

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 13 SEPTEMBER 2016

CARSEBURN COTTAGE, FORFAR

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 erection of dwellinghouse, application No 16/00248/FULL, at Carseburn Cottage, Forfar.

1. RECOMMENDATIONS

It is recommended that the Committee:-

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

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

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

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

3. CURRENT POSITION

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

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

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

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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

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Appendix 1 – Submission by Planning Authority
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**ANGUS COUNCIL'S SUBMISSION IN RESPECT OF REFUSAL OF PLANNING
PERMISSION**

APPLICATION NUMBER –16/00248/FULL

APPLICANT- MR & MRS T AITKEN

**PROPOSAL & ADDRESS – ERECTION OF DWELLINGHOUSE AT CARSEBURN
COTTAGE, FORFAR, DD8 3NJ**

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Angus Council

Application Number:	16/00248/FULL
Description of Development:	Erection of Dwellinghouse
Site Address:	Carseburn Cottage Forfar DD8 3NJ
Grid Ref:	347039 : 752810
Applicant Name:	Mr & Mrs T Aitken

Report of Handling**Site Description**

The application site forms part of the curtilage of Carseburn Cottage, which is located to the north of the public road which loops round from Lunanhead to Forfar, via Benzil. The application site measures approximately 820sqm and part of the site features an existing access to a timber garage/store. There are existing fences on the northern and eastern boundaries of the site, together with an element of hedging along the eastern boundary and a small number of trees along the northern boundary of the site. The west boundary of the site is not formed by any existing landscape feature and is open to the remainder of the existing Carseburn Cottage curtilage. Carseburn Cottage is a single-storey traditional cottage and a similar cottage is located to the north-west of the site.

Proposal

Full planning permission is sought for the erection of a single-storey dwellinghouse on the application site. The existing garage/store would be removed and the rectangular 3-bedroom dwellinghouse would be located in the eastern portion of the L-shaped application site with the associated garden ground in the north-most portion of the site. The existing access to the public road would be used for the existing and proposed dwellinghouses and a new boundary fence would be erected to sub-divide the plots for existing and proposed dwellinghouses.

This application for planning permission 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 8 April 2016 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

15/00053/PREAPP – A pre application enquiry was submitted proposing a house in a similar position proposed in the current application. The response to that enquiry dated 17 February 2015 advised that an application for a new house would not be encouraged and that it was contrary to local plan policy.

15/00773/PREAPP – A further pre application enquiry proposing a house on a site to the initial pre application enquiry was submitted in September 2015. The second enquiry identified a larger plot than the

initial pre application enquiry. The response to that pre application enquiry dated 25 November 2015 indicated that a proposal for a new house in this location would be contrary to the local plan policy.

Applicant's Case

The applicant has submitted a Supporting Statement with this application for planning permission. The applicant considers that the proposals will comply with Policy SC6 and Schedule 2 of the Angus Local Plan Review 2009 as the development will round off and form a group of 3 dwellings within established boundaries, the plot sizes will be in excess of 800sqm, and the proposals cannot lead to further development or result in ribbon development. The applicant also considers that this is a self-contained site, the dwelling will be in a design sympathetic to the local area, would result in a good residential environment for existing and proposed residents, will have no unacceptable constraint on existing services, will not adversely affect any existing farming activities and will provide essential single-storey residential accommodation. It is also considered that the removal of the garage/store will remove dereliction from the site and result in a significant environmental improvement.

The applicant has also stated that 2 car parking spaces can be located within the hardstanding area at the front of the site, with in excess of an additional 4 spaces alongside the length of the proposed dwelling. In either case, it is considered that ample space can be provided for turning to permit vehicles to access and egress the site in a forward gear.

Consultations

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

Angus Council - Roads - This consultee has stated no objections.

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

Angus Council Environmental Health - This consultee has raised no objections.

Aberdeenshire Council Archaeology Service - This consultee has raised no objections.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries
 Policy S6 : Development Principles (Schedule 1)
 Policy SC6 : Countryside Housing New Houses
 Advice Note 14 : Small Housing Sites

TAYplan Strategic Development plan

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

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

Assessment

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

otherwise.

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The 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 represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is 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 policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.

In terms of Policy S1 of the local plan, the application site is located within the open countryside and as such S1(b) indicates that proposals will be supported where they are of a nature and scale appropriate to their location and accord with other policies of the local plan.

The main policy relevant to the determination of a proposal for residential development at this site is Policy SC6: Countryside Housing and the associated requirements of Schedule 2. The application site is located within a Category 1 Rural Settlement Unit (RSU). These are described as generally non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The local plan indicates that in these areas new housing development outwith settlements should be restricted.

In Category 1 areas, a proposal for a new house must meet one of three tests:- (a) a new house within an existing building group where the house would round off or consolidate that group; (b) a gap site between the curtilage of two dwellings or one dwelling and a metalled road; or (c) where the proposal involves redevelopment of a redundant rural brownfield site and redevelopment would remove dereliction or make a significant environmental improvement.

The site would not round off or consolidate a building group as defined by the local plan because the two existing houses on the site do not qualify as a building group (which requires at least three existing dwellings) and because the proposed house would extend rather than round off the 'group' (test a). The site does not form a gap between two curtilages or one curtilage and a road – it is located within an existing curtilage and would not meet either of the containment tests for a gap site (test b). The site is not a redundant rural brownfield site – it is part of an existing house curtilage (test c). The proposal fails to meet the tests of principle for new countryside housing provided by Policy SC6 and this conclusion is consistent with the advice given to the applicant in the two pre application enquiries submitted.

Because the proposal does not comply with any of the criteria in Policy SC6 it is unnecessary to assess the application against Schedule 2. However I have undertaken that assessment for completeness. Criterion (b) of Schedule 2 indicates that proposals should meet the plot size requirements set out in the local plan. In Category 1 RSU's a minimum plot size of 800sqm is required and In this case the site is 820sqm and therefore would meet the minimum plot size, in accordance with criterion (b) of Schedule 2. The proposed development would not give rise to significant issues in terms of the remaining criteria of Schedule 2.

In terms of Policy S6 and its accompanying Schedule 1:Development Principles and Advice Note 14, there would be a lounge window in the elevation of the proposed dwellinghouse which would face a habitable room window for the applicant's dwelling to the west and there would only be approximately 7.5m separating distance between these windows. However, suitable boundary treatment could be provided between the dwellings at this point in the interests of privacy and avoiding an overlooking issue. Taking these points into account, it is considered that the development could be in compliance with criteria (a) of Schedule 1 and Advice Note 14. Regarding design, the proposed dwelling is a simple rectangular building

in keeping with the local vernacular and external finishing materials could be specified by condition to ensure the dwelling would be compatible with this countryside location. In this respect, the proposals could be in accordance with criteria (b) of Schedule 1. Regarding roads/parking and access, the applicant has confirmed that the existing access to the site will be used for existing and proposed dwellinghouses and has stated that up to 6 car parking spaces could be provided within the application site, whilst still providing space for turning of vehicles within the site. This has been accepted by the Roads Service and, therefore, the proposals are in compliance with criteria (d) of Schedule 1. The remaining criteria of Schedule 1 are not considered relevant in this case.

Policy S1 requires proposals in the countryside to comply with other policies of the local plan. It also requires proposals to be of a scale and nature appropriate to the location. In this case the proposal does not comply with Policy SC6 which deals with new housing in the countryside and therefore the proposal is contrary to Policy S1(b). The application is contrary to the development plan. There are no material considerations that justify approval of planning permission contrary to the provisions of the plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the proposed development is contrary to Policy SC6 (and consequently Policy S1(b)) of the Angus Local Plan Review (2009), because the site would not round off or consolidate a qualifying building group (a); would not form a gap site (b); would not result in redevelopment of a redundant rural brownfield site (c); and is not located in a Category 2 RSU (d).

Notes:

Case Officer: Neil Duthie
Date: 23 May 2016

Appendix 1 - Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

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

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

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

Policy S6 : Development Principles (Schedule 1)

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

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

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

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

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

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

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

Landscaping / Open Space / Biodiversity

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

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

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

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

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

Drainage and Flood Risk

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

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

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

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

and Angus Council will be required. (Policy ER23).

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

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

Supporting Information

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

Policy SC6 : Countryside Housing New Houses

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

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

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

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

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

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

Schedule 2 : Countryside Housing Criteria

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

- a) be on self-contained sites and should not set a precedent or open up further areas for similar applications; (does not apply to proposals for conversion under Policy SC5, rural brownfield sites under Policy SC6(c) or essential worker houses under Policy SC7)
- b) meet the plot size requirements; (does not apply to proposals for conversion under Policy SC5, or new country house proposals under Policy SC8)
- c) not extend ribbon development;
- d) not result in the coalescence of building groups or of a building group with a nearby settlement;

- e) have regard to the rural character of the surrounding area and not be urban in form and/or appearance;
- f) provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Angus Council's Advice Note 14 - Small Housing Sites provides guidance on minimum standards in relation to private amenity space and distance between dwellings which will be acceptable for proposals involving between one and four dwellings on sites within existing built up areas. In countryside areas it will commonly be expected that these standards should be greater than the minimum having regard to the nature of the location. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 - Agricultural Land to Garden Ground.
- g) be acceptable in relation to the cumulative effect of development on local community infrastructure including education provision;
- h) not adversely affect or be affected by farming or other rural business activities(may not apply to proposals for essential worker houses related to the farm or business under Policy SC7);
- i) not take access through a farm court (may not apply to proposals for essential worker houses for farm workers under Policy SC7);
- j) not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large; and
- k) make provision for affordable housing in line with Policy SC9 : Affordable Housing.

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.

DEVELOPMENT PRINCIPLES

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

Policy S6 : Development Principles

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

Schedule 1 : Development Principles**Amenity**

- a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- b) Proposals should not result in unacceptable visual impact.
- c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

- d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- e) Access to housing in rural areas should not go through a farm court.
- f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17: Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary
- g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

- h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- k) The planting of native hedgerows and tree species is encouraged.
- l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

- m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

Waste Management

- q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38).
- r) Development should minimise waste by design and during construction.

Supporting Information

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

New Houses in the Countryside

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

Policy SC6 : Countryside Housing – New Houses

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

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

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

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

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

Gap Sites:

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

Building Group:

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

Sense of Containment:

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

Rural brownfield :

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

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

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

Schedule 2 : Countryside Housing Criteria

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

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

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

PAN 73 : Rural Diversification
Feb 2005

Self – contained sites:

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

Plot size requirements:

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

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

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

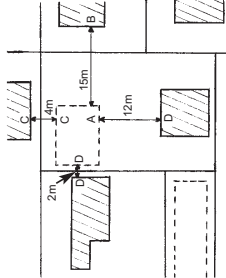
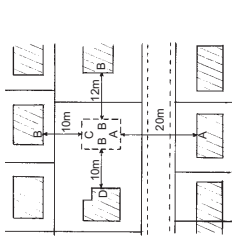
Ribbon development :

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

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

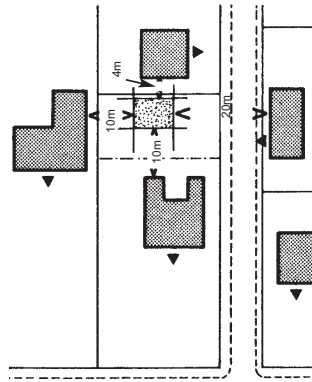
In the diagrams below, which illustrate the application of most of the above rules, the following notation has been used:-

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



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

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

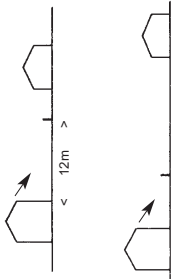


Building on a boundary will not be acceptable, at least a one metre gap must be provided to allow for maintenance etc. Exceptions might be made for lock-up garages where it is not practical to leave a gap.

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

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

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



GARAGES

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

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

ADDITIONAL NOTES

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

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

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

For further information and advice contact:

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

Telephone 01307 461460

Angus Council



ADVICE NOTE 14

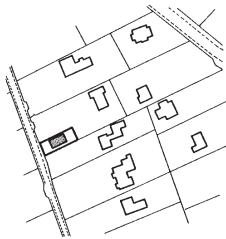
SMALL HOUSING SITES

INTRODUCTION

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

PLOT SIZE

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



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

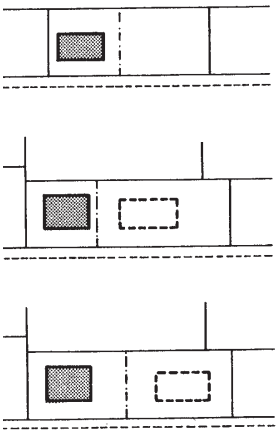


Regular shaped site of 1,200sqm can accommodate 3 plots of 400sqm, houses covering 30% of the plot and still provide at least 100sqm of amenity space.

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

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

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



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

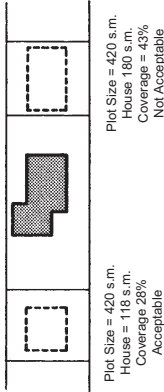
Total Area = 820 s.m. Unacceptable Sub-Division

Total Area = 790 s.m. Inacceptable of Meeting Standard

PLOT COVERAGE

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

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



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

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

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

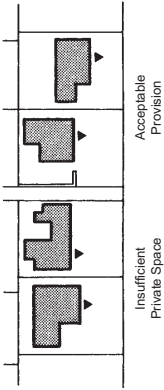
Consideration will also be given to the size of the proposed house. It may for instance, be inappropriate to site a large executive house on a small plot which just achieves the 30% plot coverage. As a general rule, large executive style houses should be sited on large plots producing considerably less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

PRIVATE AMENITY SPACE

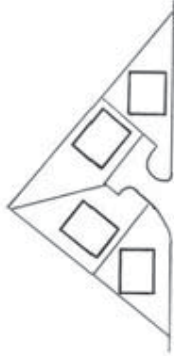
Applying the above standard to a new house development should ensure that around 70% of the plot remains open but all of this could be taken up by front garden, car space, drive etc., leaving none for the long list of private activities that gardens are required to cater for, such as sitting in the sun,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

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

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



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



DISTANCE BETWEEN BUILDINGS

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

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

Main Living Room Window to:-

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

Other Habitable Room Window to:-

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

Non-Habitable Room Window to:-

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

Blank Wall to Blank Wall

- 2 metres

Definitions:

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

From:Claire Herbert
Sent:3 May 2016 11:43:06 +0100
To:PLNProcessing
Cc:DuthieNG
Subject:Planning consultation 16/00248/FULL - archaeology response

Planning Reference: 16/00248/FULL

Case Officer Name: Neil Duthie

Proposal: Erection of Dwellinghouse

Site Address: Carseburn Cottage Forfar

Site Post Code: DD8 3NJ

Grid Reference: NO 4703 5281

Apologies for the delay in submitting my comments on this application we have been experiencing technical issues with our database.

Thank you for consulting us on the above application. I can advise that in this particular instance, no archaeological mitigation is required.

Should you have any comments or queries regarding the above, please do not hesitate to contact me.

Kind regards,

Claire

Claire Herbert MA(Hons) MA MCIfA FSA Scot

Archaeologist
Archaeology Service

Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

01224 665185
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

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www.aberdeenshire.gov.uk

MEMORANDUM

TO: Neil Duthie, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 16/00248/FULL

OUR REF: Flare 323759

DATE: 12 April 2016

SUBJECT: Erection of Dwellinghouse at Carseburn Cottage, Forfar.

With reference to the above planning application and your consultation requesting comment regarding contaminated land, I can offer the following comments.

Available information including historic mapping and aerial photography has been reviewed. I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.

I do not require any further information regarding contaminated land.

From:GrahamIH
Sent:4 May 2016 17:23:11 +0100
To:DuthieNG
Cc:ThomsonSD
Subject:16/00248/FULL - Erection of dwellinghouse at Carseburn Cottage, Forfar, DD8 3NJ

Neil

I have looked at the submitted information that is relevant to this Service and undertaken a site visit. I can advise that I have no objections or other comments to make.

Regards

Iain

Iain Graham | Environmental Health Officer | Angus Council | Communities | Regulatory and Protective Services | County Buildings, Market Street, Forfar, DD8 3WE | 📞01307 473347

ANGUS COUNCIL

COMMUNITIES
PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

16/00248/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

05	04	16
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PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



Memorandum

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

TO: HEAD OF PLANNING AND PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/CG TD1.3

DATE: 10 May 2016

SUBJECT: PLANNING APPLICATION REF. NO. 16/00248/FULL – ERECTION OF A DWELLING HOUSE AT CARSEBURN COTTAGE, FORFAR FOR MR AND MRS T AITKEN

I refer to the above planning application.

The site is located on the north side of the U368 Carseburn Road at Carseburn Cottage. The proposal is to demolish an existing garage and construct a three bedroom cottage on the site of the garage.

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

In order to maintain the free flow of traffic on the existing public road, car parking should be provided within the site at the rate of:

1 bedroom	1 space per dwelling
2-3 bedrooms	2 spaces per dwelling
4 bedrooms	3 spaces per dwelling

The submitted application is for a three bed room cottage which would equate to an additional 2 spaces to the existing footprint of the whole plot. The submitted application form indicates that there are six parking spaces; however, submitted drawing No. 070316 fails to show the parking.

Before I make my final recommendation, I would ask that a plan showing the parking available for both cottages is submitted.

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

p.p.

From:GwynneAG
Sent:23 May 2016 15:42:30 +0100
To:DuthieNG
Subject:16/00248/FULL

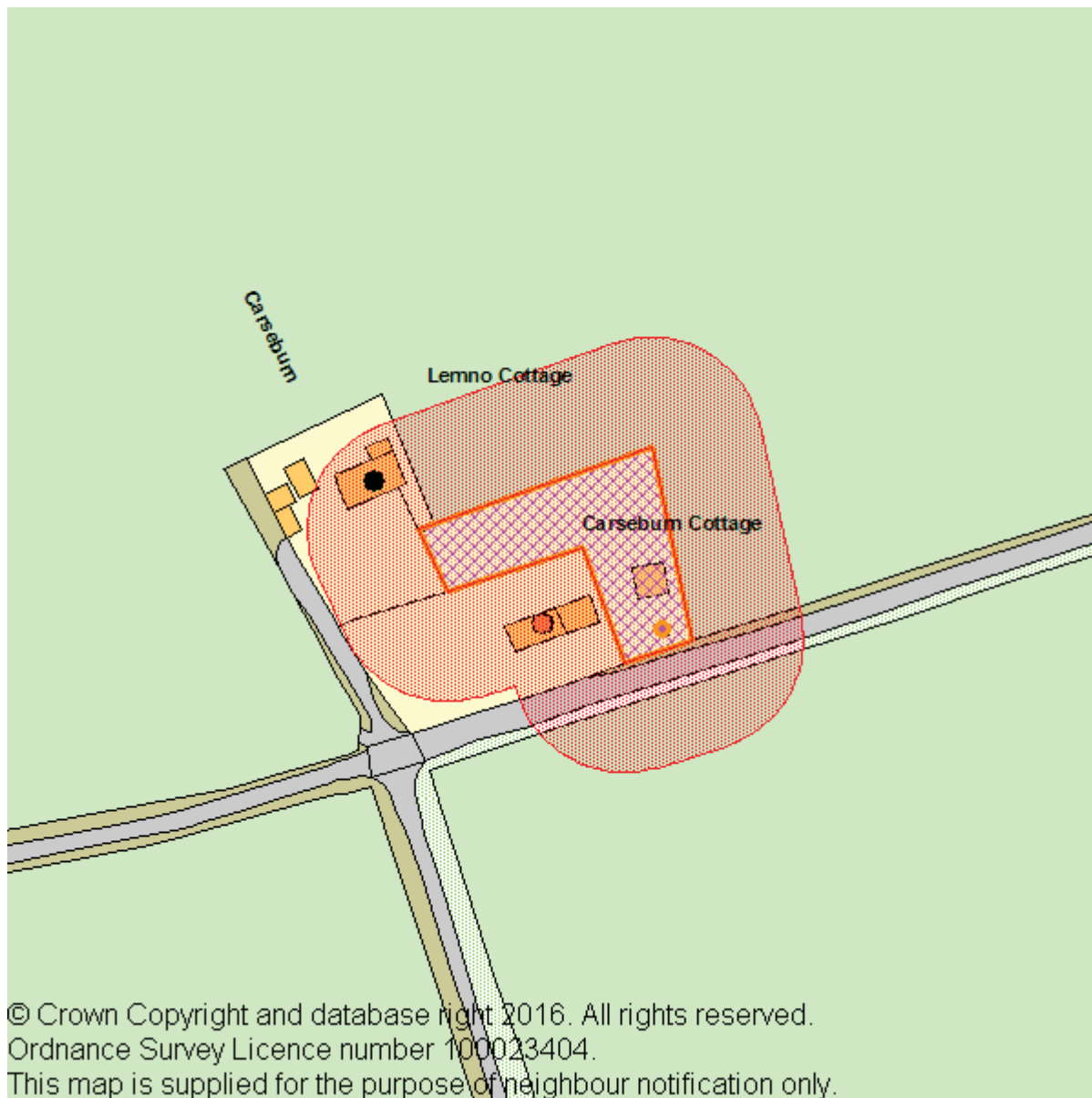
Neil

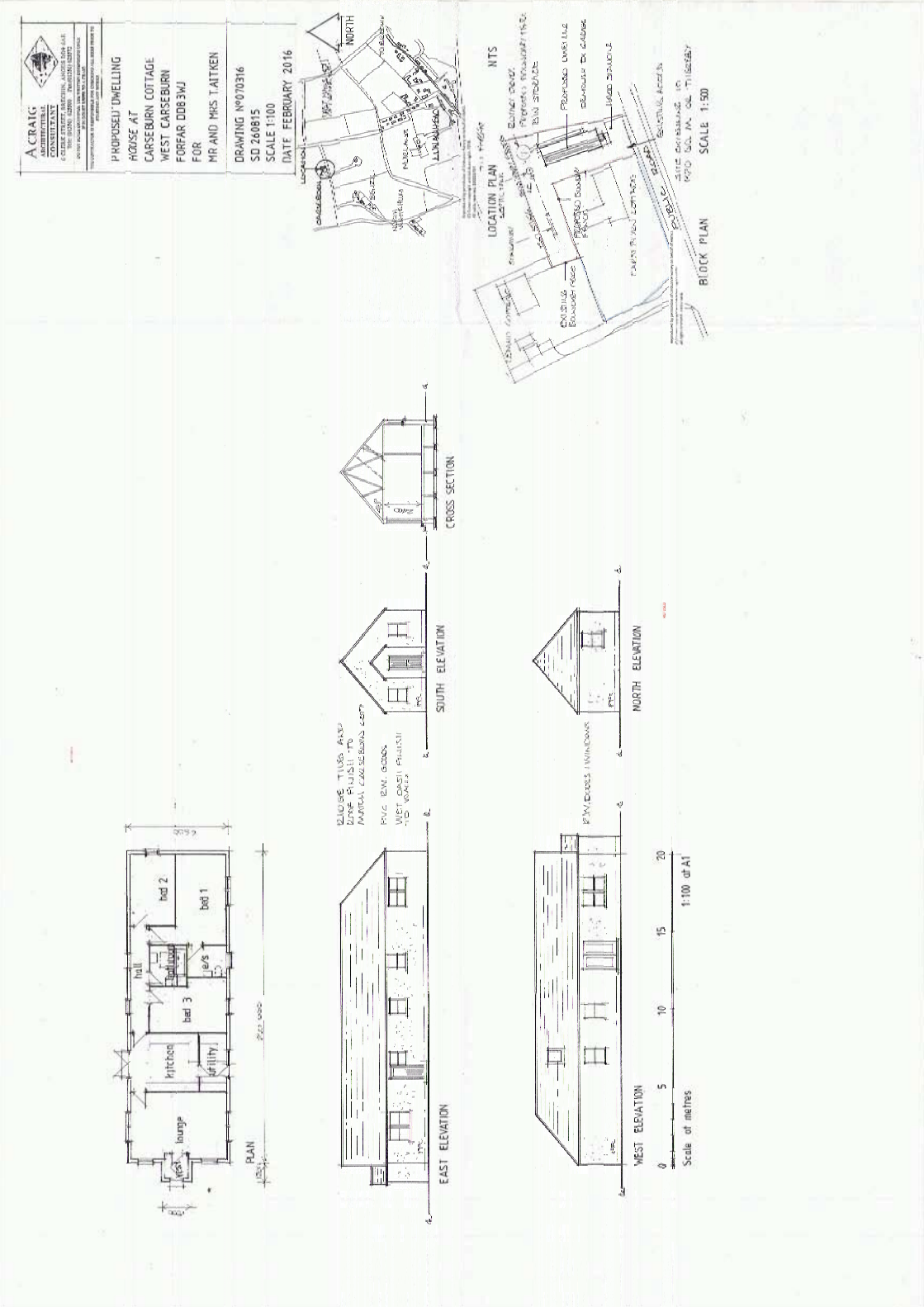
The parking as indicated on the submitted letter would suffice

Regards

Adrian

Adrian G Gwynne | Traffic Engineer | Communities | Roads | County Buildings | Market Street | Forfar | DD8 3WR | Tel; 01307 473393















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

PLANNING PERMISSION REFUSAL
REFERENCE : 16/00248/FULL

To **Mr & Mrs T Aitken**
c/o A D Craig
6 Clerk Street
Brechin
DD9 6AE

With reference to your application dated 30 March 2016 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of Dwellinghouse at Carseburn Cottage Forfar DD8 3NJ for Mr & Mrs T Aitken

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 docketed as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

- 1 That the proposed development is contrary to Policy SC6 (and consequently Policy S1(b)) of the Angus Local Plan Review (2009), because the site would not round off or consolidate a qualifying building group (a); would not form a gap site (b); would not result in redevelopment of a redundant rural brownfield site (c); and is not located in a Category 2 RSU (d).

Amendments:

- 1 This application for planning permission has not been subject of variation.

Dated this **26 May 2016**

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

CARSEBURN COTTAGE

WEST CARSEBURN

FORFAR

DD8 3NJ

ERECTION OF DWELLING HOUSE

PLANNING APPLICATION ADDITIONAL SUPPORTING INFORMATION

MARCH 2016

**ACRAIG ARCHITECTURAL CONSULTANT
6 CLERK STREET
BRECHIN DD9 6AE**

PROPOSALS:

It is proposed to erect a dwelling house in the garden ground of land owned and controlled by the applicant.

The dwelling house is to be single storey and designed to be in keeping with the adjacent buildings.

PRE – APPLICATION ENQUIRY - Reference 15/00773/PREAPP

A pre application response was received outlining the following which would be required:

- Minimum plot size 800 sq. m.
- Reasons why Policy SC6 can be overcome.

RESPONSE TO PRE-APPLICATION

Policy SC6 –

- The proposals “round off” and form a group of 3 houses within the line of established boundaries.
- In accordance with Plot size requirements they are all greater than 800 sq. m. and neither an excessive size.
- Small scale group not exceeding 3 houses
- Cannot lead to further development or ribbon development

Schedule 2 –

- a) – self contained site
- b) – meets plot size requirements
- c) – does not constitute ribbon development
- d) - site is clearly defined and does not result in coalescence of building groups
- e) – design to be in keeping with surroundings
- f) – provides a good residential environment, does not incorporate any agricultural land, provides adequate space between buildings and does not encroach on privacy
- g) – acceptable to the cumulative effect on development on local community infrastructure including education provision
- h) – has no effect on farming
- i) – not accessed through a farm
- j) - does not require an access road
- k) - affordable housing not relevant in this case but does provide essential single storey accommodation

ADDITIONAL SUPPORTING INFORMATION

- Dwelling house to be erected on site of derelict garage
- Existing access to be utilised
- Adequate parking to be provided
- Drainage system wholly within the site
- Provides a group of 3 closely related dwellings

CONCLUSION

The proposed site meets the requirement contained in Policy SC6 and Schedule 2.
I can see no reason for the application being refused.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**ERECTION OF A DWELLINGHOUSE AT CARSEBURN COTTAGE,
FORFAR**

APPLICATION NO 16/00248/FULL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Decision Notice 16/00248/FULL
- ITEM 3** Appeal Statement
- ITEM 4** Additional Supporting Information
- ITEM 5** Application for Planning Permission Form
- ITEM 6** Drawing No 070316

NOTICE OF REVIEW

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 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	
Forename	T.	Forename	A.D.
Surname	Aitken	Surname	Craig
Company Name		Company Name	
Building No./Name	Carseburn Cottage	Building No./Name	6
Address Line 1		Address Line 1	Clerk Street
Address Line 2	Forfar	Address Line 2	
Town/City	Angus	Town/City	Brechin
Postcode	DD8 3NJ	Postcode	DD9 6AE
Telephone		Telephone	01356 625500
Mobile		Mobile	07836692314
Fax		Fax	01356 625572
Email		Email	info@adcraig.co.uk
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	16/00248/FULL		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Carseburn Cottage Forfar Angus DD8 3NJ </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> Erection of Dwelling House </div>		

Date of application

1/4/2016

Date of decision (if any)

26/5/2016

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

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

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

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

Conditions imposed on consent by appointed officer

6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

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

Further written submissions as additional information may be requested after reviewing the site.

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?

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.

See attached sheet.

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

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

9. List of Documents and Evidence

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

Copy of Planning Refusal Ref: 16/00248/FULL.
Reasons for Notice of Review
Supporting Information
A. Craig Drawing No.070316
Planning Application Form

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

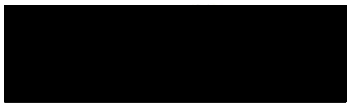
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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:



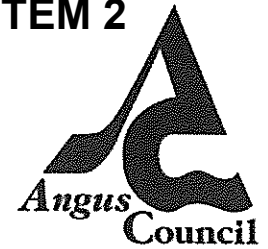
Name:

A.D. Craig

Date:

22/7/16

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.



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

PLANNING PERMISSION REFUSAL
REFERENCE : 16/00248/FULL

To **Mr & Mrs T Aitken**
c/o A D Craig
6 Clerk Street
Brechin
DD9 6AE

With reference to your application dated 30 March 2016 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of Dwellinghouse at Carseburn Cottage Forfar DD8 3NJ for Mr & Mrs T Aitken

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 docketed as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

- 1 That the proposed development is contrary to Policy SC6 (and consequently Policy S1(b)) of the Angus Local Plan Review (2009), because the site would not round off or consolidate a qualifying building group (a); would not form a gap site (b); would not result in redevelopment of a redundant rural brownfield site (c); and is not located in a Category 2 RSU (d).

Amendments:

- 1 This application for planning permission has not been subject of variation.

Dated this **26 May 2016**

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

CARSEBURN COTTAGE

WEST CARSEBURN

FORFAR DD8 3NJ

Planning Ref: 16/00248/FULL

REASONS FOR NOTICE OF REVIEW

POLICY S1 – By reducing the existing plot which is in excess of 2000sqm to two plots of 1260sqm and 820sqm respectively, the proposal will provide plots which are more uniform in both scale and nature with the adjoining plot at Lemno Cottage.

POLICY S6 and accompanying Schedule 1 – It is agreed that the house design is in keeping with the local vernacular, however with regard to the 'over-looking window', it should be clarified that the window in the existing adjoining property is situated at a high level and therefore no invasion of privacy would occur, however, if necessary the use of screening could be employed or the omission of the window in its entirety.

POLICY SC6 – the report confirms that the plot size meets the requirements and that the development would not give rise to significant issues in terms of the remaining criteria of Schedule 2.

POINTS RAISED IN REPORT OF HANDLING

SC6 – CATEGORY 1

- Test a – The addition of this dwelling would form a building group of 3 houses with more uniform site areas.
- Test b – The proposed dwelling is not intended to be constructed on a gap site but to reduce the area of an excessively large house plot which is not currently in keeping with the size of the neighbouring plot.
- Test c – Is not relevant as the proposals are on the site of an existing residential house plot and not agricultural land.

CONCLUSION

In respect of the above, it is requested that the appeal should be considered on the grounds that the proposal meets the criteria required for Policy S1, Policy S6, Policy SC6 and Advice Note 14 and that the proposal will result in a good residential environment for existing and proposed residents.

CARSEBURN COTTAGE

WEST CARSEBURN

FORFAR

DD8 3NJ

ERECTION OF DWELLING HOUSE

PLANNING APPLICATION ADDITIONAL SUPPORTING INFORMATION

MARCH 2016

**ACRAIG ARCHITECTURAL CONSULTANT
6 CLERK STREET
BRECHIN DD9 6AE**

PROPOSALS:

It is proposed to erect a dwelling house in the garden ground of land owned and controlled by the applicant.

The dwelling house is to be single storey and designed to be in keeping with the adjacent buildings.

PRE – APPLICATION ENQUIRY - Reference 15/00773/PREAPP

A pre application response was received outlining the following which would be required:

- Minimum plot size 800 sq. m.
- Reasons why Policy SC6 can be overcome.

RESPONSE TO PRE-APPLICATION

Policy SC6 –

- The proposals “round off” and form a group of 3 houses within the line of established boundaries.
- In accordance with Plot size requirements they are all greater than 800 sq. m. and neither an excessive size.
- Small scale group not exceeding 3 houses
- Cannot lead to further development or ribbon development

Schedule 2 –

- a) – self contained site
- b) – meets plot size requirements
- c) – does not constitute ribbon development
- d) - site is clearly defined and does not result in coalescence of building groups
- e) – design to be in keeping with surroundings
- f) – provides a good residential environment, does not incorporate any agricultural land, provides adequate space between buildings and does not encroach on privacy
- g) – acceptable to the cumulative effect on development on local community infrastructure including education provision
- h) – has no effect on farming
- i) – not accessed through a farm
- j) - does not require an access road
- k) - affordable housing not relevant in this case but does provide essential single storey accommodation

ADDITIONAL SUPPORTING INFORMATION

- Dwelling house to be erected on site of derelict garage
- Existing access to be utilised
- Adequate parking to be provided
- Drainage system wholly within the site
- Provides a group of 3 closely related dwellings

CONCLUSION

The proposed site meets the requirement contained in Policy SC6 and Schedule 2.
I can see no reason for the application being refused.

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying Guidance Notes when completing this application
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

RECEIVED
 30 MAR 2016
 PLANNING & PLACE
 COUNTY BUILDINGS

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	
Forename	T	Forename	A.
Surname	Aitken	Surname	Craig
Company Name		Company Name	A. Craig Arch. Consultant
Building No./Name	Carseburn Cottage	Building No./Name	
Address Line 1	West Carseburn	Address Line 1	6 Clerk Street
Address Line 2		Address Line 2	
Town/City	Forfar	Town/City	Brechin
Postcode	DD8 3NJ	Postcode	DD9 6AE
Telephone		Telephone	01356 625500
Mobile		Mobile	07836 692314
Fax		Fax	01356 625572
Email		Email	adc@adcraig.co.uk

3. Postal Address or Location of Proposed Development (please include postcode)

Carseburn Cottage
 West Carseburn
 Forfar
 DD8 3NJ

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application

What is the application for? Please select one of the following:

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No: Date:

**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of Dwelling House

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

N/A

Have the works already been started or completed?

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: N/A

Date completed: N/A

If yes, please explain why work has already taken place in advance of making this application

N/A

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Neil Duthie

Date: 14 December 2015

Ref No.: 15/00773/PREAPP

Min area 800 sq m - new housing within an existing group

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha): N/A

Square Metre (sq.m.) 820

8. Existing Use

Please describe the current or most recent use:

Garden ground and site of dilapidated garage

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network
No, proposing to make private drainage arrangements
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway
Discharge to watercourse(s) (including partial soakaway)
Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes No Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

N/A

12. Trees

Are there any trees on or adjacent to the application site? Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

Bin storage area indicated

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes No

If yes how many units do you propose in total?

1

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

N/A

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes No

If yes, please provide details below:

Use type:

N/A

If you are extending a building, please provide details of existing gross floorspace (sq.m):

N/A

Proposed gross floorspace (sq.m.):

N/A

Please provide details of internal floorspace(sq.m)

Net trading space:

N/A

Non-trading space:

N/A

Total net floorspace:

N/A

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

N/A

DECLARATION

I, the applicant/agent certify that this is an application for planning permission. The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes No N/A

Signature:

Name: A.D.Craig

Date: 29/03/16

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.

A CRAIG
ARCHITECTURAL
CONSULTANT
 6 CLERK STREET, BRECHIN, ANGUS DD9 6AE
 Tel: (01356) 625500 Fax: (01356) 625572
 DO NOT SCALE DRAWINGS. USE WRITTEN DIMENSIONS ONLY.
 IF IN DOUBT REFER TO A CRAIG
 THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL SIZES PRIOR TO
 STARTING ANY WORKS

PROPOSED DWELLING
HOUSE AT
CARSEBURN COTTAGE
WEST CARSEBURN
FORFAR DD8 3WJ
FOR
MR AND MRS T. AITKEN
DRAWING N°070316
SD 260815
SCALE 1:100
DATE FEBRUARY 2016

