

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 14 FEBRUARY 2017

4A VICTORIA STREET, MONIFIETH

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 in principle for erection of a dwellinghouse (re-application), application No 16/00553/PPPL, at 4A Victoria Street.

1. RECOMMENDATIONS

It is recommended that the Committee:-

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

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

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

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

3. CURRENT POSITION

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

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

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

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

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

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 16/00553/PPPL****APPLICANT- MR JAMES SIMPSON****PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR THE
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Angus Council

Application Number:	16/00553/PPPL
Description of Development:	Planning Permission In Principle for the Erection of a Dwellinghouse Re-Application
Site Address:	4A Victoria Street Monifieth Dundee DD5 4HL
Grid Ref:	349482 : 732620
Applicant Name:	Mr James Simpson

Report of Handling**Site Description**

The application site which measures approximately 1330sqm is located to the north east of Victoria Street some 125m north of its junction with Hill Street. The application site currently forms part of the curtilage of 4A Victoria Street which bounds the application site to north west. The application site is bound to the north east by Tigh Na Muirn a category B listed building that is currently in use as a nursing home; to the south east by the driveway access to Tigh Na Muirn (which also serves 4A Victoria Street) and to the south west by Victoria Street. An existing Holly hedge and mature trees form the north east and south east boundaries of the application site. The south west boundary is defined by the edge of the driveway access to 4A Victoria Street with the north west boundary being undefined at this time. The mature woodland to the south east of the driveway to Tigh Na Muirn and within the site is protected by a Tree Preservation Order.

Proposal

The application seeks planning permission in principle for the erection of a dwellinghouse. An indicative layout has been provided which indicates the frontage of the proposed dwellinghouse would be located on a similar building line to 4A Victoria Street with the south east and north west elevations of the dwellinghouses separated by between 3.2m and 9.1m. Indicative visualisations of a 2 storey dwellinghouse with a single storey element that is based on the architectural styling of the parent property have been provided. Vehicular access would be located at the south west boundary of the plot to tie into the driveway serving 4A Victoria Street.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 29 July 2016 for the following reasons:

- Affecting Setting of Listed Building

A site notice was posted for Setting of Listed Building on 27 July 2016.

Planning History

15/00596/PPPL for Planning Permission in Principle for Erection of a Dwellinghouse was determined as "Refused" on 15 December 2015 for the following reasons:-

1. That the application is contrary to Policy ER16 of the Angus Local Plan Review 2009 because the proposed development would have an adverse impact on the setting of Tigh-Na-Muirn, a Category B listed building.
2. It has not been demonstrated that the proposal is capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from trees and is thus contrary to policies S6, SC2 and SC14 of the Angus Local Plan Review 2009
3. That the proposal is contrary to Policy S1 criterion (a) of the Angus Local Plan Review because it fails to be compatible with other policies of the local plan, namely policies S6, SC2, SC14 and ER16.

Applicant's Case

The following documents have been submitted in support of the planning application:

Supporting Statement - aims to address and resolve the issues that led to the refusal of planning application 15/00596/PPPL by addressing the two reasons for refusal which related to the 'potential' impact on the adjacent Listed Building and residential amenity; specifically, 'potential' overshadowing by trees.

In relation to impacts on Tigh Na Muirn this section of the supporting statement indicates the proposed dwellinghouse would not be immediately adjacent to the south west elevation but separated by a driveway, hedge and area of garden ground. The submitted visualisations assert that a house can reasonably be located within the site in a way which does not 'obscure' the south east elevation of the listed building. The information suggests that a proposed dwellinghouse would not have an 'enclosing effect' on the south west elevation of Tigh Na Muirn. It suggests that the modern development which has taken place in this area of Monifieth has reduced the prominence of Tigh Na Muirn in views in the surrounding area and fundamentally changed the character of the area. The proposal would not be dominant in terms of the many other changes which have taken place to the setting of Tigh Na Muirn and would not detract from the ability to understand and appreciate the historic asset. The statement indicates that the proposal accords with policies ER16 and ER22 of the Angus Local Plan Review 2009.

In relation to overshadowing from the trees adjacent to the application site this section of the supporting statement indicates that overshadowing of the house is not to the extent that would lead to an unacceptable residential environment and it would be entirely unreasonable for the Local Authority to refuse the application based on the evidence now provided. Further, trees in the proximity of the site are not threatened by this proposal in any way which would create any significant adverse impact on the setting of Tigh Na Muirn.

Shadow Surveys - illustrate the overshadowing of the application site at different points of the year; June, October, December and March.

A response to the comments provided by the Landscape Advisor has been provided.

Indicative Visualisations - illustrate the provision of a 1½ storey dwellinghouse on the application site to show that a dwellinghouse (albeit of a smaller scale) to the parent property could be developed on the site and would not dominate to alter the view of the listed building.

A full copy of the supporting statement, shadow survey, response to the comments from the Landscape Advisor and indicative visualisations can be viewed as part of the planning application file.

Consultations

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

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

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

Representations

4 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 4 supported the proposal.

The main points of concern were as follows:

- A dwellinghouse at the proposed location would not have any adverse effect on any of the surrounding properties or area.
- The proposed plot is large enough to accommodate a new dwellinghouse.
- New dwellinghouses have been granted in the immediate vicinity directly adjacent to other existing listed buildings.

Comment - The substantive issue is whether the proposed development subject of this application is appropriate on the application site. The substantive issues are addressed under the assessment below.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1: Development Boundaries and Priorities
 Policy DS3: Design Quality and Placemaking
 Policy DS4: Amenity
 Policy TC2: Residential development
 Policy PV7: Woodland, Trees and Hedges
 Policy PV8: Built and Cultural Heritage

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.

Planning permission for a house on this site was refused in 2015. The determining factors for that proposal included (i) the impact of the proposed house on the setting of Tigh Na Murin, a Category B listed building; and (ii) the ability to provide a satisfactory residential amenity for the proposed house in the context of its close proximity to mature woodland which overshadows the site.

(i) Impact on the setting of Tigh Na Murin

The application site is located to the south west of Tigh Na Muirn which is a category B listed building. The development therefore has the potential to affect the setting of the listed building. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DS1 'Development Boundaries and Priorities' indicates that all proposals will be expected to support delivery of the Development Strategy. The Development Strategy seeks (amongst other things) to maintain the quality of valued landscapes and the natural, built and historic environment. Policy PV8

indicates that the Council will work to protect and enhance areas designated for their built and cultural heritage value. Policy PV8 indicates that development proposals affecting listed buildings will only be supported where the proposal development will not adversely affect the integrity of the site and any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and appropriate measures are provided to mitigate any identified adverse impacts. Policy TC2 indicates that new residential development must not result in unacceptable impacts on the built and natural environment

In seeking to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it is relevant to consider matters such as the visual impact of the proposed change relative to the scale of the historic asset or place and its setting. Historic Environment Scotland has produced specific guidance relating to matters that need to be taken into account when assessing development proposals that could impact on the setting of a listed building. The Guidance Note advises development proposals should consider (amongst other things) the following matters when assessing impacts on the setting of a listed building: whether keys views to or from the historic asset or place are interrupted; whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset; the visual impact of the proposed change relative to the scale of the historic asset or place and its setting; the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this.

The application site is located 12m from the south west elevation of Tigh Na Muirn a category B listed building. Whilst the main elevation of Tigh Na Muirn faces south east the elevation that faces the application site is of some design quality as detailed in the list description which highlights features such as the advanced ogee-roofed stair tower and the arched porch. Historic maps indicate that the original layout of Tigh Na Murin incorporated open and undeveloped areas to the west and south and these areas formed an important part of the open setting of the listed building. Development within and adjacent to the curtilage of Tigh Na Muirn has eroded its setting including the Muirnwood Place development, 4A Victoria Street and through extensions to the north and east of Tigh Na Murin itself. The extent of this development is such that the remaining open setting of Tigh Na Murin is provided by the gardens and woodland to the south and south west of the listed building and by the garden ground of 4A Victoria Street to the west. This setting allows glimpses of Tigh Na Murin from Victoria Street (seasonal variations alter the extent of that view) and allows views from the listed building which are generally open and spacious to the south and west. 4A Victoria Street has been sited towards Hay Street (which is located to the north) which means views towards and from the listed building remain relatively open west of Tigh Na Murin.

The introduction of a dwelling in the location proposed would introduce a visual barrier in views towards and from the listed building in close proximity to its west elevation, detrimentally impacting on its setting. A building in the location proposed would also increase the encircling effect of development surrounding the listed building, which would also erode its setting.

The applicant has submitted information in an attempt to downplay the level of this impact and I note the content of the letters of support received from third parties. However, I do not consider the visualisation provided support the applicant's assertion that the impact would not be detrimental to the setting of Tigh Na Murin and it is noted that no information has been submitted to illustrate the impact of the proposed development on views from the upper floors of Tigh Na Muirn itself. The applicant also suggests that the existing planting within the site would mitigate the impact of the development on the setting of the listed building. On that point, the HES Guidance Note on Setting cautions against reliance on planting to mitigate impacts noting that *it is also important to bear in mind that vegetation such as trees are subject to environmental and other factors (e.g. wind blow, felling and seasonal changes which affect leaf cover) and cannot necessarily be relied upon to mitigate adverse impacts of a development.*

Taking account of the information submitted, it has not been demonstrated the proposed development would not adversely impact on the setting of Tigh Na Murin. Policies DS1, PV8 and the LDP Development Strategy seek protect listed buildings and their setting and I consider the proposal would be harmful to the setting of Tigh Na Murin contrary to policies DS1, TC2, PV8 and the LDP Development Strategy. In terms

of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), I have had regard to the desirability of preserving the listed building setting and I conclude that the proposal would erode a setting which it is desirable to preserve.

(ii) the ability to provide a satisfactory residential amenity for the proposed house in the context of its close proximity to mature woodland which overshadows the site.

Policy TC2 'Residential Development' indicates that all new residential development must represent a compatible land use; provide a satisfactory residential environment; not result in unacceptable impacts on the built and natural environment, amenity, access and infrastructure; and include (as appropriate) a mix of house sizes, types and tenures and provision for affordable housing. Within development boundaries, proposals will be supported where the site is not allocated or protected for another use and the proposal is consistent with the character and pattern of development in the surrounding area.

Policy TC2 requires provision of a satisfactory residential environment for any new house and its occupants. The proposed dwellinghouse would be located to the north of an existing area of mature woodland which lies outside of the site. There are also trees within the site along the south and east boundaries. The woodland overshadows significant areas within the curtilage of 4A Victoria Street, most significantly in the area to the south of 4A Victoria Street which forms the application site. The applicant has submitted shadow surveys in an attempt to illustrate that the proposed house would not be overshadowed to an unacceptable level. The shadow surveys suggest that the dwellinghouse would not be significantly overshadowed in mid-summer, mid-autumn and mid-spring but would be more significantly affected in mid-winter. The Council's landscape advisor has suggested that the shadow surveys undertaken cannot be relied upon because they do not appear to be based on an accurate tree survey that identifies all the trees within and adjacent to the application site.

In respect of sunlight in new dwellings obstructed by trees, the BRE Guidelines on Site Layout Planning for Daylight and Sunlight indicates (at H3.1) that any calculation should be based on a detailed site survey of tree profile. The applicant has confirmed that a tree survey has not been undertaken and I am not satisfied that the evidence submitted demonstrates that an acceptable residential environment would be created for the occupants of any house. Available photography (aerial and pictometry) illustrates that the application site would be subject to extensive shadowing and shade from the adjacent trees. Those trees form an important part of the setting of Tigh Na Murin, are of significant townscape value and are subject of a Tree Preservation Order and cannot be removed to overcome this issue. On this basis the proposal is considered to be contrary to Policy TC2 because a satisfactory residential environment would not be created.

Other development plan considerations.

Policy DS4 'Amenity' indicates that all proposals must have full regard to opportunities for maintaining and improving environmental quality. It indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of occupiers of adjoining or nearby properties. Impacts relating to air quality; noise and vibration; light pollution; odours, fumes and dust; provision for recycling; the effect and timing of traffic movement, car parking and highway safety; and residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing must be considered. Policy DS4 relates to impact of development on adjoining and nearby properties. I have no reason to consider that the proposal would result in unacceptable impacts on the amenity of adjoining property. The proposed house would be close to existing windows in the adjacent 4A Victoria Street but a detailed design could remedy any window to window issues.

Policy DS3 'Design Quality and Placemaking' indicates that proposals should deliver a high design standard taking account of aspects of landscape and townscape that contribute positively to the character and sense of place of the area in which they are located. It indicates that supplementary guidance will set out how to achieve design quality in all development. I have identified concerns relating to the impact of the proposed house on the setting of the listed building to the east. Other than that aspect, I am satisfied

that a house could be designed so that it would not undermine the other aspects of landscape and townscape that contribute positively to the surrounding area.

In terms of the remaining tests of TC2 not covered earlier in this report, the proposed residential land use would be compatible with surrounding uses. I have no reason to consider that satisfactory access arrangements could not be achieved and the Roads Service has offered no objection to the proposal. No affordable housing is required for a proposal of this scale.

Policy PV7 'Woodlands, Trees and Hedges' seeks to protect and enhance trees which contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus. It indicates that development and planting proposals should (amongst other things) undertake a tree survey where appropriate. In this case the proposal would not directly result in the loss of trees, hedges or woodland within the site. I have identified concerns earlier in this report regarding the impact of existing woodland on the ability to provide a satisfactory amenity within the site as a result of shadowing and shade. The approval of a house on the site could result in pressure from a would-be householder to remove existing woodland from the site or adjacent land because of amenity impacts of overshadowing/shade.

In conclusion, the proposal would result in unacceptable impacts on the setting of a listed building and the application site is not considered to be capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from adjacent trees. The proposal is for the same development that was refused planning permission in 2015 and the issues identified in that decision have not been overcome in this application. The proposal does not comply with development plan policy and there are no material considerations that justify approval of the application contrary to the provisions of the development plan.

No legal agreement is required.

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 application is contrary to policies DS1, TC2, PV8 and the Development Strategy of the Angus Local Development Plan (2016) because the proposed development would have an adverse impact on the setting of Tigh Na Muir, a Category B listed building.
2. That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposal is capable of providing an acceptable level of

residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from trees.

Notes:

Case Officer: Ruari Kelly
Date: 23 September 2016

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas

- of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
 - o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
 - o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development

where:

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
 - o round off an established building group of 3 or more existing dwellings; or
 - o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- o the restoration or replacement of traditional buildings.
- o the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- o protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- o be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- o ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- o ensure new woodland is established in advance of major developments;
- o undertake a Tree Survey where appropriate; and
- o identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

PART 3. CREATING HIGH QUALITY PLACES

Development Principles

Angus Council has defined development boundaries to protect the landscape setting of Angus towns and villages and prevent the uncontrolled spread of development. These development boundaries provide the definition between built up areas and the open countryside and may include peripheral areas of open space that are important to the settlement's setting and character. Although sites within development boundaries are the preferred location for most development, this does not mean that all land within boundaries has development potential.

New land allocations made in the ALDP have been accommodated within development boundaries where possible. Where this has not been possible, and where it is appropriate, development boundaries have been extended to include greenfield land allocations.

The development boundaries shown on the Proposals Map have been brought forward from previous plans and have not been the subject of review apart from where significant greenfield allocations are proposed as extensions. A review of the development boundaries will be a priority in the review of the ALDP to ensure they remain robust and reflect current circumstances.

Wherever development is proposed, it is important to ensure that all opportunities are taken to re-use or re-develop brownfield land before development takes place on greenfield sites.

To optimise the use of existing resource capacities and to ensure the impact of development on the wider environment and landscape is minimised, development proposals in the countryside should also ensure that they have investigated all possibilities of locating adjacent to existing development or groups of buildings.

Policy DS1 Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

**Sharing an edge or boundary, neighbouring or adjacent*

Policy DS1 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
?	++	+	+/?	?	+	?	?	+/?	?

Design Quality & Placemaking

The publication of Scottish Government policy documents "Designing Places", "Designing Streets" and "Creating Places – A Policy Statement on Architecture and Place for Scotland" seek to raise the design quality of new development and create better quality places.

The creation of successful, well-designed sustainable places is an objective of the Angus Community Plan and Single Outcome Agreement (2013-2016), and is key to delivering the Council's vision that "Angus is a place where a first class quality of life can be enjoyed by all".

Good design delivers benefits for everyone in Angus. For its residents it can reduce energy costs, improve health and wellbeing, improve safety, engender civic pride and promote social inclusion. The creation of well-designed places where people want to live and visit can also attract economic development and can help developers by increasing the value of their investment.

The document "Designing Places" identifies six qualities of a successful place - ensuring development is well connected, has a strong sense of character and identity, is a safe and pleasant place to be in, makes good use of resources and is able to adapt to changing community needs.

The aim of Policy DS3 Design Quality and Placemaking is to ensure that development proposals in Angus are of a high quality which reflects the six qualities of a successful place.

The scale of development ranges from the creation of new neighbourhoods in towns and villages, to individual buildings in settlements and the countryside, and the alteration or adaptation of existing buildings or spaces. The policy will be supported by Supplementary Guidance on Design Quality which will reflect these different contexts and how proposals will be assessed against the six qualities of successful places.

Securing an appropriate design solution is particularly important for large scale development proposals, and for those in sensitive locations that are visually prominent from a public place or where the scale or nature of the proposal would have a significant impact on the locality. In such circumstances a Design Statement will be required. This will also be required for certain developments within conservation areas or where development would affect a listed building or its setting.

Design Statements should be prepared using the guidance set out in Planning Advice Note (PAN) 68: Design Statements and clearly explain the design process and the proposed design solution.

Policy DS3 Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS3 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
+	++	+	0	0	+	+	++	+	++

Amenity

The stewardship of natural resources is key to sustainable development and the ALDP has a role in avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for air quality. There is also a need to safeguard the amenity of future occupiers, or existing properties near to development as well as the wider area. Where it is considered that development has an impact, appropriate mitigation or compensatory measures will be secured through conditions or planning obligations. Specific impacts relating to the water environment, geodiversity and minerals resource are covered by policies elsewhere within the Plan.

Policy DS4 Amenity									
<p>All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.</p> <p>Angus Council will consider the impacts of development on:</p> <ul style="list-style-type: none"> • Air quality; • Noise and vibration levels and times when such disturbances are likely to occur; • Levels of light pollution; • Levels of odours, fumes and dust; • Suitable provision for refuse collection / storage and recycling; • The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and • Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing. <p>Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.</p> <p>Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.</p> <p>Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.</p>									
Policy DS4 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
0	+	++	0	0	+	0	0	+	0

Policy TC2 Residential Development

All proposals for new residential development*, including the conversion of non-residential buildings must:

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Within development boundaries Angus Council will support proposals for new residential development where:

- the site is not allocated or protected for another use; and
- the proposal is consistent with the character and pattern of development in the surrounding area.

In countryside locations Angus Council will support proposals for the development of houses which fall into at least one of the following categories:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- single new houses where development would:
 - round off an established building group of 3 or more existing dwellings; or
 - meet an essential worker requirement for the management of land or other rural business.
 - in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional buildings.
- the development of new large country houses.

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy TC2 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
+/?	++	+	+/?	+	+	?	+	+	?/+

Woodland, Trees and Hedges

Woodland, trees and hedges are an important part of both the townscape of Angus and the rural area. They contribute to the visual landscape, and are an economic asset. Most importantly, however they provide habitats, absorb carbon dioxide and contribute to water management through the take up and release of water. Such assets underpin much of the green network.

Whilst larger and older areas of woodland have the greatest biodiversity value, new planting contributes most to management of greenhouse gas emissions. Trees and hedges contribute to the green network, often in conjunction with watercourses and provide opportunity for wildlife to flourish, locations for recreation and are a valuable contribution to the scenic quality of Angus.

Policy PV7 Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV7 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
++	++	0	0	0	0	0	++	0	++

BUILT ENVIRONMENT

The built and cultural heritage of Angus is rich and varied. Built development, both historic and modern contributes to the character of the towns, villages and countryside of the area. Angus Council aims to protect and enhance the built environment and to improve on the general standard of design thus protecting and complementing buildings, sites and their settings. The cultural heritage and historic environment are no less important, leaving evidence of past lives and activities within the landscape as archaeological features from farming systems to military and industrial complexes. Some of these assets are recorded and protected but others are still not identified or fully explored and should be protected for future generations.

There are varying degrees of protection afforded to specific sites depending on their significance, but many smaller and more domestic examples contribute to the local character and diversity of Angus. This overall character should not only be respected, but enhanced by well-designed new buildings and conversions which will be the built heritage of future generations. The ALDP will safeguard protected sites, buildings and properties from inappropriate development and encourage development which enhances the built and cultural heritage of Angus.

Policy PV8 Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV8 SEA Implications

Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
++	0	0	0	0	0	0	++	++	++

ANGUS COUNCIL

COMMUNITIES
PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

16/00553/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

27	07	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

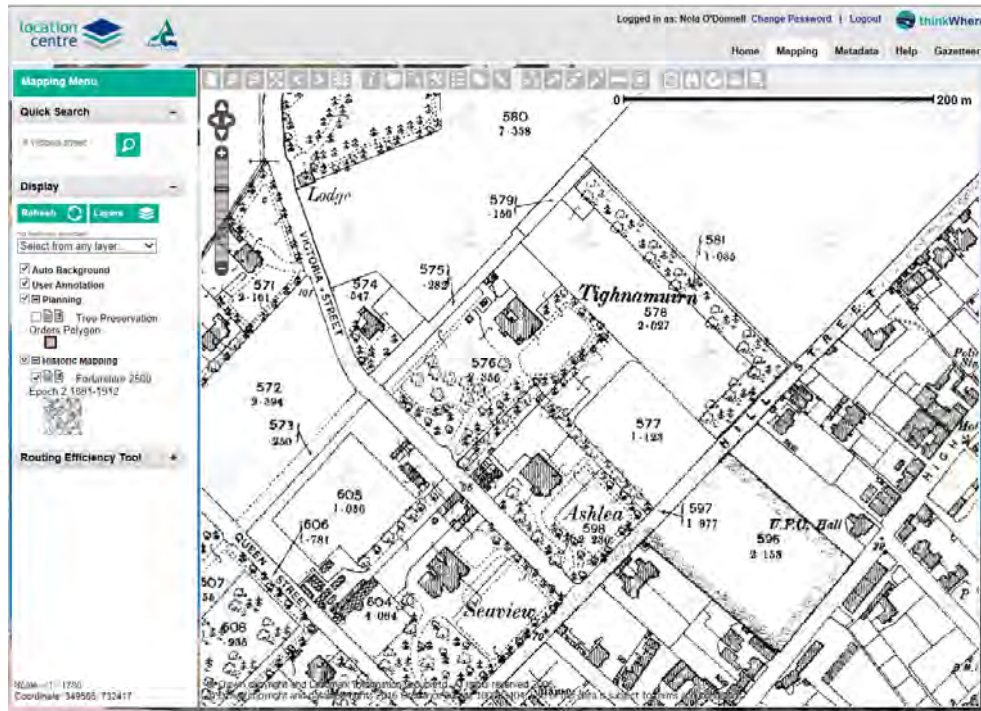
16/00553/PPPL 4a Victoria Street Monifieth Angus DD5**Evaluation and comments on Landscape and Visual Effects of development - Planning Advice- Landscape Officer- 3 August 2016**

Landscape character: The characteristic is wooded or sylvan suburban associated with grand villas or mansions set within its own generous grounds within or close to a settlement boundary. This townscape form has been significantly eroded since the mid 20th century as extensive gardens are sequentially divided and subdivided for infill development.

The baseline landscape context: The site which lies just off Victoria Street is part of a substantial and generously treed garden of a private detached modern house which makes a significant contribution to the streetscape. This is by far the largest private domestic property plot (approx 3782 m²) on Victoria Street if not within Monifieth. An area TPO - 1987 No 8 -Tigh Na Muirn 4HL Easting 34926 Northing 732540- covers the whole of the original extent of the Tighnamuirn mansion grounds including this sites trees and understorey vegetation. To the SE is an adjoining Tree Preservation Order 1984 Order No. 9– Ashlea The site and its immediate neighbours, the residual mansions of Tighnamuirn and Ashlea continue to contribute to the green infrastructure/ ecosystem services value including among others increased property/ real estate value, carbon sequestration, oxygen production, aerial particulate interception, SUDs- slowing surface water runoff. The tree cover, in particular, also provides a softening relief to the street in the urban built pattern.

Historic context:

On the Angus Council GIS historic mapping for the 1843-1893 epoch, the site appears as part of an extensive field system to the NW of historic Monifieth. The area was developed in 1893 by James Low and is shown on the epoch 1891-1912 as a grand suburban mansion, Tighnamuirn with extensive grounds in total approx 30.5Ha consisting of gardens, woodland and fields.



Extract of Council GIS historic mapping resource

Again in the 1904-1939 epoch the mansion is shown with its extensive trees. The mapping from both these periods is accurate for the plotting of individual trees. By 1991 the original mansion was renovated and converted into a luxury care home for the elderly.

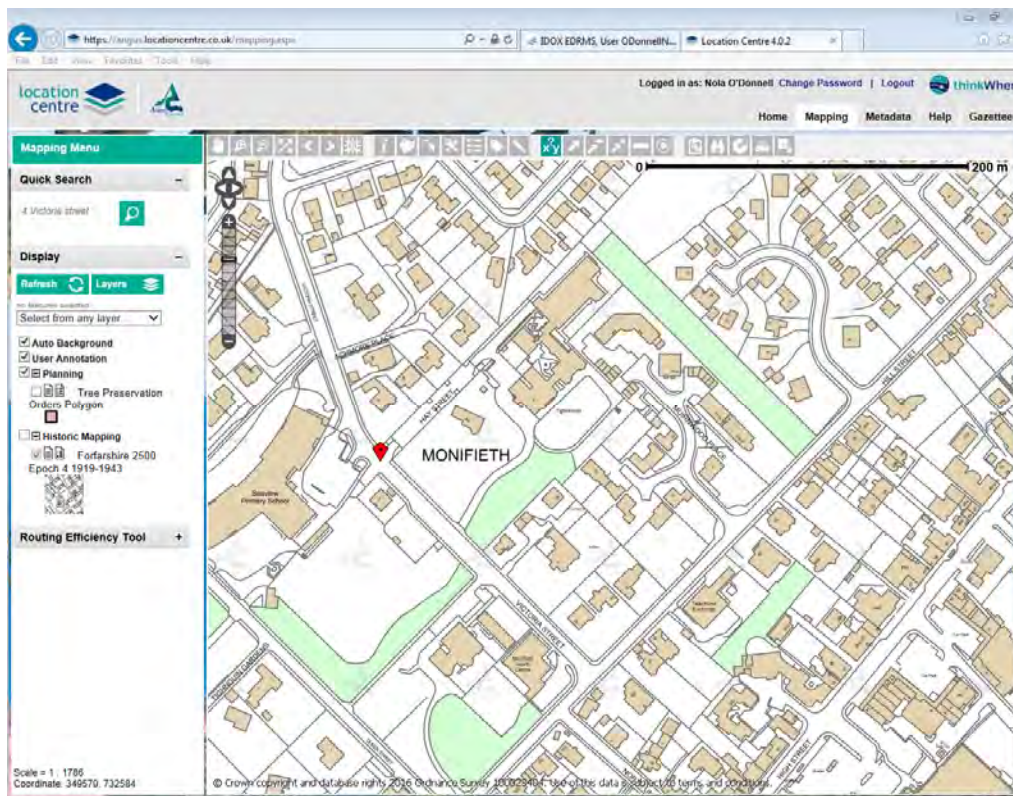


Extract of Council GIS mapping resources for Epoch 1904-1939

The application site remained largely unchanged as part of an extensive garden grounds until the modern period which brought incremental erosion of the

grounds to create Muirwood Place and No4a such that now only the grounds of No4a and the residual gardens of Tighnamuirn and the original woodland blocks of the grand entrance to the care home and to the NE of Muirwood Place remain.

The proposal is for a new detached private dwelling set in its grounds.



Urban Design Landscape Effects:

The positives are:

- The proposed property would sit within its own garden grounds.
- The house style reflects that of the existing No4a. (although it should be noted that this intensifies an inappropriate juxtaposition in relation to the original historic mansion.)

The Negatives are:

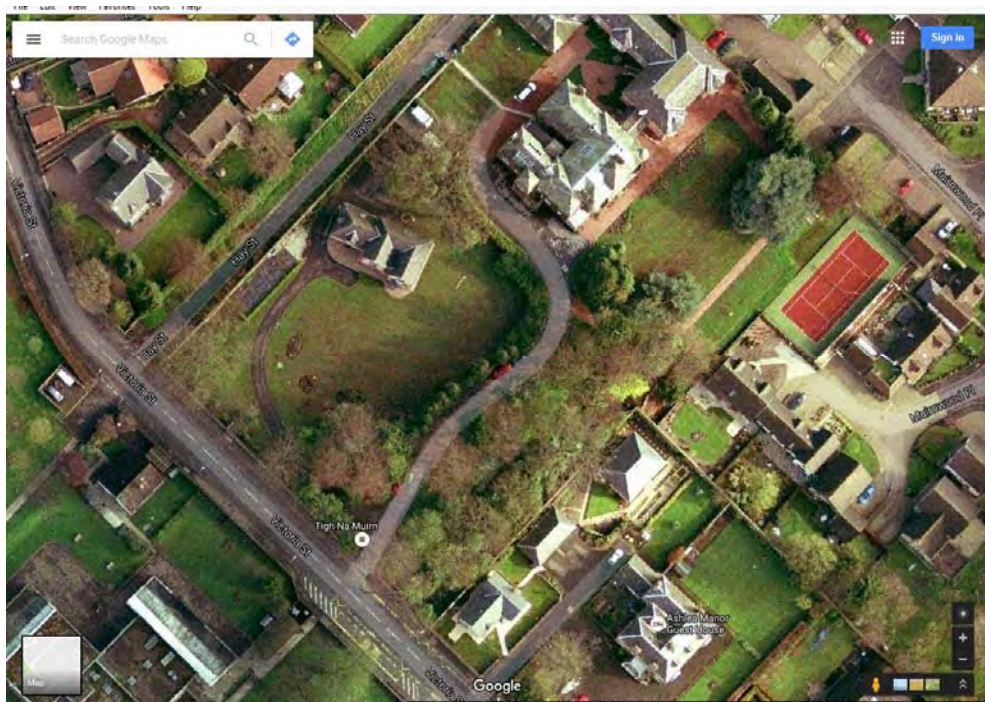
1. There was no tree survey submitted. Considering the site falls within a TPO area, this omission is at odds with the statement that the proposal takes the site context into account. As well as the trees on site, the proposal needs to take the trees of adjoining properties into account.
2. The proposed development would erode the local landscape character which consists of large mansions or villas set in open extensive grounds often with substantial tree cover to their periphery.

3. It would erode the open characteristic of the only remaining vestigial former grounds to the SW of the mansion effectively completing encirclement /enclosing of it with lesser scale dwellings. It would therefore alter the historic pattern of the area while intensifying the modern ubiquitous approach to higher density suburban development.
4. The materials while reflecting that of No.4a are not of a standard which respects the character of the historic Tighnamuirn mansion. In particular it would be insensitive to the buildings materials provenance, colour, tone and texture
5. The proposed dwelling would reduce and partially obscure views into and out of the neighbouring mansion, especially looking southwest from the upper levels out across the hedge to the open grounds of No.4a, a remaining and integral part of its original setting which largely reflect how it would be experienced had it remained part of the mansion grounds. Thus, this critical landscape setting of this category B listed building would be lost forever.
6. The proposal would further subdivide and erode the grand suburban characteristic of the current No.4a property with a corresponding reduction of the open space of the grounds resulting in further erosion of the sylvan suburban characteristic. It would lead to loss of trees over time as residents seek more light for outdoor recreation and perception of openness.
7. The proposal would create built form massing in closer relationship to existing trees of the TPO group – Tighnamuirn and to the mansion itself.
8. The proposed access drive as an offshoot to No.4a's access creates substantial areas of hard surfacing which may create a loading pressure to the root spread of the existing trees to its southeast. This encirclement may also impact the hydrology of the ground restricting or depleting groundwater on which the trees currently rely.
9. The nature of these is that significant shade would be cast in close proximity to the new dwelling. The proposal would constitute a pressure on this characteristic as occupants usually seek to increase the light and perception of light once they are in occupation.
10. The shadow analysis is defective as it fails to take into account the mature high canopy trees within Tighnamuirn. It also fails to examine the cumulative effect of shadow cast from No.4a the proposed dwelling and trees onto the rear garden area of the proposed dwelling. It also fails to take into account the afternoon and evening period when activity would be most likely after work in combination with the surrounding high canopy woodland characteristic. This is likely to impact the amenity in terms of the

capacity of the rear garden space to support the full range of expected functions and activities. (See images below)

11. It is unclear why the proposed house is set at an alternative orientation angle to the existing property

As indicated by the following map images the site will be substantially overshadowed. The historic aerial photograph (black and white) illustrates that the existing No.4a location does not experience shading at noon for winter months in sharp contrast to the proposed site.



*Googlemap –showing shadow cast in winter covering most of the proposed development plot.
Also visible is the extensive crown of trees to the rear of No.4a*



GetMapping 2002 aerial photos 25m –indicating shade cast while trees in full leaf (approx between March – August/ afternoon) The proposal would cast significant shade to the rear garden area



Historic Urban Aerial photography – indicating extend of shade cast with trees at 12 noon (non-standard local time) This appears to be when trees have lost their leaves. This indicates that shadow cast would cover the entire application plot including the proposed dwelling.

RECEIVED

20 SEP 2016

COUNCIL & PLACE
LISTED BUILDINGS

IL/KW

28, Buddon Drive
Monifieth
Angus16th Sept. 2016

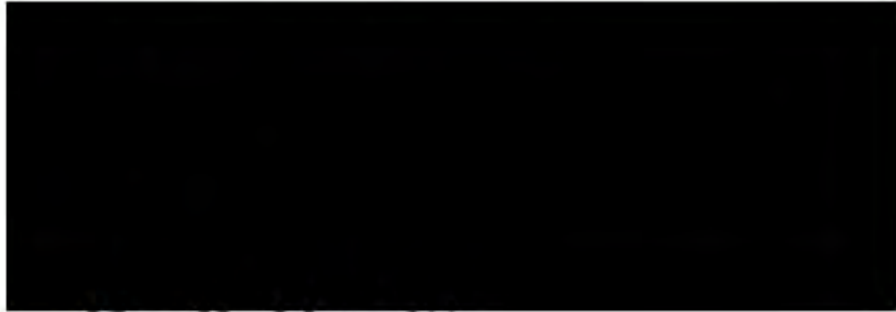
Dear Sir/Madam,

Planning Application – 16/00533/PPPL**4A, Victoria Street, Monifieth. DD5 4HL**

I write in support of the above application submitted by Mr J Simpson.

The proposed plot (approximately 1/3 of an acre) is large enough to support a new dwelling house, especially in light of recent successful proposals in the immediate vicinity, directly adjacent to other existing listed buildings. Furthermore, because of the secluded nature of the site the proposed property would not be seen from the main road, Victoria Street.

Yours faithfully,


Dr. P. Hewitt.

RECEIVED

20 SEP 2016

PLANNING & PLACE
COUNTY BUILDINGS

IL/KW

26, Millhill
Monifieth
Angus16th Sept. 2016

Dear Sir/Madam,

Planning Application – 16/00533/PPPL**4A, Victoria Street, Monifieth. DD5 4HL**

The proposed new dwelling house, outlined in the above application, would only be seen from within the existing defined plot of 4A, Victoria Street because of existing boundary walls and tree cover. As such it would not have any adverse effect on any of the surrounding properties and consequently I would support the application which has been submitted by Mr Simpson.

Yours faithfully,


Mr A Murray.

2, Station Road
Invergowrie,
Dundee

16th Sept. 2016

Dear Sir/Madam,

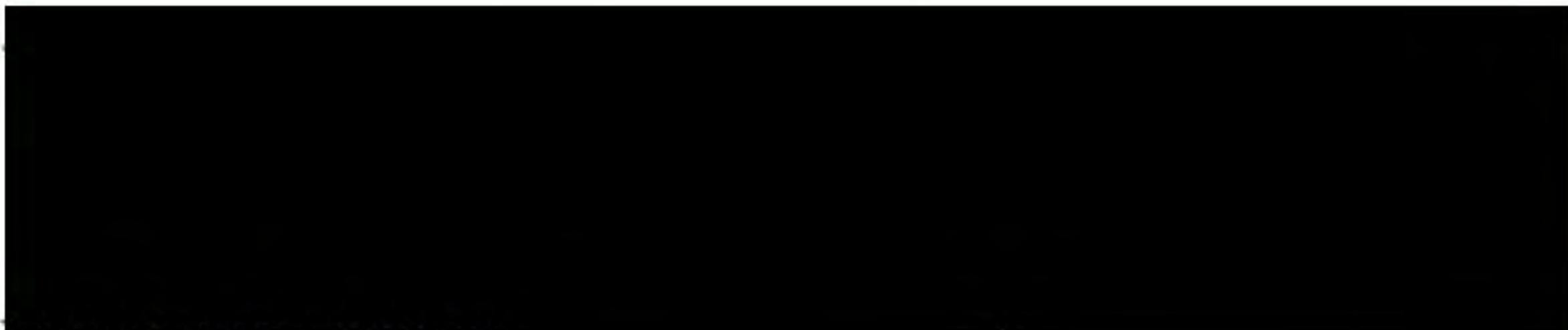
Planning Application – 16/00533/PPPL

4A, Victoria Street, Monifieth. DD5 4HL

I refer to the above submission made by Mr J Simpson and write in support of the application.

The location seems eminently suitable for the erection of a new dwelling house as the plot on which the property would stand is appreciably larger (approx. 1/3 of an acre) than virtually all new properties in the immediate vicinity, which have been built recently or have had recent planning applications approved.

The new property would be secluded, would not be visible from the adjacent street, Victoria Street, and would have no impact on surrounding properties because of the privacy afforded by the site.


Mr & Mrs H. Davies.

RECEIVED

27 SEP 2016

PLANNING & PLACE
COUNTY BUILDINGS

12 JKW

12, Sanderson Pl
Newbigging
Angus

16th Sept. 2016

Dear Sir/Madam,

Planning Application – 16/00533/PPPL

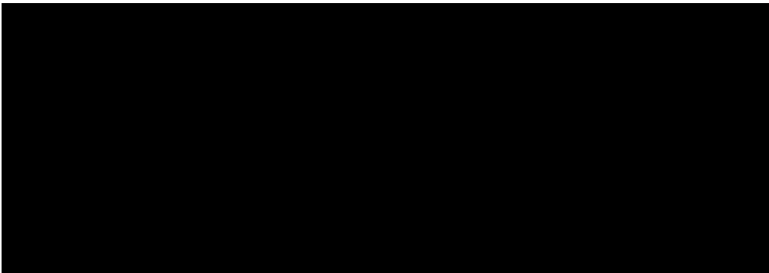
4A, Victoria Street, Monifieth. DD5 4HL

I refer to the above planning application submitted by Mr J Simpson and would wish to support such an application for the erection of a dwelling house.

There would appear to be sufficient area for such a dwelling house, it would have no visual effect on the neighbouring listed building nor any of the other surrounding properties and would not be seen from the public road.

Yours faithfully,

Mr & Mrs R. Davies.

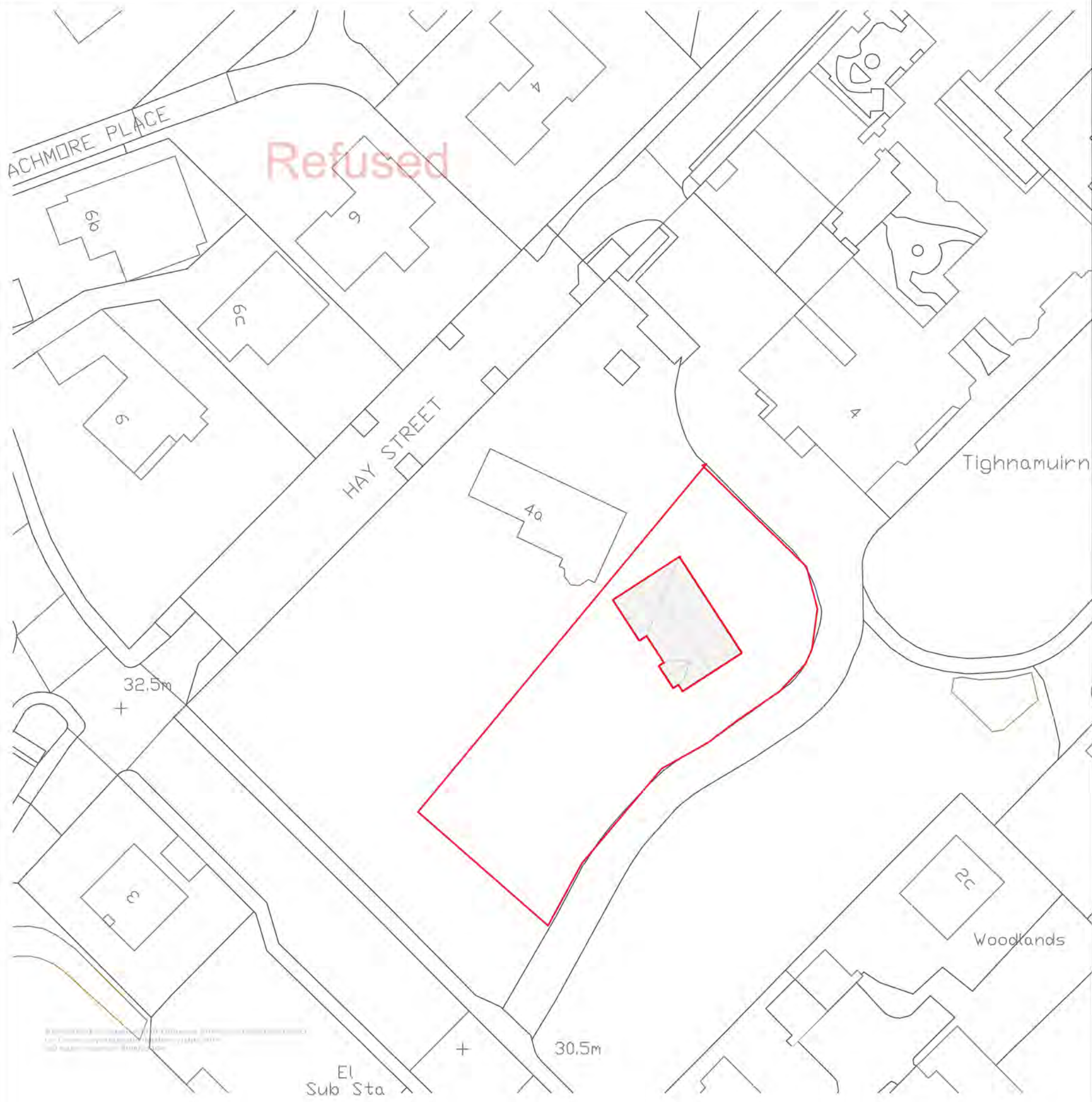


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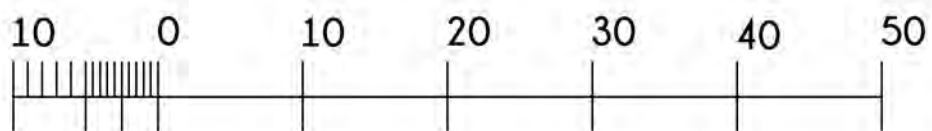
16 SEP 2016

PLANNING DEPARTMENT
COUNCIL HOUSE

1C/1CW



Note: Proposed layout is indicative only and may be subject to change



Arthur Stone Planning & Architectural Design

Project
Proposed Residential Building, 4 Victoria Street, Monifieth

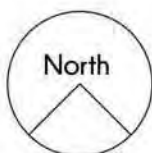
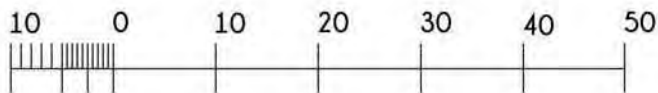
Title
Proposed Site Plan

Drawn DC	Date Apr 16	Scale 1:500 A3	Drawing No D025_06	Rev
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Note: Proposed layout is indicative only and may be subject to change



Arthur Stone Planning
& Architectural Design

Project Proposed Residential Building, 4 Victoria Street, Monifieth			
Title Proposed Site Plan			
Drawn DC	Date Apr 16	Scale 1:500 A3	Drawing No D025_06
			Rev























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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 16/00553/PPPL

To **Mr James Simpson**
c/o Arthur Stone Planning & Architectural Design
Alison Arthur
Jamesfield Business Centre
Abernethy
United Kingdom
KY14 6EW

With reference to your application dated 19 July 2016 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission In Principle for the Erection of a Dwellinghouse Re-Application at 4A Victoria Street Monifieth Dundee DD5 4HL for Mr James Simpson

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

The reasons for the Council's decision are:-

- 1 That the application is contrary to policies DS1, TC2, PV8 and the Development Strategy of the Angus Local Development Plan (2016) because the proposed development would have an adverse impact on the setting of Tigh Na Muirn, a Category B listed building.
- 2 That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposal is capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from trees.

Amendments:

The application has not been subject of variation.

Dated this **29 September 2016**



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



ANGUS COUNCIL

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
 REFERENCE 15/00596/PPPL

To **Mr Ross Davies**
34 Sandhaven Gardens
Dundee
DD5 1RJ

With reference to your application dated 19 June 2015 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission in Principle for Erection of a Dwellinghouse at 4A Victoria Street Monifieth Dundee DD5 4HL for Mr Ross Davies

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

The reasons for the Council's decision are:-

- 1 That the application is contrary to Policy ER16 of the Angus Local Plan Review 2009 because the proposed development would have an adverse impact on the setting of Tigh-Na-Muirn, a Category B listed building.
- 2 It has not been demonstrated that the proposal is capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from trees and is thus contrary to policies S6, SC2 and SC14 of the Angus Local Plan Review 2009
- 3 That the proposal is contrary to Policy S1 criterion (a) of the Angus Local Plan Review because it fails to be compatible with other policies of the local plan, namely policies S6, SC2, SC14 and ER16.

Amendments:

The application has not been subject of variation.

Dated this **15 December 2015**

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

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.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

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
Development Standards Committee/Full Council	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager 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.	Local Review Body – See details on attached Form 2
Other Decision	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.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

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:

Angus Council
Communities
Planning
County Buildings
Market Street
Forfar
Angus
DD8 3LG

Telephone 01307 473212 / 473207 / 473335
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – 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-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with 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. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. 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.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – 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*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement 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 beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. 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.

COMMUNITIES Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Angus Council

Application Number:	15/00596/PPPL
Description of Development:	Planning Permission in Principle for Erection of a Dwellinghouse
Site Address:	4A Victoria Street Monifieth Dundee DD5 4HL
Grid Ref:	349479 : 732616
Applicant Name:	Mr Ross Davies

Report of Handling**Site Description**

The application site which measures approximately 1327sqm is located to the north east of Victoria Street some 125m north of its junction with Hill Street. The application site currently forms part of the curtilage of 4A Victoria Street which bounds the application site to north west. The application site is bound to the north east by Tigh Na Muirn a category B listed building that is currently in use as a nursing home; to the south east by the driveway access to Tigh Na Muirn (which also serves 4A Victoria Street) and to the south west by Victoria Street. An existing Holly hedge and mature trees form the north east and south east boundaries of the application site. The south west boundary is defined by the edge of the driveway access to 4A Victoria Street with the north west boundary being undefined at this time. The mature woodland to the south east of the driveway to Tigh Na Muirn is covered by a Tree Preservation Order.

Proposal

The application seeks planning permission in principle for the erection of a dwellinghouse. An indicative layout has been provided which indicates the frontage of the proposed dwellinghouse would be located 38m from the south west boundary of the application site adjacent to 4A Victoria Street. Although no details of the dwellinghouse have been provided it is proposed that the dwellinghouse would have a footprint of 130sqm. A single garage would be attached to the south east elevation of the dwellinghouse. A private garden area of 360sqm would be provided. Vehicular access would be located at the south west boundary of the plot to tie into the driveway serving 4A Victoria Street.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 26 June 2015 for the following reasons:

- Affecting Setting of Listed Building

A site notice was posted for Setting of Listed Building on 24 June 2015.

Planning History

None.

Applicant's Case

The following documents have been submitted in support of the planning application:

A statement by the applicant which indicates it has been my wife's dream to build a forever house and there is no better place than beside the house which her mum built. The house would allow us to look after her father more easily and it would be a house which our family would live in forever. A pre-application response was provided by the Planning Service which highlighted a number of issues but this was response was provided without the benefit of a site visit. In line with Policy SC2, the proposal is compatible with established and proposed land uses as it is for a residential property within a generally residential area. The plot size, as indicated on the outline plan, is compatible with surrounding plots and the private garden will significantly exceed the minimum of 100sqm as is required by the third criterion of SC2. The angle of the proposed dwellinghouse, and the absence of windows on the adjacent wall of said property, will ensure that privacy is ensured for the existing property of 4A Victoria Street, and also for the proposed dwellinghouse. The canopy from trees on the adjacent property of Tigh Na Muirn, 4 Victoria Street, are of an adequate distance from the proposed site, that given direction and location of the development, the shadow will not significantly impact the plot and would not prevent this from being a satisfactory residential environment. The proposed site is located to the South East of Tigh Na Muirn which we respect is a Category B listed building, however the development would not affect the building, its setting, or any features of special architectural or historic interest which it possesses. Strong consideration would be given to the use of external materials in order to be sympathetic to Tigh Na Muirn.

A supporting Statement on behalf of the applicant which indicates the proposal seeks to erect a new one and a half or one and three quarter storey detached dwellinghouse on the existing garden ground of 4A Victoria Street. The location of the plot is to accommodate and meet the particular needs of the occupants of the dwellinghouse. The proposed plot area for the new development is approximately 0.13 hectares with the existing plot reduced to 0.25 hectares. The scale of the dwellinghouse would be in keeping with the neighbouring properties and the orientation is such that overlooking and privacy would be ensured. The provision of useable private garden ground would surpass 100 square metres as required by Policy SC2. The external materials and hard landscaping would be in keeping with the style of the neighbouring properties; furthermore the proposals would not have any adverse impact on any trees or root systems covered by the tree preservation order. The existing shared vehicle access from Victoria Street will be used to access a new driveway where space for 2 vehicles would be provided. The dwellinghouse would be connected to the public sewerage system and surface water would be discharged via SUDS. The proposed dwellinghouse would be orientated on a south-west axis to ensure the formal language is continued between the proposed dwelling and that of Tigh Na Muirn to the north. In relation to the category B listed building it is proposed that there are to be no first floor dormer windows on the north east elevation to ensure that overlooking does not become an issue. The proposed dwelling would be located 21 metres from Tigh Na Muirn and the occupants of the aforementioned property would be looking at a slate roof which would be slightly visible over the existing holly hedge. The established landscaping around the application site would screen the dwellinghouse from view for those driving to Tigh Na Muirn. The external materials of the dwelling would be stone, render and natural slate to relate to the surrounding context.

Sunlight & daylight images to address concerns raised in the pre-application response with regards to the mature trees adjacent to the application site. The photographs attempt to demonstrate that the site benefits from full sunlight from 10am onwards in mid-September.

Consultations

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

Angus Council - Roads - No objection.

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

Angus Council - Education - This consultee has offered no objections to the proposal.

Natural & Built Environment - Landscape - There was no response from this consultee at the time of report preparation.

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 SC2 : Small Sites
 Policy SC14 : Villa Property
 Policy ER16 : Development Affecting the Setting of a Listed Building
 Policy ER22 : Public Drainage Systems
 Policy ER24 : Surface Water Disposal

TAYplan Strategic Development plan

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

Other Guidance

Advice Note 14 : Small Housing Sites

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

Assessment

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

Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

The application site is not specifically allocated for development but lies within the Development Boundary

of Monifieth and as such is assessed under the terms of Policy S1 criterion (a). This Policy indicates that 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.

The application site is located to the south west of Tigh Na Muirn which is a category B listed building and in this respect the development has the potential to affect a listed building and its setting, Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In seeking to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it is relevant to consider matters such as the visual impact of the proposed change relative to the scale of the historic asset or place and its setting (this includes consideration of the visual envelope, incorporating views to, from and across the historic asset or place); the visual impact of the proposed change relative to the current place of the historic asset or place in the landscape; the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this.

The application site is located 12m from the south west elevation of Tigh Na Muirn a category B listed building. Whilst the main elevation of Tigh Na Muirn faces south east the gable that faces the application site is of some design quality as detailed in the list description which highlights features such as the advanced ogee-roofed stair tower and the arched porch. 4A Victoria Street would appear to have been sited in a manner which ensured the dwellinghouse did not encroach on the visual envelope of the south west elevation which retained views to and from the listed building. The proposal would see the introduction of a dwellinghouse immediately adjacent to the south west elevation of the listed building which would have an enclosing effect on this important elevation. The existing view of the south west elevation would be obscured if a 1½ or 1¾ storey dwelling was constructed at the proposed location. While visual impacts are lessened by the presence of mature planting, they remain significant. Were the planting removed or thinned, the magnitude of the effect on the setting of the listed building would be greatly increased. In these circumstances it is clear that the development would adversely affect the setting of a listed building and as such I do not consider the scheme to accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Policy ER16 of the Angus Local Plan Review which is largely based on Section 59 of the PLBCAS Act 1997. For similar reasons the proposal is also contrary to Policy SC14 of the Angus Local Plan Review which deals with new housing development that affects existing villa properties.

On the basis of the above assessment alone the proposal is contrary to development plan policy. However, for completeness the proposal is assessed in terms of other relevant local plan policies. In this respect Policy SC2 deals specifically with small housing proposals and requires an acceptable residential environment to be created. In that respect a number of criteria are identified against which proposals are assessed. These include compatibility of land use, plot size, provision of private garden ground and maintenance of residential amenity and privacy of adjoining housing. The proposal is compatible with established and proposed land uses in the area as it would be a residential use within a generally residential area. The plot size is considered to be broadly comparable with other plots in the locale and the indicative layout identifies an area of 360sqm of private garden ground although as discussed below that would be overshadowed by the adjacent trees. In terms of maintaining the residential amenity and privacy of adjoining housing, the scope to position any building on the site would be restricted by the linear nature of the plot, the position of the existing dwellinghouse (4A Victoria Street) and the existing planting that forms the south east boundary of the plot. The plans submitted with the application show a house located within close proximity to 4A Victoria Street (approximately 4m). A house in that position would have potential to be overbearing in terms of neighbouring property and the position of windows would be restricted by virtue of the proximity to the boundaries and the need to safeguard the privacy of neighbours and this could be a challenge. However, subject to those limitations, I consider that there would have been scope for a dwellinghouse to be provided without significant adverse impact on the privacy of occupants of neighbouring properties. Detailed layout and design could be considered as part of a subsequent application and this would allow for any impact on the neighbouring property to be fully assessed and controlled as appropriate.

Notwithstanding the above, the overriding aim of Policy SC2 is to provide a satisfactory residential environment for any new house and its occupants. The proposed dwellinghouse would be located 15m to the north west of an existing area of mature woodland (outwith the control of the applicant) where the trees are protected by a Tree Preservation Order. Photographs have been provided in an attempt to demonstrate that the site is free of overshadowing from the adjacent trees. The photographs demonstrate that in mid-September the site would experience sunlight from 10am onwards however there has been no sunlight/daylight analysis undertaken with regards to autumn and winter months. Given the height of the trees it is considered that the dwellinghouse and garden would be overshadowed for significant periods of the day during these periods of the year. Whilst it can be pleasant to live in a woodland environment, experience suggests that in circumstances where there is this level of overshadowing and this proximity to sizeable trees, there can be pressure for the removal of trees to reduce restrictions to daylight/sunlight and to alleviate potential safety concerns. Removal of the trees would exacerbate impacts on the setting of the listed building as discussed above. Given the level of overshadowing that would be created in this case, I do not consider that the site can provide an acceptable residential environment for the occupants of any house constructed upon it. The adjacent trees are subject of a Tree Preservation Order and contribute to the visual amenity and biodiversity of the area and should not be removed unless required for arboricultural reasons, in which case replacement planting could be required as appropriate. On this basis the proposal is contrary to Policy SC2. For similar reasons relating the quality of the residential environment that would be created, the proposal is also contrary to criterion (a) of Policy S6.

In respect of Policy S6 the key issues have been addressed above. In terms of other matters the Roads Service has offered no objections to the proposed development and there are no other significant issues in relation to this proposal.

As the proposal is contrary to other policies of the ALPR, specifically S6, SC2, SC14 and ER16 as indicated above, the proposal does not comply with Policy S1 criterion (a).

In conclusion the proposal would have unacceptable impacts on the setting of a listed building and the application site is not considered capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from adjacent trees. On this basis the proposal is contrary to development plan policy. The proposal does not comply with development plan policy and there are no material considerations that justify approval of the application contrary to the provisions of the development plan.

No legal agreement is required.

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 application is contrary to Policy ER16 of the Angus Local Plan Review 2009 because the proposed development would have an adverse impact on the setting of Tigh-Na-Muirn, a Category B listed building.
2. It has not been demonstrated that the proposal is capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from trees and is thus contrary to policies S6, SC2 and SC14 of the Angus Local Plan Review 2009.
3. That the proposal is contrary to Policy S1 criterion (a) of the Angus Local Plan Review because it fails to be compatible with other policies of the local plan, namely policies S6, SC2, SC14 and ER16.

Notes:

Case Officer: Ruari Kelly
Date: 1 December 2015

Appendix 1 - Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

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

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

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

Policy S6 : Development Principles (Schedule 1)

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

Schedule 1 : Development Principles

Amenity

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

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

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

Roads/Parking/Access

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

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

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out

in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
 (g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

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

Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

Supporting Information

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

Policy SC2 : Small Sites

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

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

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

Policy SC14 : Villa Property

Development proposals for new residential development within the garden ground of stone-built villa properties within development boundaries will only be acceptable where:-

- * the development (including roads and driveways) does not damage the character and appearance of the existing property and/or the surrounding area;
- * the proposal respects the density, scale, form, siting, orientation and materials of existing buildings;
- * development does not result in the unacceptable loss of important trees;
- * car parking and garaging are unobtrusively sited; and
- * the proposal complies with other relevant policies of this Plan.

Development proposals involving the change of use of villa property which would adversely affect the residential character of the surrounding area or significantly impact on the amenity enjoyed by adjoining properties, will not be permitted.

Policy ER16 : Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

Policy ER22 : Public Drainage Systems

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

Policy ER24 : Surface Water Disposal

Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.

Proposals that adopt ecological solutions to surface water management which promote local biodiversity by the formation of ponds and/or wetlands for example, and create or improve habitats will also be encouraged.

TAYplan Strategic Development plan

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



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Aerial Photography 27-03-2012



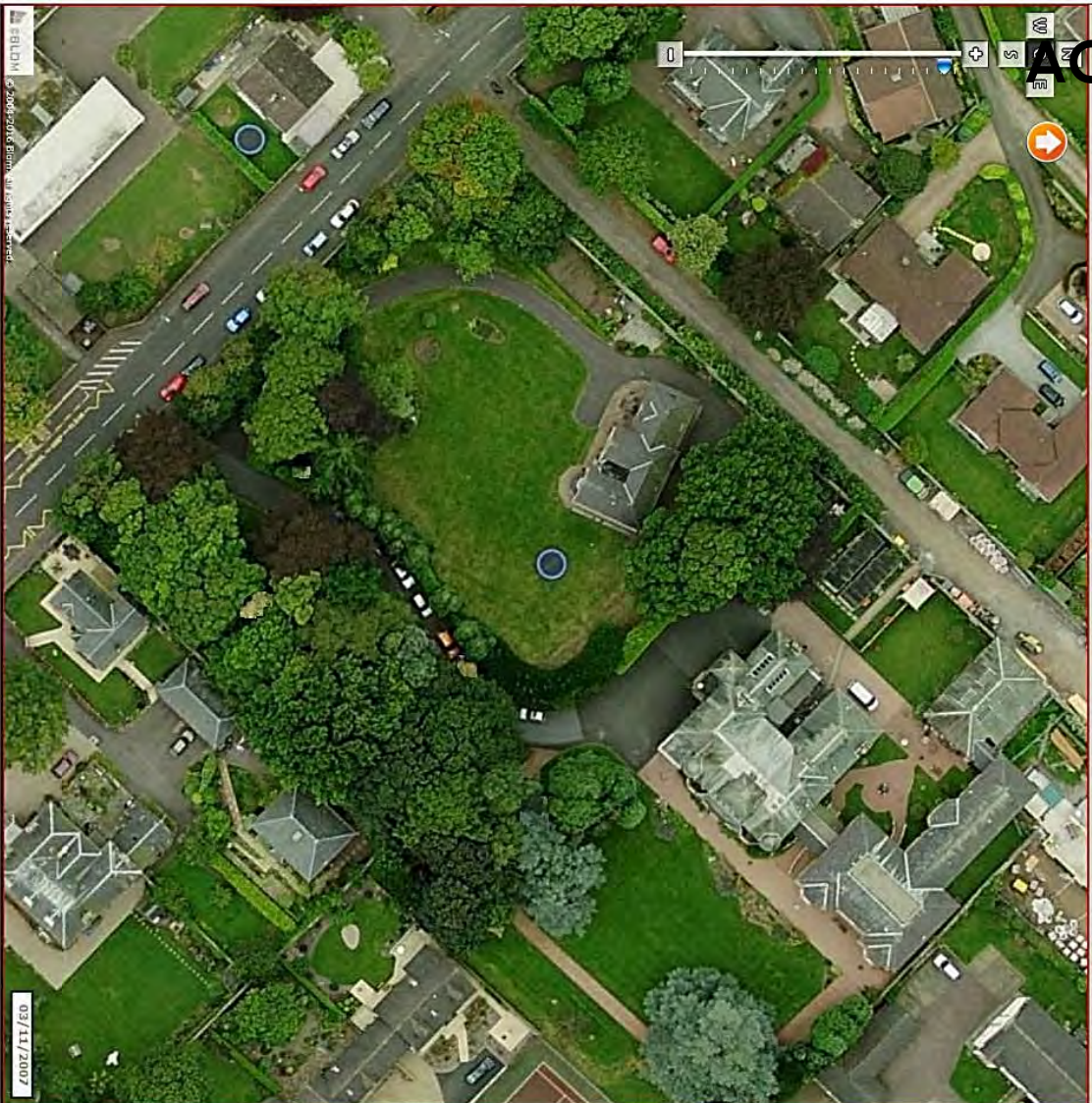
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MANAGING CHANGE IN THE HISTORIC ENVIRONMENT

Setting





Above: Kilmartin Glen, Argyll and Bute. An important prehistoric linear cemetery composed of a number of burial cairns and standing stones. Intervisibility between elements of the complex, and views along the line of monuments, through and along the valley, are key to understanding each monument and the complex as a whole. © Kilmartin House Trust'

Cover image: Bronze-Age stone circle at Tomnaverie, Aberdeenshire. Many recumbent stone circles are located on elevated positions and are positioned to have wide-ranging views over the landscape. Views towards these monuments are also an important part of their setting as many appear skylined against the horizon.

MANAGING CHANGE IS A SERIES OF NON-STATUTORY GUIDANCE NOTES ABOUT MANAGING CHANGE IN THE HISTORIC ENVIRONMENT. THEY EXPLAIN HOW TO APPLY GOVERNMENT POLICIES.

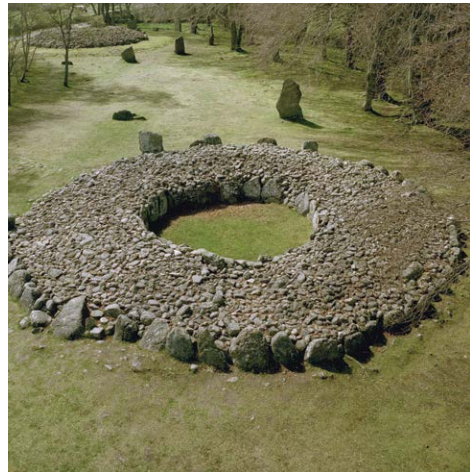
The aim of the series is to identify the main issues which can arise in different situations, to advise how best to deal with these, and to offer further sources of information. They are also intended to inform planning policies and the determination of applications relating to the historic environment.

INTRODUCTION

This note sets out the principles that apply to developments affecting the setting of historic assets or places, including scheduled monuments, listed buildings, Inventory historic gardens and designed landscapes, World Heritage Sites, conservation areas, historic battlefields, Historic Marine Protected Areas and undesignated sites.

Planning authorities usually make the initial assessment of whether a development will affect the setting of a historic asset or place. However, this may also be identified through other mechanisms such as an Environmental Impact Assessment (EIA) or Strategic Environmental Assessment (SEA). If a planning authority identifies a potential impact on a designated historic asset, it may consult Historic Environment Scotland, who act as statutory consultees in the planning process.

World Heritage Site status brings a commitment to protect the site's cultural significance and the Outstanding Universal Value for which the site is inscribed. This may include reference to aspects of setting.



Clava Cairns, Highland. An important Bronze-Age cemetery complex of burial cairns and standing stones. Intervisibility of elements of the complex is key to understanding the scheduled monument. © Crown copyright: Historic Environment Scotland. Licensor canmore.org.uk

Below: Fort Augustus lock flight, Caledonian Canal, Highland. Running from Inverness to Banavie, near Fort William, the scheduled Caledonian Canal represents the culmination of 18th-century canal construction in Scotland. The modern village of Fort Augustus developed along the locks, and views along the lock flight clearly reveal the relationships between the urban topography and the canal. © J. Malcolm



1. Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance. Planning authorities must take into account the setting of historic assets or places when drawing up development plans and guidance, when considering environmental and design assessments/statements, and when making decisions on planning applications.
2. Where development is proposed it is important to:
 - identify the historic assets that might be affected
 - define the setting of each historic asset
 - assess the impact of any new development on this
3. Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.
4. If proposed development is likely to affect the setting of a key historic asset, an objective written assessment should be prepared by the applicant to inform the decision-making process. The conclusions should take into account the significance of the asset and its setting and attempt to quantify the extent of any impact. The methodology and level of information should be tailored to the circumstances of each case.
5. In the light of the assessment described above, finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.
6. Advice on whether a planning application should include an assessment of the development's impact on setting should be sought from the planning authority.

1. WHAT IS 'SETTING'?

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

Monuments, buildings, gardens and settlements were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Over time, these relationships change, although aspects of earlier settings can be retained.

Setting can therefore not simply be defined by a line on a map, and is likely to be unrelated to modern landownership or to curtilage, often extending beyond immediate property boundaries into the wider area.

Baltersan Castle, South Ayrshire. A category A listed 17th-century tower house, viewed from the 15th-century gatehouse of the adjacent Crossraguel Abbey. The medieval burgh of Maybole lies beyond, marked by the bell tower of the tolbooth. These elements of the late medieval / early modern Maybole area have clear visual and spatial relationships. © J. Malcolm

2. WHAT FACTORS CONTRIBUTE TO SETTING?

The setting of a historic asset can incorporate a range of factors, not all of which will apply to every case. These include:

- current landscape or townscape context
- views to, from and across or beyond the historic asset or place
- key vistas (for instance, a 'frame' of trees, buildings or natural features that give the historic asset or place a context, whether intentional or not)
- the prominence of the historic asset or place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting
- aesthetic qualities



AC18

- character of the surrounding landscape
- a ‘sense of place’: the overall experience of an asset which may combine some of the above factors
- general and specific views including foregrounds and backdrops
- views from within an asset outwards over key elements in the surrounding landscape, such as the view from the principal room of a house, or from a roof terrace
- relationships with other features, both built and natural
- non-visual factors such as historical, artistic, literary, place name, or scenic associations, intellectual relationships (e.g. to a theory, plan or design), or sensory factors

Defining the setting of a historic asset or place is case-specific and will ultimately rely on informed judgement, based on a range of considerations, including those set out above.

Cullen Seatown, Moray. In this conservation area the layout of the buildings is closely linked to the landscape context: on the north side of the village, gables face the sea to maximise shelter; here, on the south side, the houses are aligned to maximise light. © N. Haynes



3. ASSESSING THE IMPACT OF CHANGE **AC18**

There are three stages in assessing the impact of a development on the setting of a historic asset or place:

- **Stage 1: identify the historic assets** that might be affected by the proposed development
- **Stage 2: define and analyse the setting** by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced
- **Stage 3: evaluate the potential impact of the proposed changes** on the setting, and the extent to which any negative impacts can be mitigated (see Section 4)

Stage 1: identify the historic assets

A desk assessment of historic environment records and other relevant material will provide the baseline information, identifying which assets will be affected and what is significant about them.

The initial approach should include all the potentially affected historic assets and places (including those relatively distant from the proposal) and their settings. It may be necessary to engage a suitably qualified historic environment consultant to undertake this identification and assessment.

Neist Point Lighthouse, Skye, Highland. The remote location and open views are important elements in the function and setting of the category B listed lighthouse. Seaward views are important, and views towards the lighthouse from shipping channels also form part of the setting.



Stage 2: define and analyse the setting

The setting of a historic asset comprises our present understanding and appreciation of its current surroundings, and what (if anything) survives of its historic surroundings combined with subsequent historic changes. Answering the following questions often helps define a setting:

- How do the present surroundings contribute to our ability to appreciate and understand the historic asset or place?
- How does the historic asset or place contribute to its surroundings? For instance, is it a prominent or dominant feature in the landscape?
- When the historic asset or place was developed or in use (both originally and subsequently):
 - how was it intended to be viewed? From a distance? From other sites, buildings or specific points in the landscape?
 - what views was it intended to have? Wide views over the landscape or seascape? Confined views? Narrow alignment(s)?

Key viewpoints to, from and across the setting of a historic asset should be identified. Often certain views are critical to how a historic asset is or has been approached and seen, or understood when looking out. These views were sometimes deliberately manipulated, manufactured and/or maintained, and may still be readily understood and appreciated today. Depending on the historic asset or place these could include specific points

on current and historical approaches, routeways, associated farmland, other related buildings, monuments, natural features, etc.

Sometimes these relationships can be discerned across wide areas and even out to distant horizons. In other cases they have a more restricted view, defined and enclosed by topographical or built features. For some historic assets and places, both immediate and distant points of visual relationship are crucial to our understanding of them.

Changes in the surroundings since the historic asset or place was built should be considered, as should the contribution of the historic asset or place to the current landscape. In some cases the current surroundings will contribute to a sense of place, or how a historic asset or place is experienced.

The value attributed to a historic asset by the community or wider public may influence the sensitivity of its setting. Public consciousness may place a strong emphasis on an asset and its setting for aesthetic reasons, or because of an artistic or historic association. Such associative values can contribute to the significance of a site, and to the sensitivity of its setting.

Whether or not a site is visited does not change its inherent value, or its sensitivity to alterations in its setting. This should be distinguished from the tourism, leisure or economic role of a site. Tourism and leisure factors may be relevant in the overall analysis of the impact of a proposed development, but they do not form part of an assessment of setting impacts.

In certain circumstances the value attributed to a historic asset by the community or wider public may influence the sensitivity of its setting. Public consciousness may place a strong emphasis on an asset and its setting for aesthetic reasons, or because of an artistic or historic association. Such associative values can contribute to the significance of a site, and to the sensitivity of its setting. However, it is important to emphasise that an asset has a setting whether it is visited or not.

Stage 3: evaluate the potential impact of the proposed changes

The impact of a proposed development on the setting of a historic asset or place can be a material consideration in determining whether a planning or other application is given consent, so thought must be given to whether new development can be incorporated

Aerial view of Kinross House (1684) and gardens and Lochleven Castle, Perth and Kinross. The category A listed house and gardens which feature on the Inventory of Gardens and Designed Landscapes, designed by Sir William Bruce as his main residence, used the castle and the island as a picturesque focal point in the landscape.
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sensitively. Depending on the nature of the historic asset or place, relatively small changes in the wider landscape may affect its setting.

Certain types of development require an Environmental Impact Assessment (EIA), which might include assessing the impact on the setting of a historic asset or place. Further information and advice about EIA can be found on our [website](#).

Factors to be considered in assessing the impact of a change on the setting of a historic asset or place include:

- whether key views to or from the historic asset or place are interrupted
- whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset
- the visual impact of the proposed change relative to the scale of the historic asset or place and its setting



- the visual impact of the proposed change relative to the current place of the historic asset in the landscape
- the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this
- the magnitude of the proposed change relative to the sensitivity of the setting of an asset – sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to appreciate and understand a historic asset or place. Points to consider include:
 - the ability of the setting to absorb new development without eroding its key characteristics
 - the effect of the proposed change on qualities of the existing setting such as sense of remoteness, current noise levels, evocation of the historical past, sense of place, cultural identity, associated spiritual responses
 - cumulative impacts: individual developments may not cause significant impacts on their own, but may do so when they are combined



Rosyth Castle, Fife. Once located on an island in the River Forth, the site was incorporated into the naval dockyards in the 20th century resulting in significant change to the scheduled monument's original setting. Any changes, including enhancement, need to be considered against the current setting.

Many Geographical Information Systems (GIS) packages support useful interpretative models, such as wireframes, viewshed analyses and digital terrain models. Graphic presentations such as photomontages, and landscape data-sets such as Historic Land-use Assessment (HLA), may also assist in reaching an understanding of a historic asset or place in the landscape and how development may affect it.

4. MITIGATION OF IMPACTS AND ENHANCEMENT OF SETTING

Where the assessment indicates that there will be an adverse impact on the setting of a historic asset or place, even if this is perceived to be temporary or reversible, alterations to the siting or design of the new development should be considered to remove or reduce this impact.

The most effective way to prevent impacts on setting is during site selection and early design. Any mitigation and enhancement proposals should be discussed as part of the pre-application process.

Burghead Harbour, Moray. Early 19th century listed granaries line the quayside. Their even spacing, scale and relationship to the wet dock and to the grid-plan town are relevant to an understanding of the setting. © N. Haynes

Other mitigation measures include screening the development, for example with trees or bunding (enclosing structures). However, the screening itself needs careful consideration so that it does not cause an impact in its own right.

It is also important to bear in mind that vegetation such as trees are subject to environmental and other factors (e.g. wind blow, felling and seasonal changes which affect leaf cover) and cannot necessarily be relied upon to mitigate adverse impacts of a development. In some cases, there may be potential for improving the setting of a historic asset or place, for example by opening up views through removing vegetation.





The Inventory garden and designed landscape at Crathes Castle, Aberdeenshire. The formality of the late 18th and 19th century gardens contrasts with the farmland beyond. © N. Haynes

Historic Environment Scotland is charged with ensuring that our historic environment provides a strong foundation in building a successful future for Scotland. One of its roles is to provide advice about managing change in the historic environment.

Information for designated heritage assets can be downloaded from Historic Environment Scotland's [spatial data warehouse](#) or viewed at [Pastmap](#).

The Hermitage. An 18th-century picturesque Inventory designed landscape, Perth and Kinross. Both William and Dorothy Wordsworth featured The Hermitage in their writing. Ossian's Hall (pictured) was placed to take advantage of views over the falls, and the sound created by them. These elements also contribute to an appreciation of the nearby woodland walks, and combine to form part of the setting.



Details of listed buildings and advice on the requirement for listed building consent, conservation area consent, building warrants and other permissions/consents should be sought from local authorities.

Most works at monuments scheduled under the Ancient Monuments and Archaeological Areas Act 1979 require scheduled monument consent. Where a structure is both scheduled and listed, the scheduling controls have precedence. Separate advice is available from Historic Environment Scotland's [website](#).

Planning authorities also have their own historic environment records and policies in local development plans and supplementary guidance.

Other sources of information

Mitigation measures in Environmental Impact Assessment (EIA) terms are explained in [Planning Advice Note \(PAN\) 1/2013](#):

Aerial photography and other records of the settings of historic structures or places can be obtained from Historic Environment Scotland, John Sinclair House, 16 Bernard Terrace, Edinburgh, EH8 9NX

Tel: 0131 662 1456,
Fax: 0131 662 1477
Email: info@rcahms.gov.uk
Web: www.historicenvironment.scot

The setting of heritage structures, sites and areas is the subject of the [ICOMOS Xi'an Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas \(2005\)](#)

Historic Land-use Assessment (HLA)

The HLA, developed by Historic Environment Scotland, is a GIS-based map that depicts the historic origin of land-use patterns, describing them by period, form and function. Its purpose is to enhance our knowledge and understanding of the historic dimension of the landscape and to inform management decisions relating to it. It highlights relict archaeological landscapes, aids understanding of the landscape context of individual sites and helps identify areas where further survey could be useful. It is available [here](#).

Gardens and designed landscapes

The Gardens Trust has [Planning Conservation Advice Notes](#) on Development in the Setting of Historic Designed Landscape (Number 11 2008) and Briefs for Historic Landscape Assessments (Number 13 2008)

Scottish Natural Heritage (SNH) has also produced [landscape guidance](#):

Wind energy development

The Scottish Government has produced [guidance for wind planning applications](#).

SNH has produced a [suite of documents](#) to assist in the process of assessing the potential impacts of wind farm proposals on Scotland's landscapes.

Historic Marine Protected Areas

Guidance is located [here](#).



Balfarg henge and standing stones, Fife. An example of a scheduled monument now surrounded by a 1970s housing development: the two photos show the site before and after redevelopment. Upper image © Crown Copyright: HES. Licensor canmore.org.uk. Lower image © K. Brophy



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9th September 2016

Dear Mr Kelly,

16/00553/PPPL 4a Victoria Street, Monifieth

We are the Agents representing Mr Simpson (applicant) on the above planning application and wish to respond to the 'negative' comments made by the Landscape Officer at Angus Council on 3rd August 2016 in respect of our proposal.

Please find them attached below.

Yours,

Sam Stone

MA (Hons) MRTPI

Director

1. There was no tree survey submitted. Considering the site falls within a TPO area, this omission is at odds with the statement that the proposal takes the site context into account. As well as the trees on site, the proposal needs to take the trees of adjoining properties into account.

The application site does not include any trees covered by TPOs. These are located well outside the application site. The proposal would have no effect on these trees. No tree survey was requested as part of the previous application that was considered by the Council in 2015.

2. The proposed development would erode the local landscape character which consists of large mansions or villas set in open extensive grounds often with substantial tree cover to their periphery.

It should be noted that this site does not contain a Mansion House and that it is a modern built dwellinghouse. A variety of other developments have occurred over the years on land roundabout this site creating far smaller units. The

division of this plot would still enable both plots to retain a significant area of land; far greater than any of those adjacent to the site. The tree cover to the periphery of the site would not alter.

3. It would erode the open characteristic of the only remaining vestigial former grounds to the SW of the mansion effectively completing encirclement /enclosing of it with lesser scale dwellings. It would therefore alter the historic pattern of the area while intensifying the modern ubiquitous approach to higher density suburban development.

As noted within the accompanying statement it is not considered that this proposed development would erode any part of the adjacent listed property. This is not a high density development as noted above and development has occurred all roundabout over the years creating smaller plots without objection.

4. The materials while reflecting that of No.4a are not of a standard which respects the character of the historic Tighnamuirn mansion. In particular it would be insensitive to the buildings materials provenance, colour, tone and texture

This application is for planning permission in principle. The notional plans submitted are in no way reflective of the end design and are simply to represent a house of a smaller scale to what is already there, as noted within the statement and on the plans themselves.

5. The proposed dwelling would reduce and partially obscure views into and out of the neighbouring mansion, especially looking southwest from the upper levels out across the hedge to the open grounds of No.4a, a remaining and integral part of its original setting which largely reflect how it would be experienced had it remained part of the mansion grounds. Thus, this critical landscape setting of this category B listed building would be lost forever.

The visuals provided clearly illustrate that a house even at a height of one and a half storey would not obscure views into the site of the listed building. There are very few public glances into the site as illustrated. Therefore, views do not constitute part of the setting. The applicant would in any case be happy to develop a property of a single storey on the site, which would (at an even lesser degree) have no effect on the listed building at all. Please see comments already made within the statement on this matter.

6. The proposal would further subdivide and erode the grand suburban characteristic of the current No.4a property with a corresponding reduction of the open space of the grounds resulting in further erosion of the sylvan suburban characteristic. It would lead to loss of trees over time as residents seek more light for outdoor recreation and perception of openness.

This matter was at no point raised in the previous application. Again, this is a ppp application and parking could be provided at the southern end of the site, reducing any amount of hard surface. This matter would be dealt with as part of a detailed application. The applicant would be more than happy to accept a condition that trees on his site could not

be cut or lopped, etc without express permission from the Council despite the fact they are not protected as being located within a conservation area or part of a TPO.

7. The proposal would create built form massing in closer relationship to existing trees of the TPO group – Tighnamuirn and to the mansion itself.

Already discussed.

8. The proposed access drive as an offshoot to No.4a's access creates substantial areas of hard surfacing which may create a loading pressure to the root spread of the existing trees to its southeast. This encirclement may also impact the hydrology of the ground restricting or depleting groundwater on which the trees currently rely.

Again, as above, this was never raised as part of the previous application. This is again a ppp application.

9. The nature of these is that significant shade would be cast in close proximity to the new dwelling. The proposal would constitute a pressure on this characteristic as occupants usually seek to increase the light and perception of light once they are in occupation.

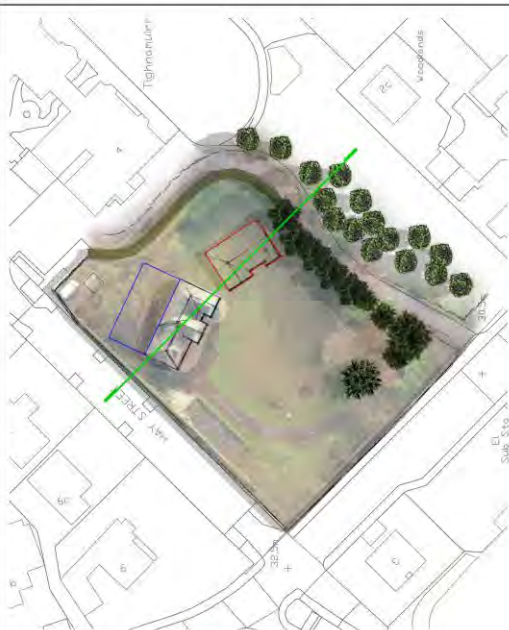
Please see sheet attached to the end of this letter for comments.

10. The shadow analysis is defective as it fails to take into account the mature high canopy trees within Tighnamuirn. It also fails to examine the cumulative effect of shadow cast from No.4a the proposed dwelling and trees onto the rear garden area of the proposed dwelling. It also fails to take into account the afternoon and evening period when activity would be most likely after work in combination with the surrounding high canopy woodland characteristic. This is likely to impact the amenity in terms of the capacity of the rear garden space to support the full range of expected functions and activities. (See images below)

Please see sheet attached to the end of this letter for comments.

11. It is unclear why the proposed house is set at an alternative orientation angle to the existing property.

Again, this is a ppp application and this has simply been show to represent a dwellinghouse on the site.



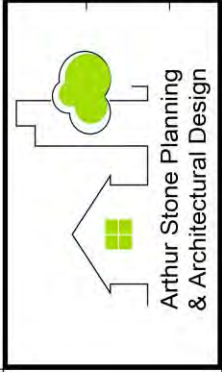
Note: The document The Planning System: General Principles, published in conjunction with Planning Policy Statement 1: Delivering Sustainable Development, explains: 'The planning system does not exist to protect the private interests of one person against the activities of another; although private interests may coincide with the public interest in some cases. A right to light is generally 'acquired' when light has been enjoyed through a defined aperture of a building for an uninterrupted period of 20 years. Rights to light in principle are civil matters between neighbours and are independent of the planning system.'

Analysis has been undertaken to assess the cumulative affect of the existing property 4a, surrounding vegetation and proposed development against the amenity space currently enjoyed (as shown in the 3D model and diagrams above).

The analysis used an 'worst case scenario' based on the heights of the trees at the winter and summer solstices and an average loss incurred by shading at mean times throughout the year. The analysis does not take into consideration the loss of leaves or the effect of the horizon and surrounding buildings which has an impact during the winter months. It has been assessed that there is minimal loss to the current external amenity space enjoyed by 4a (or external fenestration) incurred by the introduction of a small dwelling at the orientation shown. The proposed has been located on the site in an area not used by the owner and at an angle that both complements the current dwelling and to minimise the obstruction of early morning light that is not already obstructed by the coniferous border around the east boundary of the plot.



Project		Proposed Residential Building, 4 Victoria Street, Monifieth	
Title		Shadow Study of Existing Vegetation	
Drawn	Date	Scale	Rev
DC	May16	NA	
Drawn/NG	025_007		REV



Introduction

The purpose of this statement is to provide a reasoned justification in support of an application for planning permission in principle for the erection of a dwellinghouse within the garden ground of 4A Victoria Street, Monifieth.

An earlier application for the same description of development on the same site, 15/00596/PPPL was refused in December 2015 under delegated powers by Angus Council. The reasons cited related to the impact a new dwellinghouse would have on an adjacent Category B Listed Building and that there was inadequate evidence to illustrate that the building would not be overshadowed significantly by adjacent trees. This proposal has progressed the earlier application to provide a rigorous response to the previous reasons for refusal.

For this reason, the following statement aims to address and resolve the limited number of issues that led to the refusal of the earlier application by addressing the principle of the proposed development and the two detailed areas relating to the 'potential' impact on the adjacent Listed Building and residential amenity; specifically, 'potential' overshadowing by trees.

The statement will consider and discuss these issues in the following order:

- Proposal
- Site Description
- Site History
- Principle of Development
- Potential Impact on Listed Building
- Potential Overshadowing
- Other Material Considerations
- Conclusion

Proposal

This application, in principle, proposes the erection of a detached dwellinghouse within the garden ground of the property at 4A Victoria Street. The site of the proposed dwellinghouse is 0.13ha, with the existing dwellinghouse retaining garden ground of 0.25ha. The site is proposed to be accessed at its south east limit joining the existing driveway to 4A Victoria Street. This is accessed from a shared entrance (with Tighnamuirn) on Victoria Street.

It is proposed that all detailed requirements necessary to achieve a high quality development, addressing the

site layout, design, boundary treatment and landscape strategy will be submitted in a statement for a subsequent approval as part of a reserved matters application. However, the accompanying plans and illustrations submitted at this stage is considered to be sufficient to demonstrate that the site has the capacity for erection of a dwellinghouse and that development on this site would be consistent with the nature of surrounding development and the prevailing urban form. The site can provide a generous private garden area and off street parking to meet the Council's criteria, does not have a detrimental impact on the setting of the adjacent listed building and would not be affected significantly by the adjacent trees in terms of loss of daylight/sunlight or overshadowing. As this is a proposal for planning permission in principle at this stage all illustrations and layout plans are notional.

Site Description

The site of the proposal forms part of the garden ground of a large modern detached 2- storey house located at 4A Victoria Street, Monifieth. This house received planning consent and was constructed in the late 1980s. The garden ground of the existing dwellinghouse at 4A Victoria Street is extensive, approximately 0.38ha, and is bounded with stone walls to the north west and south west and mature trees, hedging and shrubs on the north east and south east boundaries. The site of this current proposal forms the south east part (0.13ha) of the garden ground of the existing dwellinghouse. A substantial hedge forms the boundary between the site and Tighnamuirn and the driveway to Tighnamuirn passes between the hedge and its south east side elevation. The existing dwellinghouse at 4A has a driveway taken from the shared access to Tighnamuirn, taken from Victoria Street, and leading from it close to the public road entrance.

There are very minimal direct 'public' views into the site from Victoria Street only 'glimpses' through the thick foliage and trees. However, from a pedestrian viewpoint the height of the existing stone walls on both Victoria Street, Hay Street and the private access road to the adjacent Tighnamuirn, significantly inhibit even these glimpses.

The surrounding land use is residential, predominantly modern housing formed in several cul de sacs. The adjacent property to the north east, Tighnamuirn, has been in use as a residential care home since 1991. Victoria Street lies to the south west of the proposed site bounded by a high stone wall, trees and shrubs. The south east and north east limits of the site are bounded by the access driveway to Tighnamuirn, lined with trees and hedging. The north west boundary of the site is currently undefined and lies within the grassed garden ground of 4A Victoria Street.

Site History

An earlier application for the same description of development on the same site, 15/00596/PPPL was refused in December 2015 as detailed in Angus Council's Delegated Decision list, below. This proposal has progressed the earlier application to provide a rigorous response to the previous reasons for refusal.

The reasons for refusal are as follows:

- 1. That the application is contrary to Policy ER16 of the Angus Local Plan Review (2009) because the proposed development would have an adverse impact on the setting of Tighnamuirn, a Category B Listed Building.*
- 2. It has not been demonstrated that the proposal is capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from trees and thus contrary to policies S6, SC2 and SC14 of the Angus Local Plan Review 2009.*
- 3. The at the proposal is contrary to Policy S1 criterion (a) of the Angus Local Plan Review because it fails to be compatible with other policies of the local Plan, namely policies S6, SC2, SC14 and ER16.*

For this reason, the following statement aims to address and resolve the issues which led to the refusal of the earlier application by addressing the principle of the proposed development and the two detailed areas relating to:

- Impact on the adjacent Listed Building; and
- Residential amenity – specifically overshadowing by trees

Principle of Development

The site of the proposal lies within the Monifieth development boundary as identified in the Angus Local Plan Review 2009 and has no allocation or policy protection specific to the site. It is noted that the Proposed Angus Local Development Plan is a material consideration in the determination of planning applications, is currently at its Examination stage and limited weight can be given to its content at this time.

The key policy in determining the acceptability of this proposal, in principle, is Policy S1: Development Boundaries in the Angus Local Plan Review 2009. This policy states in part (a) that 'within development boundaries proposals for new development on site not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan. As such, it is considered that the principle of the development is acceptable in principle in this case. It is noted that this matter is not questioned in the Report of Handling for the previous planning application.

The policies highlighted as relevant in the earlier Report of Handling, and supporting the reason for refusal were:

- Policy S6: Development Principles, addressing amenity considerations, roads and parking, landscaping, open space and biodiversity, drainage and flood risk and supporting information
- Policy SC2: Small Sites, ensuring a satisfactory residential environment in terms of compatibility with established and proposed surrounding land uses, plot sizes, provision of garden ground and maintenance of residential amenity and privacy of adjoining housing
- Policy SC14: Villa Property, addressing development proposals for new residential development in the garden ground of stone-built villa properties
- Policy ER16: Development Affecting the Setting of a Listed Building, ensuring that proposals do not adversely affect the setting of a listed building and including that 'new development should avoid building in front of important elevations, felling mature trees and breaching boundary walls'
- Policy ER22: Public Drainage Systems and Policy ER24: Surface Water Disposal addressing appropriate detailed drainage arrangements.

The following part of this Statement demonstrates that the requirements of these policies can be met, enabling compliance with policy S1, the key guiding policy.

Potential Impact on Setting of Listed Building

It is recognised that the Council, in considering its decision on planning applications in the context of Listed buildings is required to have special regard to the desirability of preserving the building, or its setting or any

features of special interest that it possesses. Historic Environment Scotland Guidance on Managing Change in the Historic Environment (Historic Scotland 2010) with regard to ‘Setting’ states that:

‘Where development is proposed it is important to:

- *Identify the historic assets that might be affected;*
- *Define the setting of each historic asset; and*
- *Assess how any new development would impact upon this.’*

This statement will now provide an assessment of the proposed development in regards to each part of this document.

“Identify the historic assets that might be affected”

Tighnamuirn, a Category B Listed building lies to the north east of this application site. A substantial hedge forms the boundary between the site and Tighnamuirn and the driveway to Tighnamuirn passes between the hedge and its south east side elevation.

Tighnamuirn is now a business property providing residential care accommodation. The original house was substantially extended in 2007, with a two storey garden wing, and with a further laundry addition in 2013. The villa therefore is approximately doubled in size in terms of its footprint within its site. Tighnamuirn is a large U plan red ashlar late 19th century villa which the Historic Environment Scotland description indicates *‘owes something to American and Scots Jacobean influences’*. It is noted for its *‘boldly curved ogee-roofed turrets, continuous cill course and coved eaves cornice’*.

There are other Listed Buildings located in the surrounding area but it is not considered that this proposal has any impact on them and as it was not raised as an issue in the assessment of the earlier application 15/00596/PPL, they are not considered here as assets that might be affected.

“ Define the setting of each historic asset”

Historic Scotland Guidance (Setting) 2010 indicates that *‘Setting is considered to be the way in which the surroundings of a historic asset or a place contribute to how it is experienced, understood and appreciated.’*

The Guidance goes on to express that the relationship between an historic asset and its surroundings *‘will often have changed through the life of a historic asset or place’*

The setting of a historic asset is considered, in the Guidance, to include a range of factors including:

- *‘Current landscape or townscape context*
- *Visual envelope, incorporating views to, form and across the historic asset or place*
- *Key vistas, framed by rows of trees, buildings or natural features that give an asset of place a context, whether intentional or not*
- *The prominence of the historic asset or place in views through the surrounding area*
- *Character of the surrounding landscape*
- *General and specific views including foregrounds and backdrops*
- *Relationship between both built and natural features*
- *Aesthetic qualities*
- *Other non visual factors such as*’

These factors have all been addressed in the following consideration.

Maps have been provided to illustrate how the surroundings of Tighnamuirn have changed markedly over the period of time since it was built at the end of the 19th Century. At the start of the 20th Century the area to the north west of Hill Street was occupied by a few large houses, including Tighnamuirn, set in extensive grounds with significant areas of woodland and tree belts. At that time, Tighnamuirn sat in a more extensive open landscape setting, with developing woodland and younger trees, and lying beyond the limit of the denser built up area of Monifieth at that time.

The aerial view demonstrates that the area directly adjacent to the existing grounds of Tigh Na Muirn has been extensively infilled with modern housing and is now substantially more enclosed by modern development and mature planting:

- with Muirnwood Place to the east/south east (lying to the front of Tigh Na Muirn)
- Achmore Place and Adderley Crescent lying to the west/north west
- several new houses in the grounds of Ashlea Manor – a Listed building (to the south).
- the modern house at 4A Victoria Street is also modern development on adjacent ground; and
- as noted above Tigh na Muirn has itself has been extensively extended in recent years.

The visual envelope of Tighnamuirn can be considered as the extent of the area with potential views of all of part of its site. In terms of the growth of the town and infill development, Tighnamuirn can now be considered to be well contained within the urban form with views largely constrained by adjacent housing and mature groups of trees/woodland. The contemporary setting of Tighnamuirn is one where it is now viewed predominantly from a limited number of private spaces and is almost hidden from public view, except for very small, perhaps even slight distant glimpsed views from the public roads, but heavily filtered by trees and other planting (refer to photographs below). Distant views of the property, with the exception of the upper part of the building and roof scape (and containing the noted assets of the turrets, cill course and eaves cornice) are unlikely.

Tighnamuirn is no longer perceived as having a wider landscape setting and its features are now subsumed within the townscape. Its most publicly viewed features, contributing to the townscape are its stone boundary walls and entrance gateposts. Tighnamuirn is now experienced, to its greatest extent, by the residents of the care home and those living in the closest surrounding built up areas.

It is considered that the modern surrounding development, in terms of layout and design does not take any cognisance of the setting of Tighnamuirn or contribute to the sense of place or the experience of Tighnamuirn.

“ Assess how any new development would impact upon this”

In the Report of Handling of the earlier application 15/00596/PPPL it was considered that the *existing* house at 4A Victoria Street *‘would appear to have been sited in a manner which ensured the dwellinghouse did not encroach on the visual envelope of the south west elevation which retained views to and from the listed building’*. The Report stated that in terms of a further house, *‘the proposal would see the introduction of a dwellinghouse immediately adjacent to the south west elevation of the listed building which would have an enclosing effect on this important elevation. The existing view of the south west elevation would be obscured if a 1 ½ or 1 ¾ storey dwelling was constructed at the proposed location. The Report concluded that ‘While visual impacts are lessened by the presence of mature planting, they remain significant. Were the planting removed or thinned, the magnitude of the effect on the setting of the listed building would be greatly increased. In these circumstances it is clear that the development would adversely affect the setting of a listed building’*.

Historic Environment Scotland Guidance states that *‘an understanding of the impact of a proposed change on setting should not be confined to whether key views to and from the historic asset or place are interrupted, but should also assess whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset.’*

This statement promotes the stance that development of a dwellinghouse located in the garden ground of 4A can be achieved without any adverse impact on the Listed building. We have produced a ‘notional’ visualisation to illustrate this point and to show that a similar dwellinghouse (albeit of a smaller scale) could be developed on this site and would not dominate to alter the view of the listed building. It is clear from this siting that this kind of building could be provided and would not affect what the authority feel are the important parts of the listed building. More importantly, this view would only be visible from within our client’s site and not from any public view. As such, it is submitted that the proposed dwellinghouse would have no detrimental effect and would certainly not have an ‘enclosing’ effect on the Listed building.

It is not entirely clear what specific area of planting is the subject of the above reference made in the Report of Handling. However, the applicant does not propose to remove any planting within their ownership or control. In any case, it is considered that the trees within the applicant’s control and which are not the subject of a TPO (the conifers to the south east of the site) do not make any particularly valued contribution to

the wider wooded nature of the area (protected by the TPO) or to the setting of the Listed building. The applicant clearly has no control over trees on the adjacent site, which is protected by the TPO.

Summary

In summary, the following points are made in support of the proposal in terms of its potential impact on the heritage asset Tighnamuirn:

- The proposed dwellinghouse is not considered to be ‘immediately adjacent’ to the south west elevation of Tighnamuirn, given that it is separated by a driveway, hedge and area of garden ground
- The submitted visualisation of a similar style, one and a half storey dwelling (for illustration purposes only) located on the site demonstrates that a house can reasonably be located within the site in a way which does not ‘obscure’ the south east elevation
- The proposed dwellinghouse would not have an ‘enclosing effect’ on the south west elevation of Tighnamuirn. In any case, the features highlighted by the previous Report of Handling in relation to the listing of the overall building focus on its upper part and roofscape, which is the part of the building currently remaining visible in the infrequent public view
- The modern development which has taken place in this area of Monifieth has reduced the prominence of Tighnamuirn in views in the surrounding area and fundamentally changed the character of the area
- There are no trees within the control of the applicant, and not otherwise protected by a TPO, which make any particularly valuable contribution to the setting of Tighnamuirn or the overall character of the area.
- The impact of the proposed change on the setting of Tighnamuirn needs to be considered in terms of understanding that the key views of the building are now from private spaces
- The proposal would not be dominant in terms of the many other changes which have taken place to the setting of the house and would not detract in any way from the ability to understand and appreciate the historic asset
- The proposal accords with policies ER16 and ER22 of the Angus Local Plan Review 2009.

Potential Overshadowing

The previous application was considered in terms of Policy SC2 in the Angus Local Plan Review which requires acceptable residential environment within small housing proposals. The Report of Handling concluded that the dwellinghouse and garden would be overshadowed for significant periods of the day during the autumn and winter months and that the level of overshadowing and proximity to trees would put pressure for their

removal and that this would exacerbate impacts on the listed building at Tighnamuirn, concluding that *'the application site is not considered capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from adjacent trees.'*

The Report makes reference to the adjacent trees being the subject of a Tree Preservation Order and that *'given the height of the trees it is considered that the dwellinghouse and garden would be overshadowed for significant periods of the day during these periods of the year. Whilst it can be pleasant to live in a woodland environment, experience suggests that in circumstances where there is this level of overshadowing and this proximity to sizeable trees, there can be pressure for the removal of trees to reduce restrictions to daylight/sunlight and to alleviate potential safety concerns. Removal of the trees would exacerbate impacts on the setting of the listed building...'*

Sun path illustrations have been submitted as part of this application to illustrate overshadowing at different points of the year; June, October, December and March. The mid-summer illustration clearly indicates that a house located within the site is not overshadowed by the adjacent trees, either those within the site or across the access drive within the area protected by the Tree Preservation Order, and outwith the control of the applicant. Any overshadowing is early morning created by the house itself. Similarly, the mid-Autumn (October) and mid-Spring time (March) models also clearly illustrate that the site is not overshadowed by any of the trees.

The mid-Winter (December) illustration does show less sun falling onto the house, although no less that that is already experienced by the adjacent property at 4A. This situation is common with the vast majority of properties at this time of year throughout Scotland and would not be uncommon. It is generally accepted that in Scotland in periods of shortest day length and lowest sun angle the reduction in sunlight is considerable. However, this is mitigated when considering the annual sunlight hours which can be achieved by the property, taking into account the sunlight achieved during the majority of the year. Overall, in annual terms, it is not considered that the proposed house was experience an unacceptable level of residential amenity in terms of lack of sunlight.

It is considered that detailed layout and orientation and innovative design solutions can also be employed and optimized to further mitigate sunlight impacts in winter maximising available sunlight and ensuring sufficient daylight in rooms. These would be pursued in a detailed submission.

It cannot be considered that the trees/woodland area to the south east of the site, and outwith the control of the applicant, (along with some trees within the control of the applicant but at the southern tip of the site believed to be protected by the TPO) would be threatened in the future by this proposal. It is the adjacent conifers which cause winter overshadowing of the site. These trees maintain the privacy of the application site and the applicant has no plans for their removal. However, notwithstanding the applicant's intention to retain these trees, it is not considered that they make any valuable contribution to the setting of Tighnamuirn, particularly given the contribution the 'TPO' trees/woodland makes to the character of the area in general.

In summary, it is submitted that overshadowing of the house is not to the extent that would lead to an unacceptable residential environment and it would be entirely unreasonable for the Local Authority to refuse the application based on the evidence now provided. Further, trees in the proximity of the site are not threatened by this proposal in any way which would create any significant adverse impact on the setting of Tighnamuirn.

Conclusion

It is considered that this proposal for the erection of a dwelling house on this site meets with the terms of Angus Council's Local Plan Review 2009 and its policies in terms of addressing the requirements to achieve planning permission in principle. It is submitted that the two issues leading to the refusal of the previous application 15/00596/PPL, impact on Tighnamuirn and residential amenity in terms of overshadowing, have been sufficiently addressed to enable a positive outcome.

The applicant would be more than happy to discuss the proposal with the case officer should they have any concerns with the application or require any further information. We would ask that the Planning Officer's thoughts are conveyed to ourselves as Agents prior to any decision being made on the proposal.



AC21

Arthur Stone Planning
& Architectural Design

Project	Proposed Residential Building, Victoria Street, Monifieth		
Title	View towards Tigh Na Muir from Victoria Street		
Drawn	Date	Scale	Rev.
DC	Feb 16	NA	025_003

Please note that the proposed is indicative only and to be used for scale with relation to the line of sight and not as a declaration of final design.



AC21

Project	Proposed Residential Building, Victoria Street, Monistrel		
Title	North/East facing view towards Tigh No Muir from driveway		
Drawn	Date	Scale	Rev.
DC	Feb 16	NA	025-005

**Arthur Stone Planning
& Architectural Design**

Please note that the proposed is indicative only and to be used for scale with relation to the line of sight and not as a declaration of final design.



1100hrs



1000hrs



0900hrs



0800hrs



0700hrs



1500hrs



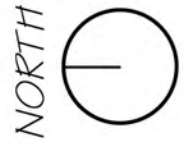
1400hrs



1300hrs



1200hrs



Summer Solstice 20 June 2016
 56°28'57.9"N 2°49'14.3"W

Arthur Stone Planning
 & Architectural Design

Project	Proposed Residential Building, Victoria Street, Monifieth		
Title	Shadow Study of Existing Vegetation		
Drawn	Date	Scale	Rev
DC	Feb 16	NA	025_001



1300hrs



1200hrs



1100hrs



1000hrs



0900hrs



1500hrs



1400hrs



Winter Solstice 21 December 2016
 36°28'57.9"N 2°49'14.9"W

Arthur Stone Planning
 & Architectural Design

Project	Proposed Residential Building, Victoria Street, Monifieth		
Title	Shadow Study of Existing Vegetation		
Drawn	DC	Scale	NA
Date	Feb 16	Sheet	025_002
Rev		Drawing No	025_002



OCTOBER

Note: Proposed trees are indicative only and may be subject to change

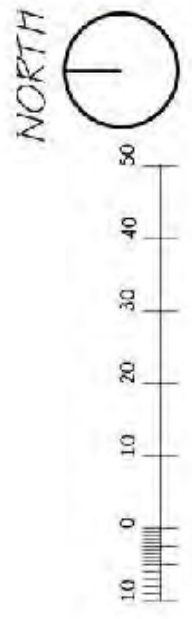
36°28'57.9"N 2°49'14.3"W



MARCH

Arthur Stone Planning & Architectural Design

Project	Proposed Residential Building, Victoria Street, Monistrol			
Title	Shadow Study of Existing Vegetation			
Drawn	Date	Scale	Drawing No	Rev
DC	May 16	NA	025-007	



DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**ERECTION OF A DWELLINGHOUSE (RE-APPLICATION) AT 4A
VICTORIA STREET, MONIFIETH**

APPLICATION NO 16/00553/PPPL

APPLICANT'S SUBMISSION

- ITEM 1** Notice of Review
- ITEM 2** Appeal Statement
- ITEM 3** Photographs

- 6 DEC 2016

NOTICE OF REVIEW

PLANNING & PLACE
COUNTY BUILDINGS

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	MW	Ref No.	
Forename	Jim	Forename	Sam
Surname	Simpson	Surname	Stone
Company Name		Company Name	Arthur Stone Planning
Building No./Name	4a	Building No./Name	Jamesfield Business Centre
Address Line 1	Victoria St	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Monifieth	Town/City	Abernethy
Postcode		Postcode	KY14 6EW
Telephone		Telephone	01738 850873
Mobile		Mobile	
Fax		Fax	
Email	as pev agent	Email	info@arthurstoneplanning.co.uk
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	16/00553/PPPL		
Site address	Land adjacent to 4a Victoria St, Monifieth		
Description of proposed development	Erection of single dwelling (PPP)		<div style="border: 2px solid red; padding: 5px; text-align: center;"> <p>SCANNED</p> <p>- 6 DEC 2016</p> </div>

Date of application

Date of decision (if any)

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?

SCANNED No
 Yes
- 6 DEC 2016

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

only so as to gain access into the site

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.

Please see attached statement.

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.

SCANNED
- 6 DEC 2016

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

Statement

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:

[Redacted Signature]

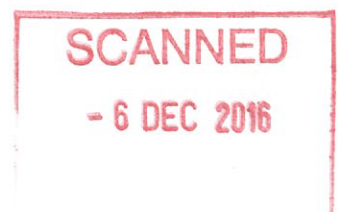
Name:

SAW STONE

Date:

30/11/16

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.





Local Review Body Statement

**Erection of Single Dwellinghouse
(in Principle)**

4A Victoria Street, Monifieth.

16/00553/PPPL



Summary

The purpose of this statement is to provide a reasoned justification in support of the approval of the application for planning permission in principle for a single dwellinghouse at land adjacent to 4A Victoria Street, Monifieth (16/00553/PPPL).

In support of this application the applicant would like to make the following points:

- The site is located within a predominantly residential area with no allocation or policy protection specific to the site
- The plot is of a size that can easily accommodate a single house plot, providing generous private garden area and off street parking to meet the Council's criteria
- The division of the garden ground would still enable both plots to retain a significant area of land; far greater than any of those adjacent to the site
- Land surrounding the listed building has been extensively infilled with modern housing and is now substantially enclosed by modern development
- The listed building is viewed predominantly from a limited number of private spaces and is almost hidden from public view
- The visualisations produced illustrate that a building could be developed on the site that would not affect any glimpsed public views of the listed building or the setting of the listed building
- The visualisations clearly illustrate that a new building could be designed on the site that would not act as a visual barrier to the listed building
- Various detailed shadow models and analysis diagrams were produced for the site in relation to the notional location of a new dwelling on the site
- The analysis concludes that a new building would not be significantly overshadowed in mid-summer, mid-autumn or mid-spring by the existing trees on the site but would be more significantly affected in mid-winter
- The survey analysis models were based on worst case scenarios in relation to the heights, foliage and positioning of the trees within the property and out with the site
- There are undoubtedly numerous new and existing residential developments in Angus where the garden spaces are bounded by trees and foliage
- No adverse comments were raised by the Roads Department in respect of the proposal
- No objections were raised to the proposal by neighbouring properties
- It is considered that the proposal complies with the relevant Local Plan policies and should therefore be approved

Background

This application 16/00553/PPPL was refused consent for planning permission in principle for a single dwellinghouse for the following reasons:

1. That the application is contrary to policies DS1, TC2 and PV8 and the Development Strategy of the Angus Local Development Plan (2016) because the proposed development would have an adverse impact on the setting of TighnaMuirn, a Category B Listed Building.

2. That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposal is capable of providing an acceptable level of residential amenity for occupants of the proposed dwellinghouse by virtue of overshadowing from trees.

A similar application was submitted for a dwellinghouse in 2015 under planning reference number 15/00596/PPPL and refused for similar reasons. The client resubmitted the application under planning reference 16/00553/PPPL with additional information.

For the purposes of this current application, the applicant provided a detailed supporting statement to accompany the proposal; notional visualisations of a new dwellinghouse to illustrate the potential limited impact on the listed building to the rear of the site; and, detailed shadow analysis models to illustrate that the site would not be significantly overshadowed by the existing trees bounding the eastern elevation of the garden at any time of the year.

Given the reasons for refusal provided, this statement intends to discuss the following points:

- Impact of proposal on Listed Building
- Residential amenity implications in respect of existing trees on site

Impact of Proposal on Listed Building

The Council advise that they have concerns that the proposal will have a detrimental impact on the setting of the building Tighnamuirn, which is a Category B Listed building that lies to the north east of this application site. Tighnamuirn is now a business property providing residential care accommodation and has been altered and extended significantly over the last decade or so. A substantial hedge forms the boundary between the application site and Tighnamuirn and the driveway to Tighnamuirn passes between the hedge and its south east side elevation.

The supporting statement provides aerial views demonstrating the areas directly adjacent to the existing grounds of Tighnamuirn have been extensively infilled with modern housing and is now substantially more enclosed by modern development and mature planting. Tighnamuirn can now be considered to be well contained within the urban form with views largely constrained by adjacent housing and mature groups of trees/woodland. The division of this plot would still enable both plots to retain a significant area of land; far greater than any of those adjacent to the site, and would not create a feeling of overdevelopment.


The contemporary setting of Tighnamuirn is one where it is now viewed predominantly from a limited number of private spaces and is almost hidden from public view, except for very minimal, slight glimpsed views from the public roads, but heavily filtered by trees and other planting. Victoria Street lies to the south west of the proposed site bounded by a high stone wall, trees and shrubs. There are very minimal direct 'public' views into the site from Victoria Street only 'glimpses' through the thick foliage and trees. However, from a pedestrian viewpoint the height of the existing stone walls on both Victoria Street, Hay Street and the private access road to the adjacent Tighnamuirn, significantly inhibit even these glimpses as illustrated by the supporting statement accompanying the application.

Given the above, it is considered that Tighnamuirn is now experienced, to its greatest extent, by the residents of the care home and those living in the closest surrounding built up areas. It is considered that the modern surrounding development, in terms of layout and design does not take any cognisance of the setting of Tighnamuirn or contribute to the sense of place or the experience of Tighnamuirn.

As part of the accompanying statement, a notional visualisation was produced to illustrate that a similar building although on a smaller scale could be developed on this site and would not dominate to alter the view of the listed building. It should be emphasised that this is a notional plan only to illustrate a building's potential impact and not the desired design. In addition, it is likely that the client would wish for a new house on the site to be single storey, which would reduce any impact a new building would have even further.




Please note that the proposed is indicative only and to be used for scale with relation to the line of sight and not as a declaration of final design.

 <p>Arthur Stone Planning & Architectural Design</p>		Project		Proposed Residential Building, 4 Victoria Street, Monifieth	
		Title		View towards Tigh Na Muir from Victoria Street	
Drawn	Date	Scale	Drawing No	REV	
DC	Feb 16	NA	025_003		



Please note that the proposed is indicative only and to be used for scale with relation to the line of sight and not as a declaration of final design.

 <p>Arthur Stone Planning & Architectural Design</p>		Project		<i>Proposed Residential Building, 4 Victoria Street, Monifieth</i>	
		Title		<i>North/East facing view towards Tigh Na Muim from driveway</i>	
Drawn	Date	Scale	Drawing No	Rev	
DC	Feb 16	NA	025_005		

We consider that it is clear from this visual that a building on a scale of this level could be developed on the site and would not affect what the authority feel are the important parts of the listed building. More importantly, this view would for the most part be visible from within our client's site and not significantly from any public view. As such, it is submitted that the proposed dwellinghouse would have no detrimental effect and would certainly not have an enclosing effect or obscure the southern elevations of the Listed building.

The sketch drawings submitted as part of the supplementary statement accompanying the planning application are included for information purposes in the following pages.

Impact of Existing Trees on Residential Amenity

The Council has raised concerns that the proposed development could not provide a satisfactory residential environment for a single dwellinghouse due to existing trees located on the southern and eastern boundaries of the site. As a result of previous concerns raised by the Council in this regard, the applicant commissioned various shadow analysis surveys for this current application, which illustrated that a proposed new building would not be significantly overshadowed in mid-summer, mid-autumn and mid-spring but would be more significantly affected in mid-winter.

The Council Planning Officer criticised the assessment due to the lack of a tree survey having been initiated in respect of the shadow analysis. However, as noted on the supplementary information provided, the analysis used a worst-case scenario based on the heights and positioning of the trees within the property.

It is perhaps important to point out the Council's Landscape Officer uses google images as a basis to raise concerns regarding overshadowing on the site rather than the specific analysis and shadow modelling produced by the applicant. It is also important to point out that there are an enormous number of properties in the Angus Region which are bounded or even surrounded by trees. Not all sites are completely open and the trees act as a natural screen to new development, which is largely considered to be a positive consideration. The applicant is happy to accept a condition being attached to a consent to protect the trees within the application site from being topped, lopped or removed in any way without prior consent being obtained from the Council.

The sketch drawings submitted as part of the supplementary statement accompanying the planning application are included for information purposes in the following pages.

Summary

Our client asks respectfully that members note the afore mentioned positive attributes of the proposed development and the site and consider whether the prime objectives of the Local plan, to encourage appropriate development, would be satisfied through the approval of this application.



0700hrs



0800hrs



0900hrs



1000hrs



1100hrs



1200hrs



1300hrs




1400hrs



1500hrs



Summer Solstice 20 June 2016
56°28'57.9"N 2°49'14.3"W

 Arthur Stone Planning & Architectural Design	Project		Proposed Residential Building, 4 Victoria Street, Monifieth	
	Title		Shadow Study of Existing Vegetation	
Drawn	Date	Scale	Drawing No	REV
DC	Feb 16	NA	025_001	



0900hrs



1000hrs



1100hrs



1200hrs



1300hrs



1400hrs



1500hrs

NORTH



Winter Solstice 21 December 2016
56°28'57.9"N 2°49'14.3"W



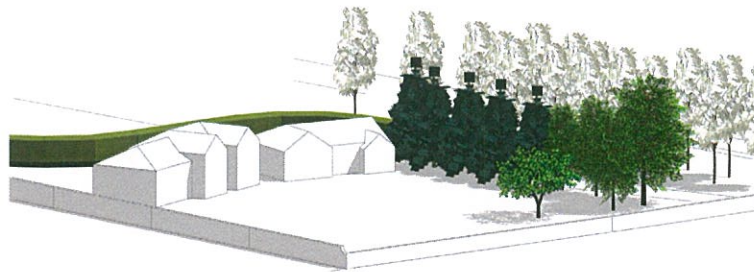
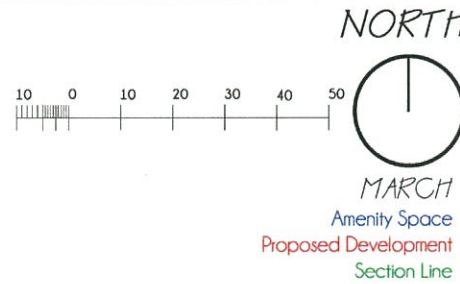
Arthur Stone Planning
& Architectural Design

Project		Proposed Residential Building, 4 Victoria Street, Monifieth		
Title		Shadow Study of Existing Vegetation		
Drawn	Date	Scale	Drawing No	REV
DC	Feb 16	NA	025_002	

Note: The document The Planning System: General Principles, published in conjunction with Planning Policy Statement 1: Delivering Sustainable Development, explains: 'The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. A right to light is generally 'acquired' when light has been enjoyed through a defined aperture of a building for an uninterrupted period of 20 years. Rights to light in principle are civil matters between neighbours and are independent of the planning system.

Analysis has been undertaken to assess the cumulative effect of the existing property 4a, surrounding vegetation and proposed development against the amenity space currently enjoyed (as shown in the 3D model and diagrams above).

The analysis used an 'worst case scenario' based on the heights of the trees at the winter and summer solstices and an average loss incurred by shading at mean times throughout the year. The analysis does not take into consideration the loss of leaves or the effect of the horizon and surrounding buildings which has an impact during the winter months. It has been assessed that there is minimal loss to the current external amenity space enjoyed by 4a (or external fenestration) incurred by the introduction of a small dwelling at the orientation shown. The proposed has been located on the site in an area not used by the owner and at an angle that both complements the current dwelling and to minimise the obstruction of early morning light that is not already obstructed by the coniferous border around the east boundary of the plot.



 Arthur Stone Planning & Architectural Design	Project <i>Proposed Residential Building, 4 Victoria Street, Monifieth</i>				
	Title <i>Shadow Study of Existing Vegetation</i>				
Drawn <i>DC</i>	Date <i>May16</i>	Scale <i>NA</i>	Drawing No <i>025_007</i>	REV	



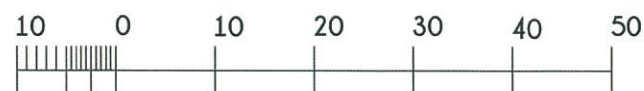
MARCH



OCTOBER

Note: Proposed layout is indicative only and may be subject to change

56°28'57.9"N 2°49'14.3"W



NORTH



Arthur Stone Planning
& Architectural Design

Project	Proposed Residential Building, 4 Victoria Street, Monifieth			
Title	Shadow Study of Existing Vegetation			
Drawn	Date	Scale	Drawing No	REV
DC	May16	NA	025_007	

The photographs below illustrate a recent development of 6 houses approved by Angus Council in the grounds of the Old Seview Nursery, Monifieth, which is a listed building. The site lies almost directly opposite an application for new residential properties that was granted planning permission in principle approximately 2 years ago. These photographs specifically show the site of the 2 houses to be built at the south east corner of the development. These are going to be two storey houses and will totally obscure the view of the listed building from the main thoroughfare, ie the T junction where Victoria Street meets Hill Street. This provides a precedent for approving developments adjacent to listed buildings.



This photograph shows the site of the most easterly house on this development and highlights that it is only 10 metres from the eastern wall of the listed building on which there are seven windows, ground and first floor.



The photographs below shows the overshadowing of the site to the west of the Development discussed in the previous photographs where 2 of the houses are to be built. The photographs were taken at approximately mid day on 6th November and clearly illustrate that there is an overshadowing issue in this case that was not raised as an issue by the Planners. It also emphasises the proximity of the site to the listed building, which was similarly not raised as an issue in this case.



The following photographs relate to the Miller Homes Development at Old Ashludie Hospital, which is a listed building. The photographs below illustrate specifically the 'Show House' at the entrance to the site. The photographs were taken on 6th November at 12.42 when the sun is at its height, and most of the leaves were off the trees. Again, this is another recent development where overshadowing by trees is clearly and visibly an issue and was not raised as a matter of concern by the Planners.



The photograph below illustrates the proximity of some of the new houses to the front of the listed building, Ashludie house.

