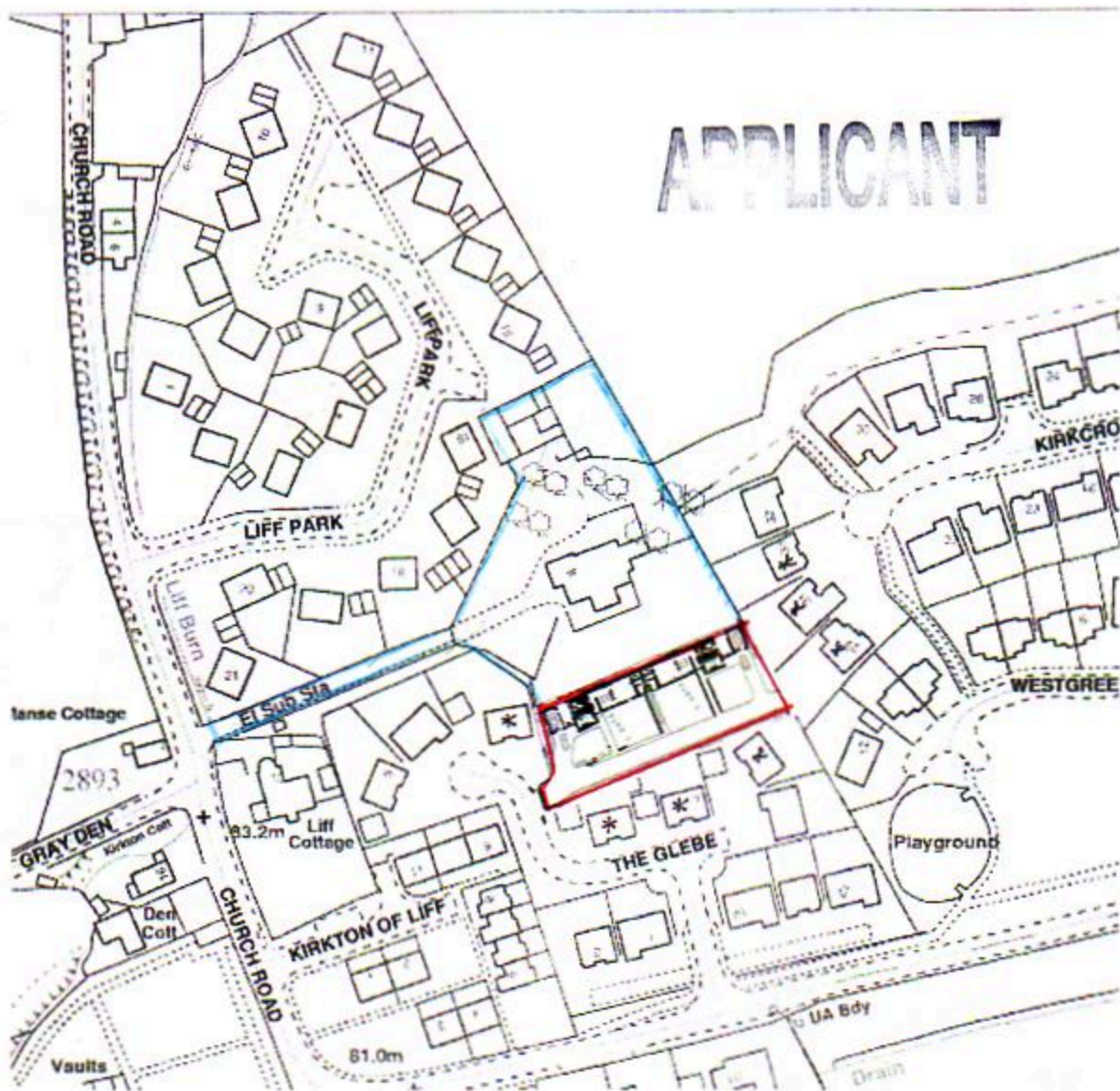
# AMENDED

10 JUL 2008





# APPLICANT



**LIST OF NEIGHBOURS NOTIFIED :**

5	THE GLEBE	DD25WE	OWNER & OCCUPIER
6	THE GLEBE		OWNER & OCCUPIER
7	THE GLEBE		OWNER & OCCUPIER
8	THE GLEBE		OWNER & OCCUPIER
29	KIRK CROFT BRAE	DD25RT	OWNER & OCCUPIER
31	KIRK CROFT BRAE		OWNER & OCCUPIER
33	KIRK CROFT BRAE		OWNER & OCCUPIER



Neighbours notified indicated thus \* on location plan

## LOCATION PLAN

**023 SK 10**  
 PROPOSAL FOR HOUSING DEVELOPMENT at  
 20/21 Liff Park & 20/21 Liff Park Liff Park  
 PREPARED FOR HENDERSON & HENDERSON  
 HENDERSON & HENDERSON 111 550 898 8881  
 ARCHITECTURE 0131 441 8730

A



# SITE PLAN



07 / 00812 / FUL

**APPLICANT**

**BOUNDARY 2500 HIGH STONE WALL**

**PLOT 2**

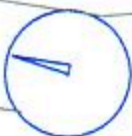
**PLOT 1**

CALCULATED TRAFFIC SURFACE ON 10M WIDE ROAD

**EXISTING BOUNDARY**

**EXISTING BOUNDARY**

REMOVE PART OF EXISTING STONE WALL AND FORM ACCESS ROAD AS HATCHED IN RED FROM THE GLEBE. ALL TO ANGLUS DISTRICT COUNCIL HIGHWAYS SPECIFICATION



**S 623 04 PA**

PROPOSALS FOR HOUSING DEVELOPMENT at  
DOWER HOUSE 8 CHURCH ROAD LIFF DD2 5NN for  
PROFESSOR TOM MACDONALD 01382 581766

**SKETCH PROPOSAL 1:500 MAY 2006**  
space ARCHITECTURE

51 WOODHALL ROAD EDINBURGH EH13 0HD 0131 441 6795

**ANGUS COUNCIL****PLANNING (LISTED BUILDING AND CONSERVATION AREAS)  
(SCOTLAND) ACT 1997****LISTED BUILDING CONSENT APPROVAL  
Ref: 07/01202/LBC**

To Professor Tom MacDonald  
c/o Space  
51 Woodhall Road  
EDINBURGH  
EH13 0HD

With reference to your application dated 15 August 2007 for consent under the above mentioned Act for the following development, viz.:-

**Formation of Access for Vehicular Access in Existing Stone Wall at Dower House 8 Church Road  
Liff Dundee Angus DD2 5NN  
for Professor Tom MacDonald**

The Angus Council in exercise of their powers under the above mentioned Act hereby **Grant Listed Building Consent** for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, **subject however to the following condition(s), namely:-**

- 1 That no alterations or amendments be made to the details contained in the approved and docquetted plans unless so indicated by conditions attached to this consent or agreed in writing with the Planning Authority.
- 2 That the opening in the boundary wall be limited to 4 metres in width unless otherwise agreed in writing with the Planning Authority. The precise location of the opening shall be agreed with the Planning Authority prior to any development commencing and thereafter be fully implemented in accordance with the agreed scheme.
- 3 That a detailed methods statement for the specification and finished appearance of the boundary wall shall be submitted for the written approval of the planning authority prior to development commencing. The agreed scheme shall thereafter be implemented in complete accordance with the agreed details within 12 months of development commencing.

**The foregoing conditions are imposed by the Council for the following reasons :-**

- 1 For clarification purposes and for the avoidance of any possible misunderstanding.
- 2 To ensure that the impact of the proposed development on woodland within the site is controlled.
- 3 To ensure that the opening in the wall is suitably finished in order to protect the integrity of the listed structure.

**It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Acts 1959 and 1970, Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004.**

Dated this 22 February 2010

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR.  
DD8 3LG



**WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS**

## NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Development Department, Inquiry Reporter's Unit, 4 The Court Yard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XP.
2. If Listed Building Consent/Conservation Area Consent is refused or granted subject to conditions, whether by the planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

## ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

PLANNING PERMISSION APPROVAL  
Reference 07/00812/FUL



To: **Professor Tom MacDonald**  
**c/o SPACE**  
**51 Woodhall Road**  
**EDINBURGH**  
**EH13 0HD**

With reference to your application dated **6 June 2007** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

**Erection of Two Dwellinghouses at Dower House 8 Church Road Liff Dundee DD2 5NN for Professor Tom MacDonald**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Committee 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 approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 That precise details of the external wall and roof materials shall be agreed in writing with the Planning Authority prior to development commencing. The approved materials shall thereafter be utilised to the satisfaction of the Planning Authority.
- 2 That the foul drainage system of the proposed development shall be connected to the public sewerage system and remain connected to the same thereafter.
- 3 That details be submitted for the written approval of the Planning Authority of a scheme for the management and future maintenance of rainwater run-off within the site (SUDS). The agreed scheme shall thereafter be implemented prior to the occupation of any dwellinghouse. If the scheme falls outwith the site an application shall be made for planning permission for the same. The SUDS scheme shall be fully implemented in accordance with the technical standards of SEPA.
- 4 That no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosure; car parking layouts; other vehicle and pedestrian access, hard surfacing materials; structures (e.g. refuse or other storage units, signs, lighting etc.); Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- 5 That all planting comprised in the approved details of landscaping be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of 5 years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 6 The verge crossing at the proposed access shall be formed and constructed in accordance with the standards of Angus Council.
- 7 That no works in connection with the development hereby approved shall take place unless a detailed levels survey of the site has been submitted to and approved in writing by the

- Planning Authority. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels and a fixed ordnance datum point.
- 8 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, the permitted development rights provided by Classes 1, 3 and 7 are hereby removed unless otherwise agreed in writing with the Planning Authority.
  - 9 That none of the existing trees or hedging within the site be felled, topped, lopped or otherwise interfered with without advance discussion with and without the prior written consent of the Planning Authority.
  - 10 That the development hereby approved shall be begun before the expiration of five years from the date of this planning permission.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 For clarification purposes and for the avoidance of any possible misunderstanding.
- 2 In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.
- 3 In order that the drainage arrangements to serve the site are to the satisfaction of this Authority.
- 4 To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests.
- 5 In order to comply with the landscaping requirements of the local Planning Authority and ensure subsequent maintenance.
- 6 In the interests of road traffic and/or pedestrian safety.
- 7 In the interests of the residential amenities of the occupiers of the (existing and/or proposed) dwellinghouse(s) and the visual amenities of the area.
- 8 In order to ensure that any development is acceptable in terms of its impact on the setting of the listed building.
- 9 In order to ensure that trees and shrubs within the site are suitably protected.
- 10 In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).

The reason(s) for the foregoing decision by the Council are as follows:-

Because the proposal accords with the development plan and there are no material considerations of sufficient weight to override the development plan.

Dated this **12 March 2010**

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR DD8 3LG

**NOTES**

The decision was based on the following amendment(s):-

**It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Acts 1959 and 1970, Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004.**

**WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS**

## Planning Decisions – Guidance Note

**Please retain – this guidance forms part of your Decision Notice**

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

**Please read the notes carefully to ensure effective compliance with the new regulations.**

### PLANNING DECISIONS

#### Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
<b>Development Standards Committee/Full Council</b>	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	<b>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</b>
<b>Delegated Decision</b>	Local developments determined by the Head of Planning & Transport through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<b>Local Review Body – See details on attached Form 2</b>
<b>Other Decision</b>	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	<b>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</b>

## NOTICES

### **Notification of initiation of development (NID)**

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

### **Notification of completion of development (NCD)**

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

### **Display of Notice while development is carried out**

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

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

Telephone 01307 473212 / 473207 / 473335  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)



## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

### **The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008 – Schedule to Form 1**

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.





## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

### **The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008 – Schedule to Form 2**

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided through  
Angus Council's Scheme of Delegation*

3. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Elaine Whittet, Committee Officer, Angus Council, Corporate Services, Law & Administration Division, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.
  
4. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **07/00812/FUL** for **Erection of Two Dwellinghouses** at **Dower House 8 Church Road Liff Dundee DD2 5NN** for **Professor Tom MacDonald** dated **12 March 2010** and thereafter submitted to the Head of Planning & Transport, Angus Council, County Buildings, Market Street, Forfar, DD8 3LG.

**Full Name:**

**Address:**

**Do you own the land subject to the above permission?**

**If not, please provide the full name and address of the land owner:**

**Is there a person appointed to oversee the development? If so, please provide their full name and contact details:**

**Date you intend to commence the above development:**

## NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **07/00812/FUL** for **Erection of Two Dwellinghouses at Dower House 8 Church Road Liff Dundee DD2 5NN** for **Professor Tom MacDonald** dated **12 March 2010** and thereafter submitted to the Head of Planning & Transport, Angus Council, County Buildings, Market Street, Forfar, DD8 3LG.

**Full Name:**

**Address:**

**Date of completion of the above development:**

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2008**

**SCHEDULE 7**

Development at

Notice is hereby given that planning permission has been granted subject to conditions to **Professor Tom MacDonald** on **12 March 2010**.

Application reference **07/00812/FUL**

The development comprises **Erection of Two Dwellinghouses**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

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

Enquiries should be directed to the Head of Planning & Transport at the above address or to [planning@angus.gov.uk](mailto:planning@angus.gov.uk)