

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 29 AUGUST 2017

28 CAIRNIE ROAD, ARBROATH

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the Planning Authority in respect of the refusal of planning permission in principle for erection of dwellinghouse, application No 17/00089/PPPL, at 28 Cairnie Road, Arbroath.

1. RECOMMENDATIONS

It is recommended that the Committee:-

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

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

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

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

3. CURRENT POSITION

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

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

In accordance with Standing Order 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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List of Appendices:

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

APPENDIX 1

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 17/00089/PPPL

APPLICANT- MR OMER TAS

PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION
OF A DWELLINGHOUSE AT 28 CAIRNIE ROAD ARBROATH DD11 3DY

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Angus Council

Application Number:	17/00089/PPPL
Description of Development:	Planning Permission in Principle for Erection of a Dwellinghouse
Site Address:	28 Cairnie Road Arbroath DD11 3DY
Grid Ref:	363182 : 741598
Applicant Name:	Mr Omer Tas

Report of Handling

Site Description

The application site is a backland plot located in the garden area of 28 Cairnie Road, a residential dwellinghouse in the north of Arbroath. The site measures 835sqm, excluding proposed access track. The site takes access from the north through an existing access to 28 Cairnie Road via a slip-road south from Cairnie Road. The site is bound by 28 Cairnie Road to the north, a boundary wall, garage and hedge to the east, a hedge to the south and a hedge and mature vegetation to the west. Beyond the boundaries the site is surrounded by residential properties to the east and west, 28 Cairnie Road to the north and school playing fields to the south.

Proposal

The application proposes the erection of a detached dwellinghouse. Access to the site would be taken from the existing access to 28 Cairnie Road. An existing garage building would be demolished to provide access along the east boundary of the site. An indicative layout has been provided showing a dwellinghouse located in the centre of the site, with the remainder of the site forming garden ground and access.

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 24 March 2017 for the following reasons:

- Contrary to Development Plan

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

Planning History

None.

Applicant's Case

A Design Statement was submitted providing considerations on the impact of the development on the amenity of surrounding properties, access arrangements, indicative house design, indicative window/door configurations and distances, Angus Local Development Plan Policy considerations and Planning Advice Note considerations.

Consultations

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

Angus Council - Roads - Offered no objection to the proposal.

Scottish Water - Offered no objection to the proposal, however, does not confirm that the proposed development can be serviced.

Representations

There were no letters of representation.

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 PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

Angus Council Advice Note 6: Backland Housing Development does not form part of the development plan but is a consideration in assessing the application.

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.

The application site relates to residential garden ground within Arbroath Development Boundary that is not specifically allocated for another use. Policy DS1 indicates that all proposals will be expected to support delivery of the development strategy and indicates that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies of the plan. I will return to this policy having considered other relevant policy tests.

Policies TC2 and DS3 require housing proposals to be consistent with the character and pattern of development in the surrounding area. Advice Note 6 'Backland Housing Development' indicates that *for some time it has been established practice to treat planning applications for residential development on backland sites as generally being undesirable, primarily in the interests of protecting amenity and maintaining the standards of privacy enjoyed by adjoining residents. By the very nature of backland sites, development thereon tends to result in a reduction of the space standards and/or privacy enjoyed by existing residents, increasing housing density and thereby altering the character of the area.*

The south side of Cairnie Road between Lochlands Drive and Lochlands Park is primarily characterised by detached or semi-detached houses set within reasonably spacious plots. There are no examples of backland housing development on the south side of Cairnie Road between Lochlands Drive and Lochlands Park and the areas to the south of the houses on Cairnie Road act as their private amenity ground. The proposed house would sit within the private amenity space to the rear of 28 Cairnie Road, increasing the housing density and would introduce a form of development into that area which is not currently found and

is not a characteristic. The proposed house would significantly reduce the level of private amenity space of 28 Cairnie Road and would result in a situation where the windows and remaining rear garden area of it would look directly into the windows and garden of the proposed house and vice versa. This would not represent a satisfactory residential environment for the existing or proposed house. Advice Note 6 indicates clearly that this is an undesirable form of development because of impacts on amenity and the character of the area and the proposed house represents a situation which the advice note is trying to avoid. The proposal would not be consistent with the character or pattern of development on the south side of this part of Cairnie Road and as such is contrary to policies TC2 and DS3 as well as Advice Note 6.

I have concluded that the proposal is contrary to policies TC2 and DS3 above. For completeness, I will address the remaining policy tests below. The proposed land use would be compatible with those in the surrounding area; the proposal would not result in unacceptable impact on the built and natural environment, access or infrastructure and does not trigger the requirement for affordable housing. The proposal would meet these tests of TC2. The detailed design of the proposed house would be a matter for a subsequent detailed application were the house otherwise acceptable.

Policy DS4 deals with amenity and indicates that regard will be had to opportunities for maintaining and improving environmental quality. I have already identified issues around the proximity of the proposed house to the rear of 28 Cairnie Road and its rear garden and the potential for the existing and proposed house to result in a poor residential environment for both houses. The amenity of 28 Cairnie Road would also be eroded by the proposed access to the new plot which would run along the east side of the property close to windows. The proposal raises no issues against the remaining aspects of Policy DS4 that could not be addressed in a detailed application. Refuse collection, storage and recycling could be provided. Road safety would not be an issue and the Roads Service has offered no objection to the proposal.

Policy PV15 relates to drainage infrastructure. The applicant has indicated that the proposal would connect to the public water supply and public drainage system but would not make provisions for SUDS arrangements at the site. Use of the public sewer for foul drainage is acceptable and Scottish Water has offered no objection. The use of SUDS could be secured by planning condition.

The proposal represents a form of development which would be alien to the frontage pattern of development on the south side of Cairnie Road where backland housing is not a characteristic feature. While the proposal complies with some aspects of the local development plan, it is contrary to policies DS3 and TC2. In failing to comply with policies DS3 and TC2, the proposal is also contrary to Policy DS1 and is of a scale and nature which would not be appropriate due to the pattern of development of the surrounding area. The proposal is contrary to the development plan and there are no material considerations which would justify approval of planning permission.

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, DS3 and TC2 of the Angus Local Development Plan (2016) because the proposed development would be inconsistent with the character and pattern of development of the area and would result in an unsatisfactory residential environment for the existing and proposed house.

Notes:

Case Officer: Fraser MacKenzie

Date: 28 April 2017

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 PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

THE STRATEGY

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
?	++	+	+/?	?	+	?	?	+/?	?

Accessibility

A key element in the creation of sustainable communities is how well new development is integrated with the existing form of development and transport networks. The ALDP Development Strategy supports development within the Towns and Rural Service Centres and allocates land for new development in locations that are well related to the existing form and pattern of development and therefore the existing transport network.

THE STRATEGY

In some areas the transport network will require improvement to roads infrastructure, public transport and path networks to support and enable future development. Where appropriate, site allocation policies and development briefs will specify where infrastructure requirements or improvements are known. The exact nature of improvements will be negotiated at the time of application.

National and regional planning policies seek to promote sustainable transport and active travel, giving priority to walking and cycling for local journeys and to public transport in preference to travel by car. The publication of the Scottish Government policy document “Designing Streets” signals the government’s resolve to move away from a standards based approach to street design and to put place and people before the movement of motor vehicles. The ALDP takes account of “Designing Streets” and supports development which is accessible by a choice of transport modes including walking, cycling and public transport.

Development proposals should seek to maintain and improve linkages between residential, employment, recreation and other facilities to help support an integrated sustainable transport network and opportunities for active travel.

Path networks including Core Paths and Rights of Way also form an important recreational resource enabling outdoor access around settlements and to the countryside. Policy PV3 Access and Informal Recreation seeks to protect and enhance public access and paths in this context. They are also important elements of green infrastructure providing linkages to the wider green network. The ALDP seeks to protect and enhance the role of path networks in this respect under Policies PV1 Green Networks and Green Infrastructure and PV2 Open Space Protection and Provision within settlements.

Appendix 2 gives guidance as to when a Transport Assessment may be required. Angus Council agreed to adopt the National Roads Development Circular as the new roads standard document for use on all new development in Angus in August 2014. The new national document was produced as a collaborative project undertaken by Scotland’s local authorities through the Society of Chief Officers of Transportation in Scotland (SCOTS) and embraces current Scottish Government Policy documents, in particular “Designing Streets”.

Policy DS2 Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

THE STRATEGY

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.

THE STRATEGY

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 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

Developer Contributions

New development has an important role in funding measures to mitigate any adverse impacts in a way that is consistent with the delivery of wider planning and environmental objectives. Circular 3/2012 sets out that planning obligations can be used to overcome obstacles to the grant of planning permission. This means that development can be permitted and potentially negative impacts on land use, the environment and infrastructure can be reduced, eliminated or compensated for.

Planning obligations will only be sought where they meet the tests set out in Circular 3/2012, including: necessity, planning purpose, being related to the proposed development, scale and kind and reasonableness. It is recognised that developers and landowners would like certainty about the likely scale and nature of developer contributions that will be sought by the Council. The site allocations made in the ALDP identify contributions where they are currently known, but it is important to recognise that additional contributions may be required and in all cases the scale and nature of contributions will be negotiated and agreed as part of the planning application process. In such negotiations, the details of a contribution will be based on the most up to date information at the time in respect of

THE POLICY FRAMEWORK – PART 1

THRIVING & CONNECTED

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.*

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

Policy PV14 Water Quality

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;
- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported. Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

Policy PV14 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	0	0	0

Policy PV15 Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

**Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)*

Angus Council



ADVICE NOTE 6

**BACKLAND
HOUSING
DEVELOPMENT**

*For further information and advice contact:
Planning & Transport
Angus Council,
St. James House,
St. James Road,
FORFAR. DD8 2ZP
Telephone (01307) 461460*

June 2000

*Director of Planning & Transport
Angus Council,
St. James House,
St. James Road,
FORFAR.*

INTRODUCTION

For some time it has been established practice to treat planning applications for residential development on backland sites as generally being undesirable, primarily in the interests of protecting amenity and maintaining the standards of privacy enjoyed by adjoining residents. By the very nature of backland sites, development thereon tends to result in a reduction of the space standards and/or privacy enjoyed by existing residents, increasing housing density and thereby altering the character of the area. Nevertheless, opportunities do exist in areas of low or medium density housing, where backland development could be accommodated without undue visual intrusion and where residential standards of space and privacy could be maintained at an acceptable level.

While the principle of protecting the amenity of existing residents remains a prime concern, it is now considered that a policy which permits a greater degree of flexibility can justifiably be pursued. Such a policy would help to maximise the development potential which exists within settlements and reduce development pressure on greenfield sites. By operating within defined criteria these benefits can be realised without imposing unreasonably on the space standards and privacy of existing residents.

COUNCIL POLICY

Planning applications for the development of single (exceptionally two) houses on a backland site will normally be approved where they meet the following criteria. For the purposes of development control a backland site will be defined broadly as “a small area of land to the rear of existing buildings which at no point, except for land reserved for the purposes of an access, adjoins a public road”. Normally a backland site will be located within the curtilage of an existing house and will therefore be confined in area by the limits of the curtilage but, irrespective of the area of the site, the principles of control in respect of protecting the privacy and space standards of existing residents remain the same.

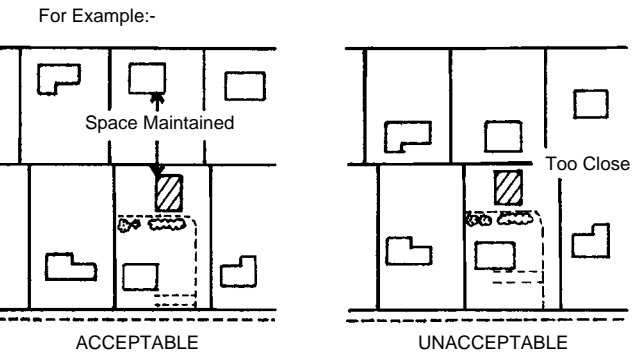
THE PRINCIPLE OF CONTROL

In the majority of backland development situations, adjacent properties will have enjoyed an open aspect knowing that, as a normal highway access would be impossible or unlikely, the aspect will remain more or less intact. In these circumstances, the erection of a house or houses in the previously open garden area can be particularly disconcerting. Accordingly it is right and proper that these residents are allowed to enjoy at least the normal privacy and openness associated with a traditional estate development and arguably the standard should be slightly higher. Criteria 1 to 4 are designed to achieve this.

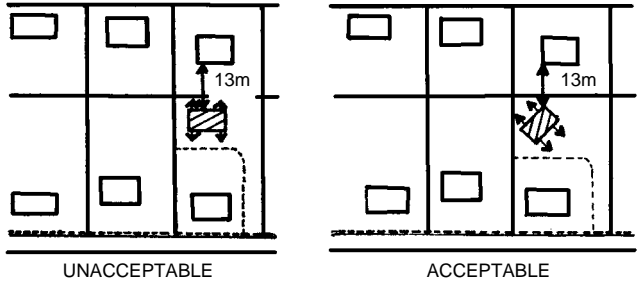
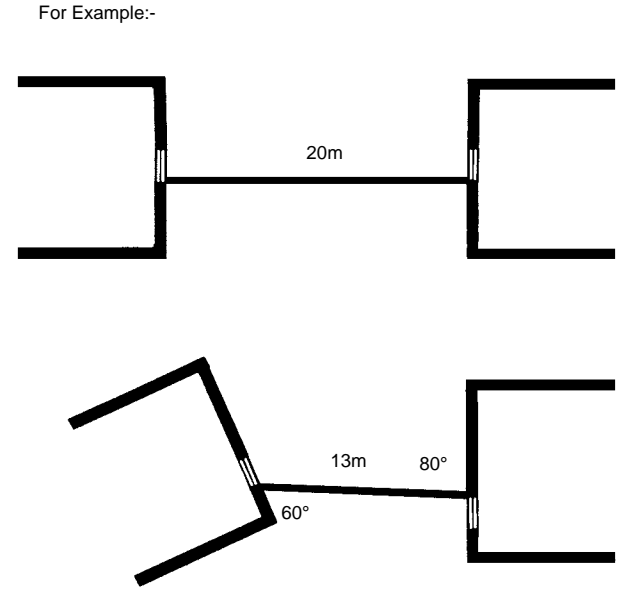
CRITERIA TO BE MET

1. To attract a planning approval, a backland plot will normally require a minimum area of 400 square metres excluding any access strip. In certain exceptional circumstances, this may be relaxed, e.g., where all surrounding gardens are particularly extensive, although this exemption is only rarely likely to be applicable. If the site lies within an existing house curtilage, the original house must also retain at least 400 square metres.

2. Development on backland sites should be sited in such a way as to minimise the loss of privacy, outlook and space for adjoining residents. A reasonable degree of space must be maintained around and between the new house and those existing.



3. Windows of habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of approximately 20 metres between the windows of both dwellings. Where the respective buildings are inclined at an angle to one another, the distance required between windows will be less.



4. Dwellings of more than one and a half storeys will not normally be permitted on backland sites unless it can be demonstrated by the applicant or his/her agent, that such development can be accommodated with the minimum loss of privacy to adjoining resident. Often consent will be limited to single storey bungalows.

5. A suitably safe access must be provided to the satisfaction of both the roads and planning authorities.

6. Any proposal and ultimately the detailed design must be sympathetic to the character of the area, for example, the pattern of a linear village with only frontage development should be respected. In designated Conservation Areas a high level of sensitivity in design and use of materials will be required.

7. The proposal must not jeopardise the overall planning of an area when better solutions can reasonably be anticipated in the foreseeable future, for example, where there is a local plan proposal for the area.

8. The granting of planning consent to develop a backland site will not be regarded as setting a precedent for subsequent similar applications within the same locality.

DEVELOPMENT CONTROL PRACTICE

As standard practice, the Council will require that outline planning applications for backland development should contain details relating to the siting, aspect and height of the proposed dwelling(s) as well as indicating where an access will be formed.

Development of backland sites can normally only be regarded as detrimental to existing adjacent householders and where genuine and reasonable objections are received from this source, they will be regarded as a major input into the planning application consideration.

1st March 2017

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



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: DD11 Arbroath Cairnie Road 28

PLANNING REF: 17/00089/PPPL

OUR REF: 740573

PROPOSAL: Planning Permission in Principle for Erection of a Dwellinghouse | 28 Cairnie Road
Arbroath DD11 3DY

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

- There is currently sufficient capacity in the Lintrathen Water Treatment Works to service your development.
- There is currently sufficient capacity in the Hatton Waste Water Treatment works to service your development.
- According to our records there is no public Scottish Water infrastructure within the boundary of these proposed works
- Please note, I must advise that if you wish to make a future connection to the existing Scottish Water infrastructure we will require way leave and written permission from the land owner as this may cross third party land

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

National One-Call

Tel: 0844 800 9957

Email: swplans@national-one-call.co.uk

www.national-one-call.co.uk/swplans

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website using the following link.
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the

following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Lisa Lennox

Development Operations Administrator

Lisa.Lennox@scottishwater.co.uk

From:GwynneAG
Sent:18 Apr 2017 14:22:10 +0100
To:MacKenzieF;BarnesA
Subject:RE: application 17/00089/PPPL

Fraser

I do not believe I received the tick sheet for this application. As there is no new access and the submitted drawing No PPP-01 states that there will be three spaces for the proposed three bedroom bungalow, we would have no objections

Regards

Adrian

From: MacKenzieF
Sent: 18 April 2017 12:11
To: GwynneAG; BarnesA
Subject: application 17/00089/PPPL

Afternoon Adrian and Andy,

17/00089/PPPL

Planning Permission in Principle for Erection of a Dwellinghouse

28 Cairnie Road, Arbroath

Did you guys send a consultation response for this one? I can't find any response in our records. They indicate the consultation was sent by processing on 06 February.

Please give me a call if there are any issues or to discuss further.

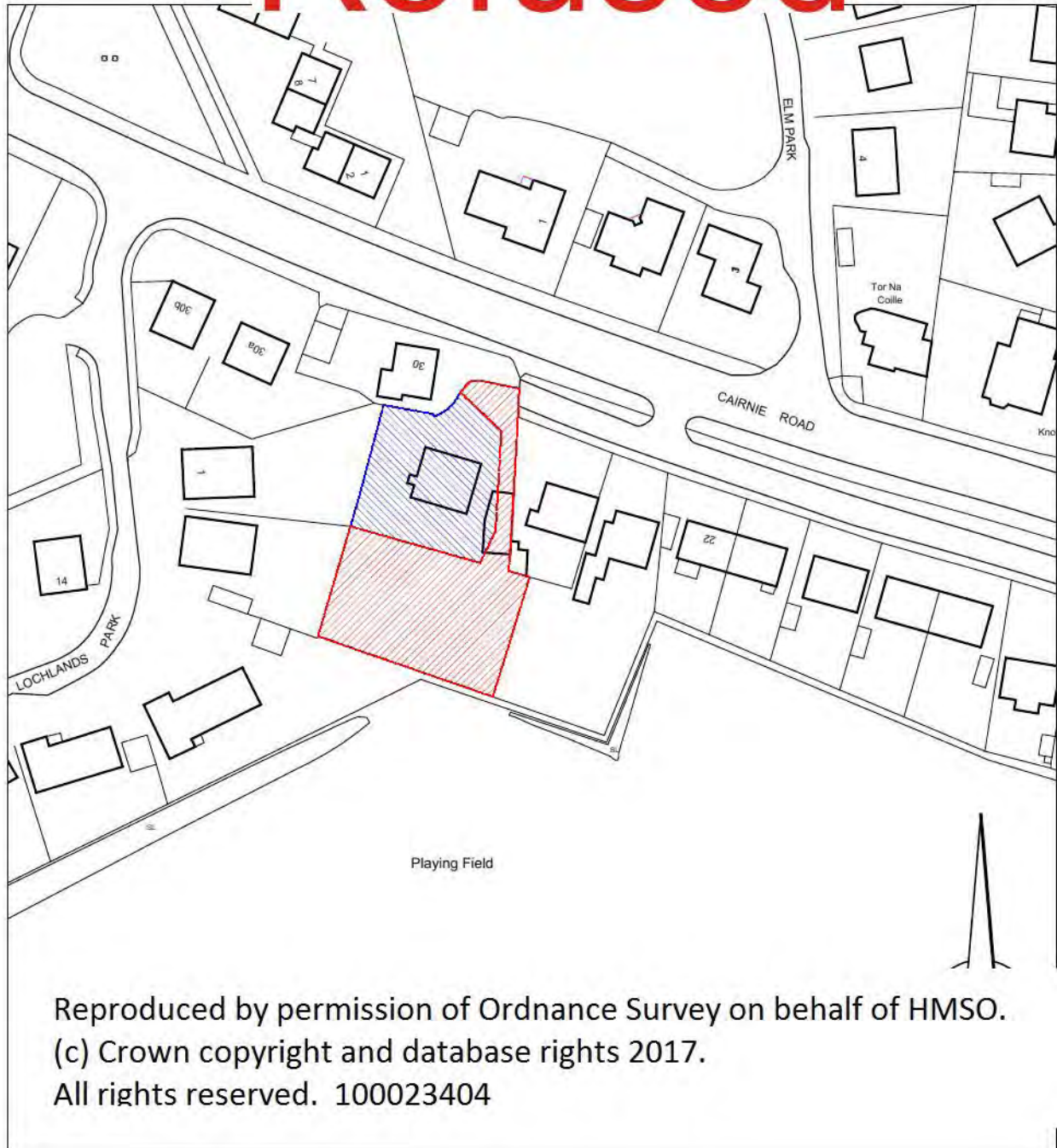
Kind Regards,

Fraser

**Fraser MacKenzie : Planning Officer (Development Standards) : Angus Council : Communities
Directorate : Planning & Place : County Buildings : Market Street : Forfar : DD8 3LG : Telephone 01307
473351 : Direct Dial 3351**

Kirkton Enterprise Centre Sir William Smith Road Kirkton Industrial Estate Arbroath DD11 3RD Tel: 01247 435236 www.building-design-services.com building design services	project Proposed New Dwelling at 28 Cairnie Road Arbroath DD11 3DY	client Mr & Mrs Tas	drawing Location Plan
scale 1:1250	date January 2017	drg no. EX-02	rev. -

Refused



location plan @ 1:1250





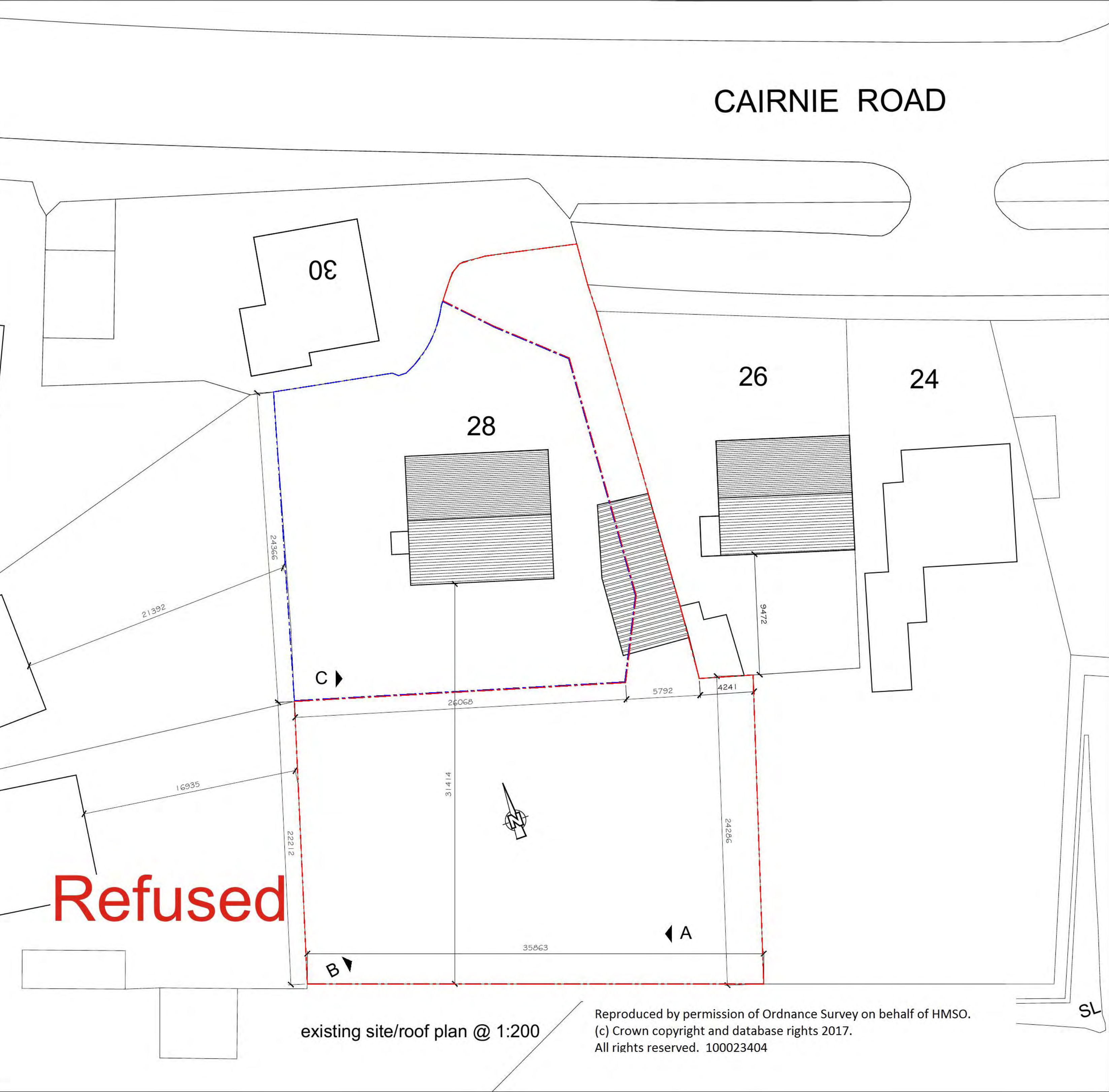
PHOTO A



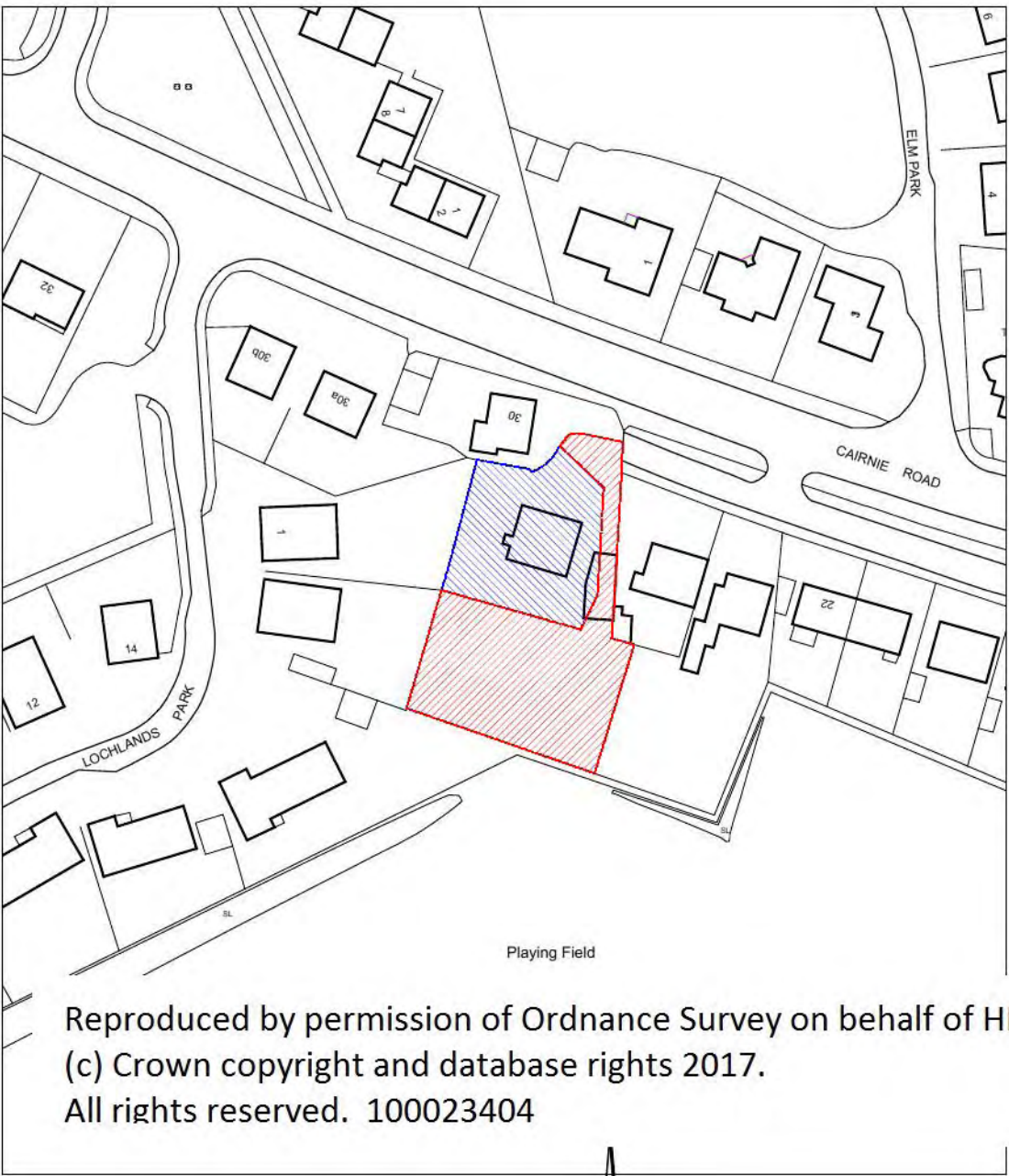
PHOTO B



PHOTO C



Refused



location plan @ 1:1250

Rev	Date	Description	client	drawing
			Mr & Mrs Tas	Existing Plans & Elevations
			date	drg no.
			January 2017	EX-01

building design services	project Proposed New Dwelling at 28 Cairnie Road Arbroath DD11 3DY scale 1:200	client Mr & Mrs Tas date January 2017	drawing Existing Plans & Elevations drg no. EX-01 rev. -
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Refused

30

843m²

28

26

835m²

Refused

proposed site plan @ 1:200

Kirkton Enterprise Centre
59 William Smith Road
Kirkton Industrial Estate
Aberdeen
DD1 1 3RD
Tel: 01241 435236
www.building-design-services.com



building design services

Rev	Date	Description
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drawing Proposed Site Plan	
drg no. PPP-01	rev. -

































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 : 17/00089/PPPL

To **Mr Omer Tas**
c/o Gianni Giacomini
Building Design Services
Kirkton Enterprise Centre
Sir William Smith Road
Kirkton Industrial Estate
Arbroath
DD11 3RD

With reference to your application dated 6 February 2017 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 28 Cairnie Road Arbroath DD11 3DY for Mr Omer Tas

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, DS3 and TC2 of the Angus Local Development Plan (2016) because the proposed development would be inconsistent with the character and pattern of development of the area and would result in an unsatisfactory residential environment for the existing and proposed house.

Amendments:

The application has not been subject of variation.

Dated this **12 May 2017**

Kate Cowey
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

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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	<input type="checkbox"/>	Agent	<input type="checkbox"/>	Third Party objector who made a representation	<input type="checkbox"/>
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Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Our reference: GG/28CR/DS/01

28th January 2017

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

Dear Sir/Madam

Proposed New Dwelling at 28 Cairnie Road, Arbroath. DD11 3DY
DESIGN STATEMENT
ONLINE PLANNING REF: 100038540-001

We are writing in support of the above Planning Permission in Principle Application to erect a new dwelling house within the garden grounds of No. 28 Cairnie Road.

The existing site has an area of 1678m², which is a very large plot for an urban dwelling. The existing house is a 3 bedroom storey and a half dwelling with ample front garden with parking area and a huge rear garden. There is a long driveway from the entrance to the property which runs from the entrance of the property up the east side of the house to a flat roof garage which sits on the Eastern boundary. Access to the property is from the west end of the quiet slip road off Cairnie Road.

We are proposing to erect a modest 3 bed bungalow in the rear garden and split the plot forming a north plot and a south plot. The north plot shall be the existing dwelling at No. 28 which shall have an access driveway running down the eastern boundary to give access to the new plot. The existing vehicular access will be maintained and no alterations to public roads required. The new plot shall have a hard landscaped private driveway outwith the shared access strip, and provide parking for a minimum of 3 cars. No. 28 and 28A shall be separated by an 1800mm high timber boundary fence.

No. 28 will have a Plot Area of 843m², of which some will include the right of access strip to Plot 28A. The existing front amenity and parking area will be retained which will allow cars to enter and turn exactly as before so there shall be no detrimental effect on the accessibility to the existing house. The existing garden will be reduced to the rear but will still provide a very usable rear and side amenity space of 322m². Far more amenity space than many plots in the area and equivalent to the newer development in the adjacent Lochlands Park. The 2 existing openings in the south facing wall of the existing house are 2 sets of French doors; one from the kitchen and one from the dining room. These are over 16m away from the line of the new dwelling so comply with the standards set out in Advice Note 14 for Small Housing Sites. The overall amenity space and privacy for the existing house should not be impaired as the existing amenity is so overly generous for a house of that size, and the new dwelling is a bungalow with no overlooking issues.

The new house to Plot 28A shall be a modest 3 bedroom bungalow, formed in timber frame construction with finishes to match existing house: rendered blockwork, tiled roof, upvc windows and doors etc. Access provided to the house via the new driveway through No. 28 which will have a shared right of access for both properties. The house shall be located nearer the eastern side of the site to give a south-westerly garden to take advantage of the afternoon and evening sunshine. The house shall still be an ample 7m away from the eastern boundary and there shall be no windows to the eastern elevation so there will be no overlooking issues to the garden of No. 24. There is a blockwork boundary wall around the boundary of the plot and there is also a well maintained 2m high boundary hedge which provides tremendous privacy. The south side of the site boundaries the high school playing fields so there are no overview issues to this side. The west side has an 1800mm high boundary wall with a 2m high hedge internally and we are 30m away from the neighbouring houses in Lochlands Park. The distance between the new house and the existing house shall be 16-17m and the house is set at a slight angle so we believe conforms to policy guidance in Advice Note 6 – Backland Housing Development. There are no

windows of habitable rooms looking directly into neighbouring habitable rooms and the 1800mm high boundary fence shall provide suitable privacy screening.

In summary, we believe the proposed development shall provide an excellent opportunity for the Client to be able to provide his family with a new dwelling, creating two good sized plots with ample amenity and access space due to the very large size of the existing plot. We have taken careful consideration of Planning Policies, in particular Advice Notes 6 & 14, and we believe we are fully compliant with your guidance. We strongly believe this is a perfect situation for a backland housing development. We are submitting an outline planning application due to your response in the PRE-APP enquiry but should this application be successful we shall be submitting a much more detailed planning application giving you exact sizes and details of finishes etc. We trust the enclosed information helps with your decision process and look forward to receiving your comments in due course.

Yours faithfully

Gianni Giacomini
Building Design Services

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A
DWELLINGHOUSE AT 28 CAIRNIE ROAD, ARBROATH**

APPLICATION NO 17/00089/PPPL

APPLICANT'S SUBMISSION

ITEM 1	Notice of Review
ITEM 2	Statement of Appeal
ITEM 3	Existing Site Plan
ITEM 4	Proposed Site Plan
ITEM 5	Location Plan
ITEM 6	Design Statement
ITEM 7	Advice Note 6 – Backland Housing Development



The Scottish Government Directorate for Planning and Environmental Appeals

Directorate for Planning and Environmental Appeals

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100038540-002

The online reference is the unique reference for your online form only. The Directorate for Planning and Environmental Appeals will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Directorate for Planning and Environmental Appeals about this appeal.

Appellant or Agent Details

Are you an appellant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this appeal)

☐ Appellant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Building Design Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gianni	Building Name:	Kirkton Enterprise Centre
Last Name: *	Giacomini	Building Number:	
Telephone Number: *	01241435236	Address 1 (Street): *	Sir William Smith Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Arbroath
Fax Number:		Country: *	Scotland
		Postcode: *	DD11 3RD
Email Address: *	gianni@building-design-services.com		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Appellant Details

Please enter Appellant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Omar"/>	Building Number: <input type="text" value="28"/>
Last Name: *	<input type="text" value="Tas"/>	Address 1 (Street): * <input type="text" value="Cairnie Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Arbroath"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotlnd"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="DD11 3DY"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="28 CAIRNIE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ARBROATH"/>
Post Code:	<input type="text" value="DD11 3DY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="741606"/>	Easting	<input type="text" value="363184"/>
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Description of Proposal

Please provide a description of your proposal. The description should be the same as given in the application form, or as amended (with the agreement of the planning authority): *
(Max 500 characters)

Planning Permission in Principle for erection of dwelling house

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for Planning Permission (including householder application – excluding application to work minerals).
- ☐ Application for Certificate of Lawfulness.
- ☐ Application for Listed Building Consent.
- ☐ Application for Conservation Area Consent.
- ☐ Application for Advertisement Consent.
- ☐ Application for Prior Approval.
- ☐ Application for Tree Works Consent.
- ☐ Application for Certificate of Appropriate Alternative Development.
- ☐ Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? *

- ☐ Application for Planning Permission.
- ☒ Application for Planning Permission in principle.
- ☐ A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- ☐ Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision – deemed refusal (NB: This does not apply to Prior Approvals).

Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider required to be taken into account in determining your appeal: * (Max 500 characters)

Note: you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

See attached appeal statement

Have you raised any matters which were not before the planning authority at the time the decision You are appealing against was made? *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Please explain why any matter which was not before the planning authority at the time the decision was made had not been raised at that time and why you consider it should now be taken into account: * (Max 500 characters)

we have raised matters regarding surround neighbouring plot areas which was indicated in the original planning permission as it wasn't deemed relevant at the time. Since we read the planning department's reason for refusal it seems very pertinent now

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal, ensuring that all documents are clearly numbered: * (Max 500 characters)
Existing site plan, proposed site plan, design statement, appeal statement, location plan, advice Note No. 6

Are you providing a separate statement of your Grounds of Appeal? * ☒ Yes ☐ No

If Yes then please be prepared to upload this when you reach the end of the form.

Application Details

Please provide details of the application and decision.

What is the application reference number? * 17/00089/PPPL

What date was the application submitted to the planning authority? * 03/02/2017

What date was the decision or certificate issued by the planning authority? * 12/05/2017

Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other parties without any further procedures? *

☒ Yes ☐ No

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be clearly seen from a road or public land? * ☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or Site? ☐ Yes ☒ No

Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid. The Directorate for Planning and Environmental Appeals cannot start processing your appeal until it is valid.

Are you submitting a supplementary statement with your grounds of appeal? *

☒ Yes ☐ No

If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. *

☐ Submitted ☒ Not Applicable

Copy of Plans/Drawing *

☒ Yes ☐ No

Copy of planning authority decision notice (if no decision then this is deemed as a refusal). *

☒ Yes ☐ No ☐ No decision

A copy of original application form and if applicable include certificates relating to land ownership. *

☒ Yes ☐ No

Other documents, materials and evidence which you intend to rely on. *

☒ Yes ☐ No

The Report of Handling prepared by the planning authority in respect of your application, where one exists. *

☒ Yes ☐ No

Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name: Mr Gianni Giacomini

Declaration Date: 16/06/2017

Our reference: GG/28CR/AS/01

08th June 2017

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

Dear Sir/Madam

Proposed New Dwelling at 28 Cairnie Road, Arbroath. DD11 3DY
APPEAL STATEMENT
PLANNING REF: 17/00089/PPPL

We are writing to appeal the decision to refuse the above planning application on 28.04.17.

It seems to us that the major deciding factor in this application is that the “development would be inconsistent with the character and pattern of development of the area”. Obviously by its very nature Backland Housing sites will always be contrary to the pattern of development in the area, as they are indeed backland housing sites. If the policy was to outlaw backland housing sites altogether then we would have accepted the decision, or indeed never have submitted the application in the first place. There has been many backland housing sites approved in the Arbroath area over the last ten years let alone the whole of Angus.

We do have to question the decision though, when we are in full compliance with Angus Council's Advice Note. 6; or someone within Angus Council Planning Department needs to take a look at advice note 6 and either amend it or remove it altogether. The criteria to be met are:-

1. *Both the new dwelling and the original dwelling must maintain a minimum area of 400m² - our dwellings both are over 800m² so we are more than double the minimum.*
2. *Development on backland sites should be sited in such a way as to minimise the loss of privacy, outlook and space for adjoining residents. A reasonable degree of space must be maintained around and between the new – Our dwellings are 17m apart at the shortest point and there is no neighbouring dwelling to south side which you could possibly argue would lose privacy if there were dwellings to the rear. Our proposed development is far superior with regards to privacy and outlook for adjoining residents, as there is no adjoining residents to the rear. If you look at the diagram which is stated as “acceptable” in advice note 6, how could you possibly argue that our development is worse than that? The only dwelling that possibly loses space or privacy would be No. 28 who is making the application.*
3. *Windows of habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of approximately 20 metres between the windows of both dwellings. Where the respective buildings are inclined at an angle to one another, the distance required between windows will be less. – The windows in habitable rooms of our proposed new dwelling shall be positioned so as not to be directly viewed from the existing habitable rooms of existing dwellings. The neighbours at Lochlands Park are over 30m away and are set lower than the proposed new dwelling and there is a 2m high boundary wall and hedge which would prevent any overlooking whatsoever. The neighbour at No. 26 has no habitable room windows that could possibly view into the new dwelling and would be over 20m away, at an angle and behind a 2m high boundary wall. The south facing windows to No.28 are from the kitchen and dining room and are 17m away from the new dwelling, set at an angle, have no habitable rooms directly looking into them and shall be separated by an 1800mm high boundary fence. But these dimensions are for neighbouring houses not the applicants house, although we comply on all fronts anyway.*

Let us not forget this is a “planning permission in principle” not a full application. We can have further design solutions which may improve privacy, and window to window distances even further when we submit a full application.

The proposed new dwelling has more floor space, more amenity space, more privacy than many of the new housing developments being approved this year all around Angus. There new developments on large scale housing sites which have half the site area, much closer together to their neighbours, much more overlooking and a lot less access space and parking. This is not a dwelling that is being crammed in, both plots have a site area of 800m². To say it is contrary to the characteristics of the housing at the south side of Cairnie Road seems ludicrous. The existing plot of an area of over 1600m² is in the minority, only No. 28 and No. 24 have these huge sites. I have prepared a list of Plot sizes of all the neighbouring houses and you tell me how 2 plots of over 800m² can be *"increasing the housing density and would introduce a form of development into that area which is not currently found and is not a characteristic."*

Cairnie Road	Lochlands Park
No. 12 - 432m ²	No. 1 – 857m ²
No. 14 - 469m ²	No. 2 – 702m ²
No. 16 - 415m ²	
No. 18 - 421m ²	
No. 20 - 358m ²	
No. 22 - 367m ²	
No. 24 - 989m ²	
No. 26 - 455m ²	
No. 28 - 1679m ²	
No. 30 - 438m ²	
No. 30A - 621m ²	
No. 30B - 514m ²	

Now as you can see there is one Plot there that seems out of character with the area, and that is our plot No. 28. It is 4 times bigger than the majority of the other plots so this is why I think the statement in the Handling report is ludicrous. So for us to create 2 housing plots with an area of over 800m² each and for us to be told it would be *"increasing the housing density and would introduce a form of development into that area which is not currently found and is not a characteristic"*, it beggars belief.

I would also like to add that it looks like perhaps in years gone by, No. 30 was a large plot and then was split into 3 plots to form 30A and 30B. There is no records on the planning portal of this but certainly by the numbering it does look that way, and the 2 dwellings look like they were built at the tail end of the 20th century. So perhaps us splitting up a large plot in this area is not the first of its kind.

As for the comments regarding overlooking from neighbouring properties, that seems irrelevant. The garden ground proposed to form the new dwelling is overviewed currently by a neighbour if they were at a first floor window, which is standard in urban areas. If our new garden ground was overviewed it would be no different. By us forming a bungalow, we shall not be increasing overlooking that is for sure. The site is so well concealed by the existing wall and hedge, privacy will never be an issue within the new dwelling.

The Roads department have looked at this proposal and are happy with it. The access to the dwelling is from a current side road/slip road from the main Cairnie Street and is at the very end of the road so it is ideal and nobody else's access will be affected.

In summary we strongly disagree with the Planning Department's decision on this application for numerous reasons, and we believe this is an ideal situation for Backland Housing Development. If this is not approved then Angus Council should remove Advice Note 6 and replace it with a notice that Backland Development is outlawed in the area. Both myself and my Client took great heed of the advice and came to the conclusion that this application would be looked upon favourably. Through caution though, we decided to apply for a PPP application rather than a full application so we did not need to spend great lengths designing the house until we knew for certain how the application would be considered. There may be some issues that we could look to improve again regarding access and window placement etc but we stress this only an outline application and we hope to be given the opportunity to do this, should this appeal be successful.

We trust the enclosed information helps with your decision process and look forward to receiving your comments in due course.

Yours faithfully

Gianni Giacomini
Building Design Services



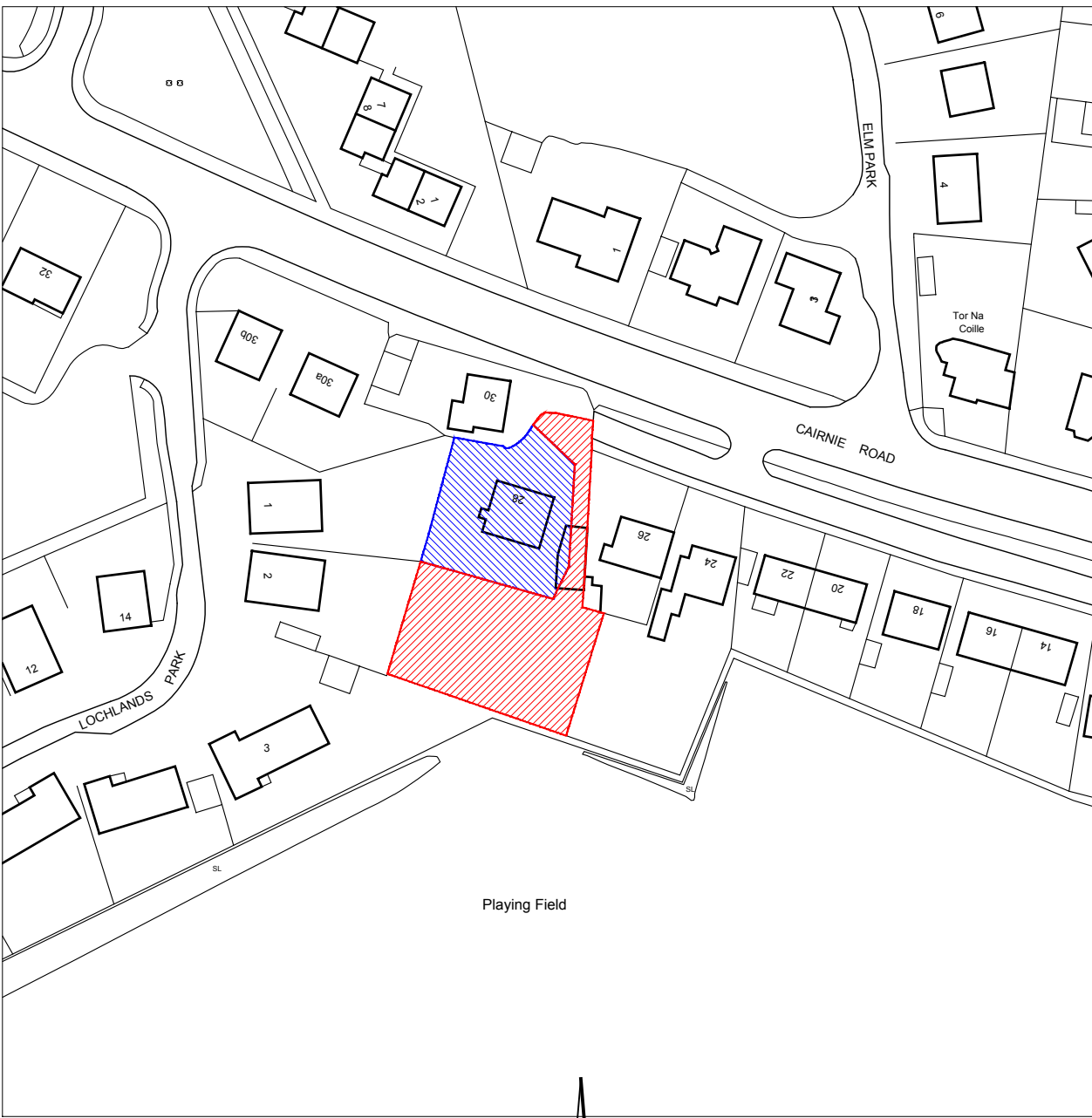
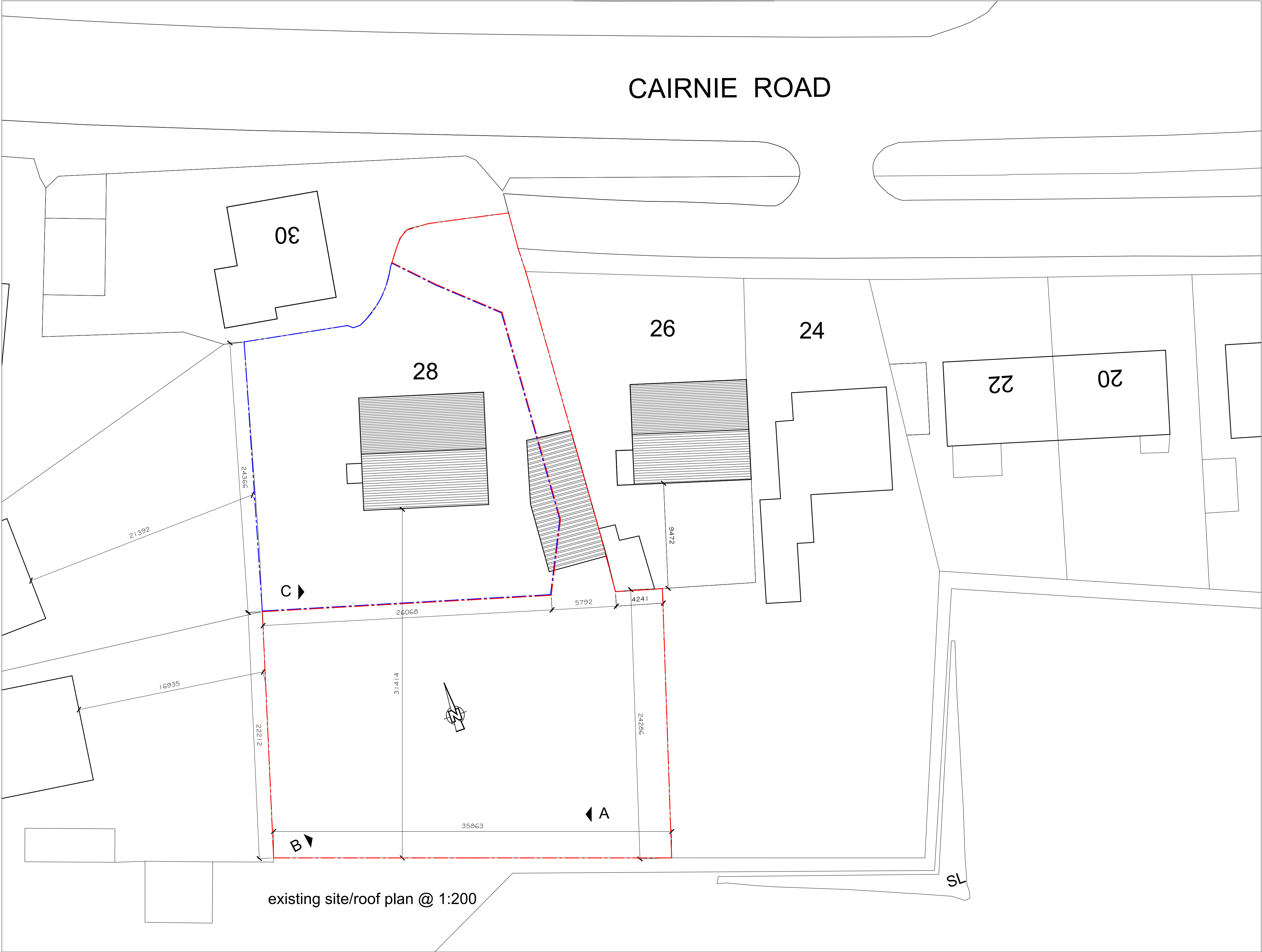
PHOTO A



PHOTO B



PHOTO C





Rev	Date	Description	client	drawing
			Mr & Mrs Tas	Existing Plans & Elevations
			date	drg no.
			January 2017	EX-01

building design services	project Proposed New Dwelling at 28 Cairnie Road Arbroath DD11 3DY	scale 1:200	rev. -
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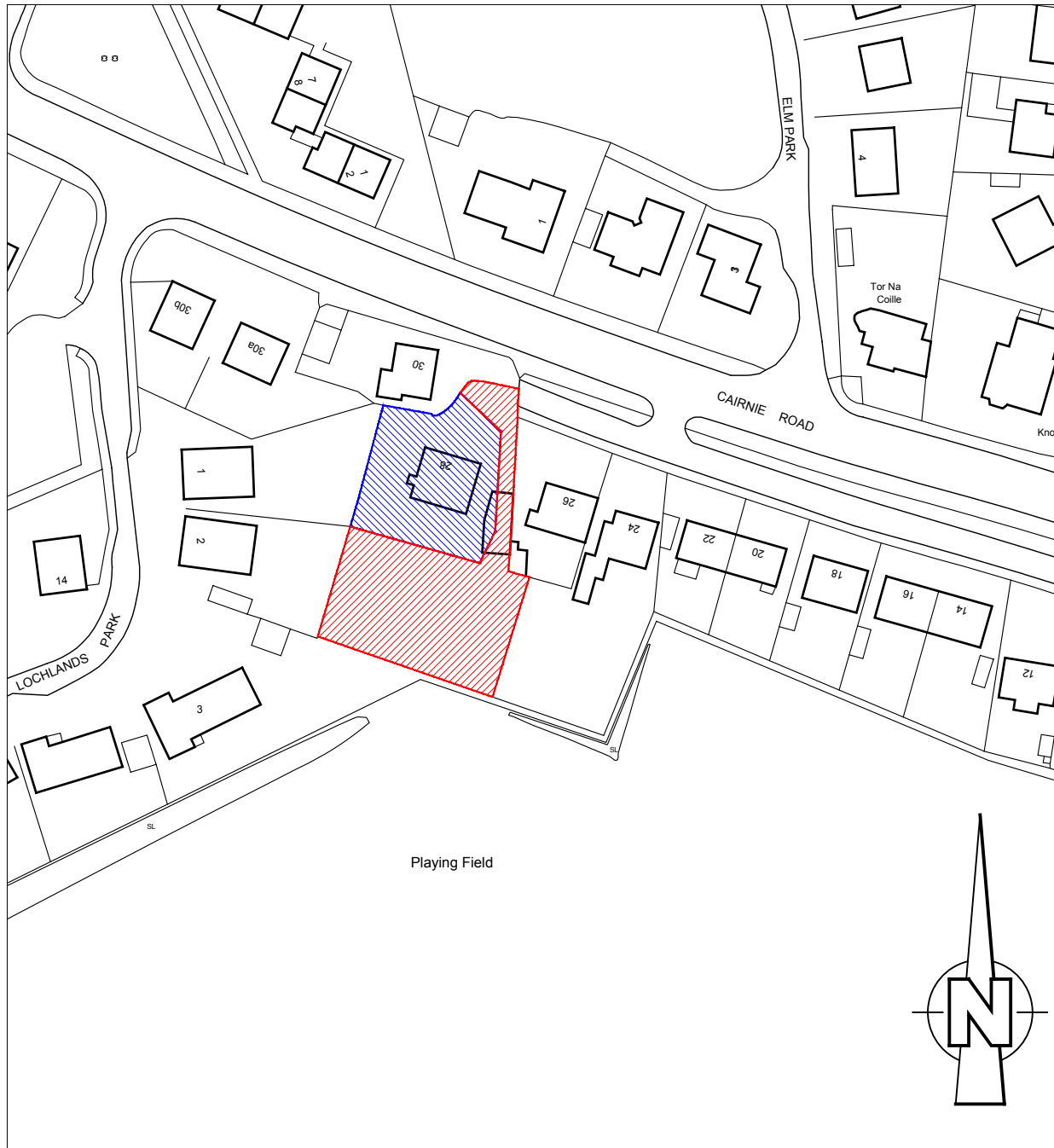
ITEM 4



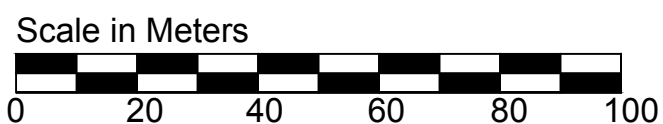
<p>Kirkton Enterprise Centre 5r William Smith Road Kirkton Industrial Estate Altrincham DD1 1 3RD Tel: 01241 435236 www.building-design-services.com</p>  <p>building design services</p>	<p>project Proposed New Dwelling at 28 Cairnie Road Arbroath DD11 3DY</p> <p>scale 1:200</p>	<p>client Mr & Mrs Tas</p> <p>date January 2017</p>	<p>drawing Proposed Site Plan</p> <p>drg no. rev. PPP-01 -</p>
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<p>Kirkton Enterprise Centre Sir William Smith Road Kirkton Industrial Estate Arbroath DD11 3RD Tel: 01241 435236 www.building-design-services.com</p>  <p>building design services</p>	<p>project Proposed New Dwelling at 28 Cairnie Road Arbroath DD11 3DY</p>	<p>client Mr & Mrs Tas</p>	<p>drawing Location Plan</p>
	<p>scale 1:1250</p>	<p>date January 2017</p>	<p>drg no. rev. EX-02 -</p>

Rev	Date	Description
-	--/--	---



location plan @ 1:1250



Our reference: GG/28CR/DS/01

28th January 2017

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

Dear Sir/Madam

Proposed New Dwelling at 28 Cairnie Road, Arbroath. DD11 3DY
DESIGN STATEMENT
ONLINE PLANNING REF: 100038540-001

We are writing in support of the above Planning Permission in Principle Application to erect a new dwelling house within the garden grounds of No. 28 Cairnie Road.

The existing site has an area of 1678m², which is a very large plot for an urban dwelling. The existing house is a 3 bedroom storey and a half dwelling with ample front garden with parking area and a huge rear garden. There is a long driveway from the entrance to the property which runs from the entrance of the property up the east side of the house to a flat roof garage which sits on the Eastern boundary. Access to the property is from the west end of the quiet slip road off Cairnie Road.

We are proposing to erect a modest 3 bed bungalow in the rear garden and split the plot forming a north plot and a south plot. The north plot shall be the existing dwelling at No. 28 which shall have an access driveway running down the eastern boundary to give access to the new plot. The existing vehicular access will be maintained and no alterations to public roads required. The new plot shall have a hard landscaped private driveway outwith the shared access strip, and provide parking for a minimum of 3 cars. No. 28 and 28A shall be separated by an 1800mm high timber boundary fence.

No. 28 will have a Plot Area of 843m², of which some will include the right of access strip to Plot 28A. The existing front amenity and parking area will be retained which will allow cars to enter and turn exactly as before so there shall be no detrimental effect on the accessibility to the existing house. The existing garden will be reduced to the rear but will still provide a very usable rear and side amenity space of 322m². Far more amenity space than many plots in the area and equivalent to the newer development in the adjacent Lochlands Park. The 2 existing openings in the south facing wall of the existing house are 2 sets of French doors; one from the kitchen and one from the dining room. These are over 16m away from the line of the new dwelling so comply with the standards set out in Advice Note 14 for Small Housing Sites. The overall amenity space and privacy for the existing house should not be impaired as the existing amenity is so overly generous for a house of that size, and the new dwelling is a bungalow with no overlooking issues.

The new house to Plot 28A shall be a modest 3 bedroom bungalow, formed in timber frame construction with finishes to match existing house: rendered blockwork, tiled roof, upvc windows and doors etc. Access provided to the house via the new driveway through No. 28 which will have a shared right of access for both properties. The house shall be located nearer the eastern side of the site to give a south-westerly garden to take advantage of the afternoon and evening sunshine. The house shall still be an ample 7m away from the eastern boundary and there shall be no windows to the eastern elevation so there will be no overlooking issues to the garden of No. 24. There is a blockwork boundary wall around the boundary of the plot and there is also a well maintained 2m high boundary hedge which provides tremendous privacy. The south side of the site boundaries the high school playing fields so there are no overview issues to this side. The west side has an 1800mm high boundary wall with a 2m high hedge internally and we are 30m away from the neighbouring houses in Lochlands Park. The distance between the new house and the existing house shall be 16-17m and the house is set at a slight angle so we believe conforms to policy guidance in Advice Note 6 – Backland Housing Development. There are no

windows of habitable rooms looking directly into neighbouring habitable rooms and the 1800mm high boundary fence shall provide suitable privacy screening.

In summary, we believe the proposed development shall provide an excellent opportunity for the Client to be able to provide his family with a new dwelling, creating two good sized plots with ample amenity and access space due to the very large size of the existing plot. We have taken careful consideration of Planning Policies, in particular Advice Notes 6 & 14, and we believe we are fully compliant with your guidance. We strongly believe this is a perfect situation for a backland housing development. We are submitting an outline planning application due to your response in the PRE-APP enquiry but should this application be successful we shall be submitting a much more detailed planning application giving you exact sizes and details of finishes etc. We trust the enclosed information helps with your decision process and look forward to receiving your comments in due course.

Yours faithfully

Gianni Giacomini
Building Design Services

Angus Council



ADVICE NOTE 6

**BACKLAND
HOUSING
DEVELOPMENT**

*For further information and advice contact:
Planning & Transport
Angus Council,
St. James House,
St. James Road,
FORFAR. DD8 2ZP
Telephone (01307) 461460*

June 2000

*Director of Planning & Transport
Angus Council,
St. James House,
St. James Road,
FORFAR.*

INTRODUCTION

For some time it has been established practice to treat planning applications for residential development on backland sites as generally being undesirable, primarily in the interests of protecting amenity and maintaining the standards of privacy enjoyed by adjoining residents. By the very nature of backland sites, development thereon tends to result in a reduction of the space standards and/or privacy enjoyed by existing residents, increasing housing density and thereby altering the character of the area. Nevertheless, opportunities do exist in areas of low or medium density housing, where backland development could be accommodated without undue visual intrusion and where residential standards of space and privacy could be maintained at an acceptable level.

While the principle of protecting the amenity of existing residents remains a prime concern, it is now considered that a policy which permits a greater degree of flexibility can justifiably be pursued. Such a policy would help to maximise the development potential which exists within settlements and reduce development pressure on greenfield sites. By operating within defined criteria these benefits can be realised without imposing unreasonably on the space standards and privacy of existing residents.

COUNCIL POLICY

Planning applications for the development of single (exceptionally two) houses on a backland site will normally be approved where they meet the following criteria. For the purposes of development control a backland site will be defined broadly as “a small area of land to the rear of existing buildings which at no point, except for land reserved for the purposes of an access, adjoins a public road”. Normally a backland site will be located within the curtilage of an existing house and will therefore be confined in area by the limits of the curtilage but, irrespective of the area of the site, the principles of control in respect of protecting the privacy and space standards of existing residents remain the same.

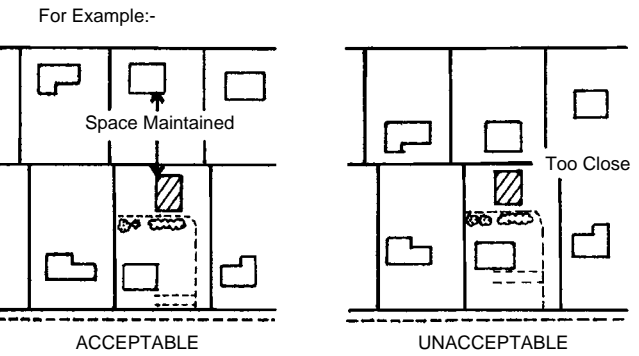
THE PRINCIPLE OF CONTROL

In the majority of backland development situations, adjacent properties will have enjoyed an open aspect knowing that, as a normal highway access would be impossible or unlikely, the aspect will remain more or less intact. In these circumstances, the erection of a house or houses in the previously open garden area can be particularly disconcerting. Accordingly it is right and proper that these residents are allowed to enjoy at least the normal privacy and openness associated with a traditional estate development and arguably the standard should be slightly higher. Criteria 1 to 4 are designed to achieve this.

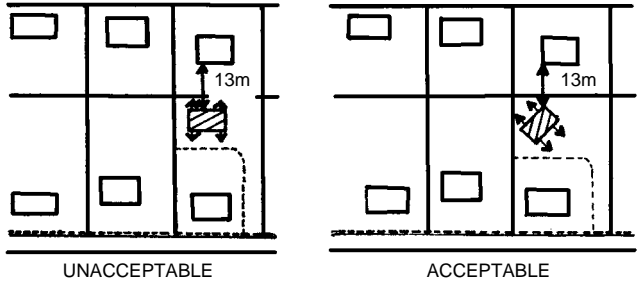
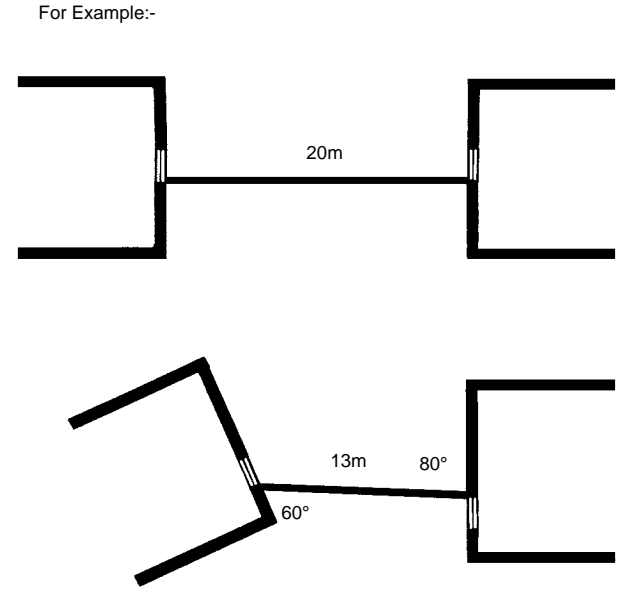
CRITERIA TO BE MET

1. To attract a planning approval, a backland plot will normally require a minimum area of 400 square metres excluding any access strip. In certain exceptional circumstances, this may be relaxed, e.g., where all surrounding gardens are particularly extensive, although this exemption is only rarely likely to be applicable. If the site lies within an existing house curtilage, the original house must also retain at least 400 square metres.

2. Development on backland sites should be sited in such a way as to minimise the loss of privacy, outlook and space for adjoining residents. A reasonable degree of space must be maintained around and between the new house and those existing.



3. Windows of habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of approximately 20 metres between the windows of both dwellings. Where the respective buildings are inclined at an angle to one another, the distance required between windows will be less.



4. Dwellings of more than one and a half storeys will not normally be permitted on backland sites unless it can be demonstrated by the applicant or his/her agent, that such development can be accommodated with the minimum loss of privacy to adjoining resident. Often consent will be limited to single storey bungalows.

5. A suitably safe access must be provided to the satisfaction of both the roads and planning authorities.

6. Any proposal and ultimately the detailed design must be sympathetic to the character of the area, for example, the pattern of a linear village with only frontage development should be respected. In designated Conservation Areas a high level of sensitivity in design and use of materials will be required.

7. The proposal must not jeopardise the overall planning of an area when better solutions can reasonably be anticipated in the foreseeable future, for example, where there is a local plan proposal for the area.

8. The granting of planning consent to develop a backland site will not be regarded as setting a precedent for subsequent similar applications within the same locality.

DEVELOPMENT CONTROL PRACTICE

As standard practice, the Council will require that outline planning applications for backland development should contain details relating to the siting, aspect and height of the proposed dwelling(s) as well as indicating where an access will be formed.

Development of backland sites can normally only be regarded as detrimental to existing adjacent householders and where genuine and reasonable objections are received from this source, they will be regarded as a major input into the planning application consideration.