

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 29 AUGUST 2017

LAND WEST OF BELLA COTTAGE, LOGIE, PERT, MONTROSE

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 17/00215/PPPL, at Land West of Bella Cottage, Logie, Pert, Montrose.

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

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 17/00215/PPPL****APPLICANT- MR JOHNATHON MEARS****PROPOSAL & ADDRESS – ERECTION OF DWELLINGHOUSE AT LAND WEST OF
BELLA COTTAGE LOGIE PERT MONTROSE****CONTENTS**

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Angus Council

Application Number:	17/00215/PPPL
Description of Development:	Erection of Dwelling House
Site Address:	Land West Of Bella Cottage Logie Pert Montrose
Grid Ref:	366629 : 764133
Applicant Name:	Mr Johnathan Mears

Report of Handling

Site Description

The application site consists of a 3312 square metre parcel of land that is situated 100 metres to the south of the Logie Pert which is located approximately 3 km to the north-west of the settlement of Hillside. Access to the site is gained from the unclassified roadway U435 which connects the C37 and C38 roads. The site is bounded to the south by Gallery Burn and to the north and west by agricultural land. To the east the site is bounded by an access track beyond which is Bella's Cottage and Kirklands.

Proposal

The application seeks planning permission in principle for the erection of a dwellinghouse. The application form indicates that the existing access to the site would be utilised, a public water supply would be utilised and sustainable drainage methods for surface water.

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 14 April 2017 for the following reasons:

- Affecting Setting of Listed Building

A site notice was posted for Setting of Listed Building on 5 April 2017.

Planning History

14/00009/FULL for Change Of Use From Agricultural To Garden Ground Re-Application was determined as "approved" on 14 April 2014.

The site is associated with The Kirklands a Category C listed building. The building noted in the listing as The Kirklands (Former Logie-Pert Manse) was listed in 1971 and previously formed part of a B Listed group with the adjacent B Listed Bella's Cottage. The information associated with

The Kirklands listing indicates:-

Late 18th century, remodelled in later 19th century. 2-storey, L-plan manse made irregular-plan by later additions. Cream coursed ashlar sandstone with polished dressings to S elevation; squared and snecked rubble sandstone elsewhere; W elevation harled. S elevation single windows enlarged to form bipartites. S (ENTRANCE) ELEVATION: original 3-bay manse with later advanced gabled wing to outer right. Advanced gabled porch to centre with single window to S and doorway to left return; single window at 1st floor above.

Bipartite windows to both floors in bay to outer left. Lean-to addition advanced at ground in bay to right of porch; bipartite window at 1st floor above. 2-storey canted window in gabled bay to outer right; single windows to both floors to left return. N ELEVATION: 3-bay. Advanced gabled wing to outer right. Gabled wing to outer left. Irregular disposition of windows. Single storey pitched roof adjoining to E. E ELEVATION: 3-bay. Single windows to both floors in gabled bay to outer right. Doorway and single window at ground in bays to left; single windows at 1st floor. W ELEVATION: not seen 1994. Variety of glazing patterns, including 12-pane sash and case to N and W. Grey slate roof; block skewputts to later wing; corniced gablehead stacks; moulded octagonal cans. INTERIOR: not seen 1994. REFERENCES: Appears on 1st Edition OS Map (1862), and modified on 2nd Edition OS Map (1903). NOTES: Forms B-group with Manse Lodge (listed separately). Former manse to Lodge-Pert Parish church, enlarged by addition of E wing in later 19th century. No early accounts of the property are available from the Heritors' Records (1911-1929). A U-plan steading stands to E of the manse.

Manse Lodge (Bella's Cottage)

The information associated with the Manse Lodge indicates it is a piend-roofed harled cottage, round headed openings with plain tympana and margins: 2-window and centre door elevation. Early 19th cent. The Statement of Special Interest indicates that Manse itself now known as Kirklands but Manse Lodge still retained original name 1963. B Group with Manse listed separately.

Applicant's Case

The applicant's agent has submitted supporting information in the form of a Supporting Statement. The relevant points contained within this document relating to this application are summarised as follows:
Supporting Statement

- o Location - identifies the position of the site and surrounding context such as its position to the west of the B listed Bella's Cottage and C listed Kirklands;
- o Description of Site - notes site size and outlines the characteristics of the site and site history;
- o Description of proposed development - notes elements such as plot size, surrounding context, reasoning for development;
- o Policy background - identifies current national, LDP and supplementary guidance;
- o Site photos are included in support of the points noted.

Consultations

Community Council - Has objected to the proposal noting concerns regarding the building of a house on what appears to be agricultural land and the possible creation of a gap site.

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

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

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

Representations

No letters of representation were received.

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 PV6 : Development in the Landscape
Policy PV8 : Built and Cultural Heritage
Policy PV15 : Drainage Infrastructure
Policy PV18 : Waste Management in New Development

TAYplan Strategic Development Plan

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

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

Assessment

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority in considering whether to grant planning permission to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP.

Policy TC2 indicates that in countryside locations single new houses will be supported where development would round off a group of 3 or more existing dwellings (a); meet an essential worker need (b) or fill a gap between the curtilages of two houses, one house and a metalled road or one house and an existing substantial building (c). New houses are also supported where the proposal involves acceptable replacement of an existing house (d) or regeneration or redevelopment of a brownfield site (e). The proposal attracts no support from either of these tests (d & e) and the site is greenfield.

In terms of the rounding off test (a), the site is located 10 metres to the west of Bella's Cottage, 70 metres to the west of The Kirklands and 100 metres to the west of the U-shaped steading associated with The Kirklands. Both Bella's Cottage and The Kirklands are residential properties with the steading which is located east of The Kirkland's having the form of an out-building associated with The Kirklands. The existing building group does not contain 3 residential dwellings; however, the definition of a building group is expanded in the supplementary guidance to include buildings 'capable of conversion'. The applicant's agent has submitted information suggesting that the site would 'round off' an established building group. However, the site forms part of the garden ground of The Kirklands but is located outwith the boundaries and features which define the group's sense of containment such as the tree lined road to the north, the track west of Bella's Cottage and the stone boundary wall. These features help to define and contain the group and development of the site west of that group would visibly extend rather than round off the group. The Kirklands contains policies of land to the south, north and east of the property with similarities to the proposed site which again suggests that the application site would not round off the group.

The application site does not constitute a gap site (b) and no information has been submitted to suggest that the proposed house is required to meet an essential worker requirement for the management of land or other rural business (c). The proposed site would be formed by subdividing the existing residential curtilage of The Kirklands as approved by planning application 14/00009/FULL and as such the proposal also fails criterion (a) of the Supplementary Guidance Appendix 3 Detailed Countryside Housing Criteria which states that 'the sub division of existing residential curtilages to artificially create new build plots will not be supported'. On the basis of this, the principle of a house on the site attracts no support from Policy TC2 and is contrary to it.

Policy PV8 indicates that development proposals affecting listed buildings will only be supported where the proposed development will not adversely affect the integrity of the site or reasons for which it was

designated; or any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and appropriate measures are provided to mitigate any identified adverse impacts. The site is situated 10 metres to the west of the B listed Bella's Cottage which is closely associated with the adjacent C listed Kirklands Manse (The Kirklands). The development of the site has the potential to adversely impact on the setting of these listed buildings in terms of the way in which they are understood, appreciated and experienced. A suitable design and position for the proposed house could ensure this impact would not be so great as to justify refusal of planning permission.

There is have no reason to consider that an appropriately designed house could not meet with the remaining policies of the local development plan.

It is noted that the community council has objected to the proposal raising the issue of potentially creating a gap site for further development to the north. Allowing a house on the proposed site would not create a *qualifying* gap site to the north because the road frontage of the 'gap' would be too large and a further house would result in the coalescence of this group to the building group to the north (contrary to the Supplementary Guidance). However, other policy issues with the proposal are identified and the community council is correct that the proposed site is contrary to the local development plan.

In conclusion, the proposed house does not meet the local development plan approach for housing in the countryside and is contrary to policy TC2 and the associated Countryside Housing Supplementary Guidance. In failing to comply with policy TC2 the proposal is also contrary to policy DS1. There are no material considerations which justify approval of planning permission.

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 TC2 and DS1 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the site would not round off an established building group; meet an essential worker requirement; form a gap site; allow for the acceptable replacement of an existing dwelling; or redevelop a rural brownfield site. In addition, it is also to contrary to criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria of the Countryside Housing Supplementary Guidance because the proposed site would be formed by sub-dividing the existing residential curtilage of The Kirklands as approved by planning application 14/00009/FULL.

Notes:

Case Officer: Damian Brennan
Date: 18 May 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 PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- o potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy 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>)

Policy PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

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 STRATEGY

infrastructure provision and consideration by the Council of any abnormal development costs identified by the developer.

Policy DS5 Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- Education;
- Community Facilities;
- Waste Management Infrastructure; and
- Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

Policy DS5 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	+	+

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 1

THRIVING & CONNECTED

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

Affordable Housing

The provision of choice in the housing market is essential to support the delivery of sustainable and mixed communities. The supply of housing land on a variety of well-located and accessible sites allows the market to deliver a range of house sizes, types and tenures to meet the housing needs and aspirations of the people of Angus. However the general housing market does not always meet the housing needs of everyone. There is restricted availability of affordable housing for rent or sale across Angus.

The Scottish Government defines affordable housing as: "*housing of a reasonable quality that is affordable to people on modest incomes. Affordable Housing can be provided in the form of social rented accommodation (Council and Registered Social Landlords), mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for sale) and low cost housing without subsidy*".

The most up-to-date assessment of the requirement for affordable housing across Angus is provided by the TAYplan Housing Need and Demand Assessment (HNDA) (December 2013). This identified a substantial backlog of need for affordable housing across the 4 Angus Housing Market Areas (HMAs). In line with Scottish Planning Policy (SPP) (2014) Angus Council will seek to secure delivery of a maximum of 25% affordable housing across all 4 HMAs, although this will not meet all identified need over the plan period.

Policy TC3 Affordable Housing sets out the requirement for affordable housing which will be applied to all qualifying allocated, housing opportunity and windfall sites. The policy will be supported by an updated and revised Affordable Housing Implementation Guide which will establish a framework and best practice to support delivery of affordable housing.

In rural areas proposals for affordable housing on sites outwith but contiguous with development boundaries will be considered in the context of DS1 Development Boundaries and Priorities.

Effective partnership working between Angus Council, developers, Registered Social Landlords and the Scottish Government will be key to securing the delivery of appropriate and well located affordable housing across Angus.

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

Policy PV6 Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of ‘wild land’, as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy’s provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV6 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	+

Woodland, Trees and Hedges

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

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

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

Policy PV8 Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy PV8 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
++	0	0	0	0	0	0	++	++	++

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>)*

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

Policy PV15 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	++

The Coast

The Angus Coast is an important part of the character of the area as well as accommodating the main transport links (rail, shipping and to a lesser extent road) and the main centres of population. Leisure, recreation, tourism and fishing are important to the local economy with the coast contributing significantly to them all. The cliffs, beaches and coastal waters are a major natural heritage asset – particularly for migratory birds and marine life. The variety of coastal features makes classification difficult – the water’s edge defines the sea, but inland is less clear. Cliffs, raised beaches, wave cut platforms and sand create a mosaic of interlocking zones. The Shoreline Management Plan, Tayside Landscape Character Assessment and TAYplan SDP all have different interpretations of the coast.

Rising sea levels and extreme weather events can result in increasing incidence of erosion and inundation and the ALDP takes a precautionary approach to coastal flooding and ground instability.

Policy PV16 Coastal Planning

The Coast is subject to natural and human pressures ranging from climate change to caravan parks. The environmental, economic and defensive role of the coast will be protected by Angus Council and development proposals will be assessed within the context of the Shoreline Management Plan (SMP) and relevant landscape capacity studies.

Development requiring new sea defences will not be supported and proposals should be directed to the developed coast or be associated with existing development.

Within the undeveloped coast proposals will only be supported where there is:

- a justifiable locational requirement for the development;
- no conflict with designated or proposed marine heritage sites; and
- no conflict with existing coastal protection works.

Areas liable to ground instability and at risk from current or future inundation as identified in the second SMP for Angus will be considered for managed realignment.

Angus Council will work with adjacent terrestrial and marine authorities as appropriate to promote co-ordinated coastal planning on and offshore and will consider development proposals within this context.

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.

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

Policy PV18 Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Policy PV18 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

Minerals

Mineral deposits make an important contribution to the Angus economy, providing construction materials and supporting employment. The extraction of minerals and associated activities can have an impact on the natural and built environment, including landscape as well as the residential amenity of properties and settlements.

Scottish Planning Policy (SPP) (2014) states that LDPs should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. In addition, LDPs should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times.

In order to maintain a 10 year landbank, Angus Council has granted planning permission for a joint-working proposal to extend the extraction of hard rock at Ethiebeaton and Ardownie Quarries, and has granted planning permission for a new sand and gravel extraction site at Struan, by Edzell.

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

HEAT AND ENERGY NETWORKS

The Scottish Government is committed to moving towards a low carbon economy and identifies planning as having a key role in delivering this and in meeting its objectives and targets, which include:

- 100% equivalent to Scottish electricity demand generated from renewable sources by 2020
- a largely decarbonised electricity generation sector by 2030; and,
- a largely decarbonised heat sector by 2050 with significant progress by 2030.

There has been major investment in renewable energy generation and the Scottish Government's focus and actions to reduce energy consumption, make better use of energy and heat and to address transport as a user of fossil fuels and producer of emissions. The planning system has an important role in this process: focusing development at sustainable locations which minimise the need to travel by car; guiding energy generation proposals to appropriate locations; identifying and promoting opportunities from heat maps and in site allocations for district heating and combined heat and power installations; and supporting energy efficient design and construction.

Energy generation and use is a dynamic sector and the ALDP policies aim to establish robust locational guidance. Supplementary Guidance will further develop a locational framework for wind energy and detailed locational guidance for other forms of generation, setting out where supporting information will be required and highlighting other relevant policy and sources of guidance.

Renewable and Low Carbon Energy Development

Opportunities exist across Angus to generate energy from renewable and low carbon sources contributing to a reduction in the output of greenhouse gases; sustainable economic growth; and a largely decarbonised society. This will have long term environmental benefits and help maintain residents' quality of life in the future.

The ALDP can contribute to these aims through policies which promote and facilitate:

- a range sustainable energy development proposals of an appropriate scale and type in the right location;
- energy efficiency measures in all new build including siting, microclimate, accessibility, on-site energy generation which can reduce both greenhouse gas emissions and demand for energy;
- heat exchange between producers and users of heat; and
- sustainable development which focuses on existing centres, reduces the need to travel and promotes all modes of transport.

All renewable energy production, including from wind, water, biomass, waste incineration and sources using emissions from wastewater treatment works and landfill sites will require some processing, generating or transmission infrastructure. Such developments can all contribute to generating renewable energy and reducing emissions and will be assessed in accordance with the following policy.



Angus Local Development Plan 2016

COUNTRYSIDE HOUSING SUPPLEMENTARY GUIDANCE

September 2016



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1 Introduction

This supplementary guidance has been prepared to support the application and implementation of Angus Local Development Plan Policy TC2 Residential Development which details the Angus Council approach to considering proposals for The supplementary guidance expands on the principles of Policy TC2 and sets out detailed criteria to assist the development and assessment of proposals for residential development in the Angus Countryside and support consistent interpretation and application of the policy.

An important consideration in determining planning applications for residential development in the countryside, the Supplementary Guidance has been prepared for use by the development industry, applicants, Councillors (Elected Members) and Planning Officers.

The supplementary guidance covers the Angus Local Development Plan area which excludes part of upland Angus which is within the Cairngorms National Park boundary and applies to all proposals for new residential development in the Angus countryside. The Angus LDP defines countryside as the area outwith any defined development boundary (see Glossary).

In line with Scottish Government Circular 6/2013 "Development Planning" the Countryside Housing Supplementary Guidance will when adopted form part of the Angus LDP. Following adoption this statutory Supplementary Guidance will carry the same weight as the Local Development Plan in determining planning applications.

The main objectives of the Supplementary Guidance are to:

- ▶ Provide advice on the interpretation of relevant aspects of ALDP Policies TC2 and DS1, and provide a consistent approach to decision-making;
- ▶ Guide new development to appropriate and sustainable locations, where impact on landscape quality is minimised;
- ▶ Ensure new development reflects traditional patterns of development in the locality;
- ▶ Promote high quality development in the countryside that respects local character and rural heritage;

2 Background/Policy Context

National Planning Context

Scottish Planning Policy recognises that the rural landscape of Scotland is changing. Traditional ways of living where houses were built to accommodate the requirements of farming, forestry, estate management and distilling will remain but they need to function alongside new ones to sustain the vitality of rural communities. Planning has a central role to play in guiding development that is appropriate in scale and kind, to the most suitable locations to ensure that the character and quality of the countryside is not eroded.

A Scottish Government policy statement sets out the expectations on the planning system to create places with high standards of design in both urban and rural areas. Planning Advice Note 72 (PAN72) Housing in the Countryside reinforces these expectations specifically in relation to the design and siting of new houses in the countryside whereby good quality rural housing respects the Scottish Landscape and tradition building forms and materials.

Local Development Plan Context

The rural area of Angus is defined as the area outwith the development boundaries of the seven towns of Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir, Monifieth and Montrose. It comprises the four Rural Service Centres (RSCs) (Edzell, Friockheim, Letham and Newtyle), a range of other smaller settlements and the open countryside (which is the area outwith any defined development boundaries).

Rural Angus is not a single homogenous area, varying significantly in character, land use, population levels and availability of and access to a range of services and facilities. The ALDP aims to maintain this diversity by supporting new development in appropriate locations and by encouraging people to live and work in rural communities.

There is a long-established strategy of supporting the retention of population and services by providing opportunities for new homes in the rural area including the Rural Service Centres (RSCs), smaller settlements and the open countryside. Opportunity for plan-led housing development in the rural area will be focused on supporting the RSCs of Edzell, Friockheim, Letham and Newtyle. These settlements have the most significant number and range of services and already have relatively large resident populations. The Local Development Plan has allocated modest scale development sites for housing in each Rural Service Centre to help to support and maintain population levels, services and facilities, and reduce the need to travel.

In pursuing a strategy promoting development in accessible locations in settlements with access to a range of services and facilities, the Local Development Plan does not allocate sites for residential development outwith the seven towns and four Rural Service Centres. Below Rural Service Centre level appropriate infill or redevelopment proposals will be supported in those settlements and villages with development boundaries, and on appropriate sites in the open countryside.

Developer Contributions/Planning Obligations

Where applicable development proposals will require to comply with the requirements set out in Angus LDP Policy DS5 Developer Contributions. Where the proposed development is of a scale and nature that will have a demonstrable impact on infrastructure and community facilities provision, an appropriate developer contribution will be sought. Detailed guidance on the range of developer contributions that may be sought from residential development, the development thresholds which trigger application of Policy DS5 and the methodologies for calculating the contribution are set out in the Councils Developer Contributions Supplementary Guidance. Contributions are set out on a per unit basis. Residential developments may require to contribute towards:

- ▶ Open Space, biodiversity enhancement and green infrastructure
- ▶ Education
- ▶ Community Facilities
- ▶ Affordable Housing
- ▶ Transport Infrastructure

Although contributions will not normally be sought for residential development of fewer than 10 units, where the cumulative impact of small developments result in a demonstrable impact on infrastructure and community facilities provision, appropriate contributions may be sought.

Supporting Information

Where appropriate planning applications for new housing in the Angus Countryside considered under Policy TC2 should be accompanied by necessary supporting information. Early discussion is encouraged with Planning is encouraged to establish the range of supporting information required. Depending on the nature of the proposed development this may include:

- ▶ Structural Engineers Report;
- ▶ Ecological Survey (such as a Bat Survey);
- ▶ Planning History Report;
- ▶ Agricultural Worker Justification;
- ▶ Archaeological Appraisal.

This matrix sets out by development type what supporting information may be requested by Angus Council. The list included in the matrix is not exhaustive and the range and scope of supporting information required will be determined on a case by case basis in discussion with the Planning Service.

	Structural Condition Report	Ecological Survey (e.g. Bat Survey)	Statement of Site Condition and/or History	Agricultural Worker Justification	Archaeological Appraisal
Retention, Renovation or Replacement of Existing House	●	●			*
Conversion of Non-Residential Buildings	●	●			*
Redevelopment and/or Regeneration of Brownfield Site		●	●		*
New Greenfield Houses		**			*
Essential Worker Housing		**		●	*

* an archaeological appraisal may be required on sites with historic or archaeological interest.

** where removal of trees is proposed or published information indicates presence of protected species.

3 Angus LDP Policy Approach

The Angus LDP approach to housing development in countryside location is set out in Policy TC2 Residential Development (See Appendix 1). While the conversion and renovation of existing buildings in the countryside is encouraged, Policy TC2 also allows for new housing on sites related to existing housing, building groups and on appropriate brownfield sites. Angus Council will support proposals for new housing from:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of appropriate brownfield sites;
- single new houses on sites where development would:
 - round off an established building group of 3 or more existing dwellings; or
 - meet an essential worker requirement; or
 - 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.

The Angus countryside is divided into Category 1 and 2 Rural Settlement Units. In Category 1 areas (which are areas that are not remote from towns) the opportunity for new development outwith settlements will be more restricted, as development should be directed towards existing settlements. In Category 2 areas (which are remote rural areas), the emphasis will be on maintaining and growing communities by encouraging diversity in the rural economy and enabling new housing development which can support important rural services.

The approach to countryside housing proposals on sites outwith but immediately adjacent to development boundaries is set out in Policy DS1 Development Boundaries (See Appendix 1).

In addition to satisfying the provisions of the Policy TC2 all countryside housing proposals should meet the appropriate detailed criteria set out in Appendix 3.

3.1 Retention, Renovation or Acceptable Replacement of Existing Houses

Policy TC2:

- encourages the retention and renovation of houses of visual, architectural or historic merit;
- allows for the reconstruction or replacement of houses of visual, architectural or historic merit, when a suitably qualified professional (in this case, a structural engineer) confirms that renovation of such a building is not viable;
- allows for the replacement of houses that are of minimal visual, architectural or historic merit.

Houses that are of merit and that we wish to see retained are those that contribute to the character of rural Angus. They are typically constructed of stone and slate, and may be harled. They are generally of simple composition, with a wide frontage and often a minimum of design details and may have a balanced or even symmetrical appearance.

In preference to demolition and replacement, the Council encourage the retention and renovation of stone built houses and other houses which are of visual, architectural or historic merit where they are sound and wind and watertight or are substantially intact (four walls standing to eaves height). Well-designed extensions forming part of the renovation and retention of such houses will be supported where they are sympathetic to the original form, scale and massing of the original dwelling.

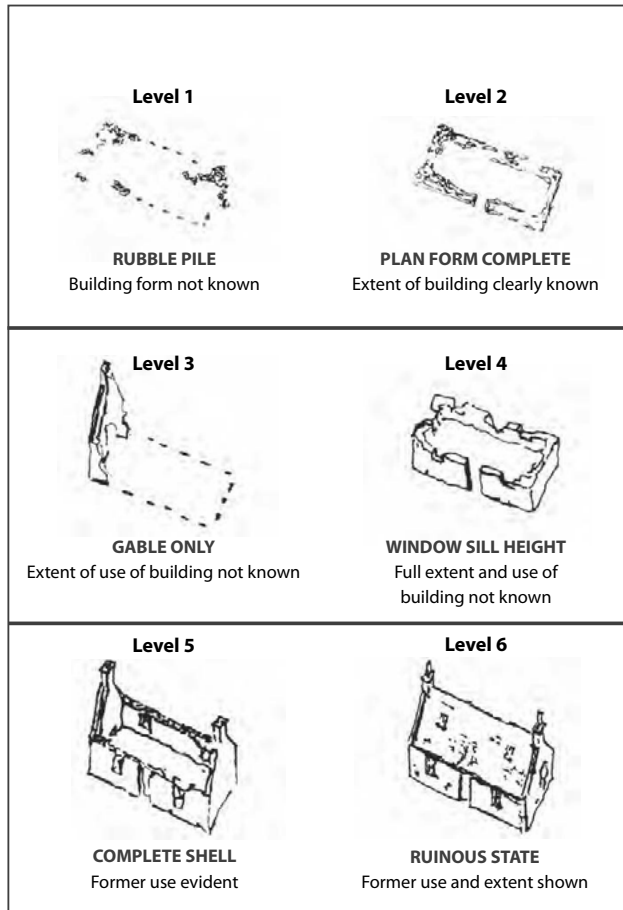
When a house falls significantly beneath this threshold or a structural engineer confirms that renovation of the building is not viable, then reconstruction or replacement on a one-for-one basis will be acceptable to Angus Council.

Houses that are of minimal visual, architectural or historic merit are generally of a suburban appearance. They may include design details not found on traditional rural properties (e.g. boxed eaves, "picture frame" windows, balconies) and may incorporate materials alien to the Angus countryside (e.g. brick, artificial stone, concrete). The replacement of these houses may be acceptable, where the proposed development represents a substantial improvement on the existing.

The following supporting information may be requested under the terms of Policy TC2:

- ▶ A report from a structural engineer, confirming either that the house is capable of being renovated in the manner intended, or that renovation of the building for residential use is not viable.
- ▶ Detailed written justification of any dismantling and/or rebuilding.

This list is not exhaustive and other surveys or supporting information (e.g. Bat Surveys, etc) may be requested on a case by case basis.



Stages of Building Dereliction.

3.2 Conversion of Non-residential Buildings

This element of Policy TC2 applies to all residential development proposals relating to the conversion of non-residential buildings which are redundant or no longer required. Farm buildings and others which are ancillary to residential use (i.e. which are not themselves used as a dwelling house) should be considered as non-residential buildings. To be suitable for conversion, a building should have characteristics that would make a positive contribution to the character and architectural heritage of rural Angus. Such non-residential buildings are often constructed in stone; have a simple form with few openings; and have pitched roofs, which are usually covered in slate.

The policy supports the conversion of appropriate buildings, where (amongst other things) proposals would retain or enhance valued architectural features. A design statement based upon and including details of an architectural appraisal and landscape assessment should be provided in support of proposals to convert any non-residential buildings. The design solution should show how valued characteristics have been retained or enhanced. The requirement for supporting design information will be proportionate to the scale of the proposed development and its landscape context.

Buildings suitable for conversion come in a wide variety of shapes and sizes, so there is no defined limit to the number of housing units that may come forward from conversion. The number of units that can be provided will depend on factors such as the size of the building to be converted, the acceptability of the alterations required (from the perspective of building design and residential amenity), and existing/proposed access arrangements.

Development on large sites must provide for an environmental improvement across the site. This might involve the removal of derelict structures or the reclamation of land to a natural state, through landscaping or areas of tree planting. In such circumstances development of new housing may be phased to ensure treatment of the whole site.

Any additional new build housing proposed alongside the conversion will be considered under the appropriate elements of Policy TC2. The total number of housing units from conversion & new build should depend on matters of design, future residential amenity and compliance with the criteria which states that proposals should have regard to the rural character of the surrounding area. If large groups of houses are not typical within the wider area, a development proposal may be refused on the basis of this criterion.

The reconstruction of a non-residential building of visual, architectural or historic merit may be supported where it is demonstrated to the satisfaction of the Council that the building cannot be viably retained and converted. Additional new build housing will not be permitted as part of a reconstruction project.

The following supporting information may be requested under the terms of Policy TC2:

- ▶ A report from a structural engineer, confirming either that the building is capable of being renovated and converted in the manner intended, or that the building is structurally incapable of being renovated for residential use. This should be accompanied by detailed survey plans showing the ground floor, any other floors and elevations of existing structures; the extent and nature of any dismantling, remedial work and/or rebuilding required; a schedule detailing the proposed phasing of works.

This list is not exhaustive and other surveys or supporting information may be requested on a case by case basis.



3.3 Regeneration or Redevelopment of Brownfield Sites

Regeneration or redevelopment of brownfield sites will only be permitted where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use; the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment. The number of new houses that will be acceptable on rural brownfield sites depends on:

- ▶ the extent of environmental degradation, contamination and derelict buildings;
- ▶ the overall size of the previously developed area of land;
- ▶ the scope for improvements to visual amenity; and
- ▶ the character of the surrounding landscape/built environment.
- ▶ compliance with applicable detailed Criteria (e.g. standard of access required).

Development will be up to a maximum of four new houses, except where a marginally greater number (e.g. five) would be in the public interest and social, economic or environmental considerations override concerns associated with building large numbers of houses in the countryside e.g. landscape impact; a lack of support for towns and villages.

The entire area of brownfield land must be remediated. New houses should be built on brownfield land, unless there are good planning reasons for doing otherwise (e.g. to achieve a satisfactory design solution). In this case, the whole area of brownfield land must also be remediated.

The following supporting information may be requested under the terms of Policy TC2:

- ▶ a statement of the planning history for the site/building. This should as a minimum include information on previous land use. The former presence of any buildings/structures on the site should be noted and their particulars (scale, siting, form, design, colour and use of materials) described. The present condition of the site/building should be shown using contemporary photographs and any other information as may be appropriate (e.g. evidence of contamination, detailed survey plans showing ground floor, other floors and elevations).
- ▶ a statement to justify demolition of a building may also be requested. This may be provided by a structural engineer, although if the building was/is proposed to be demolished for reasons unrelated to its structural integrity, this may not be appropriate. In this case, support for demolition should be provided by any other suitably qualified individual; who this may be will depend on the reasons given for demolition.

This list is not exhaustive and other surveys or supporting information may be requested on a case by case basis.

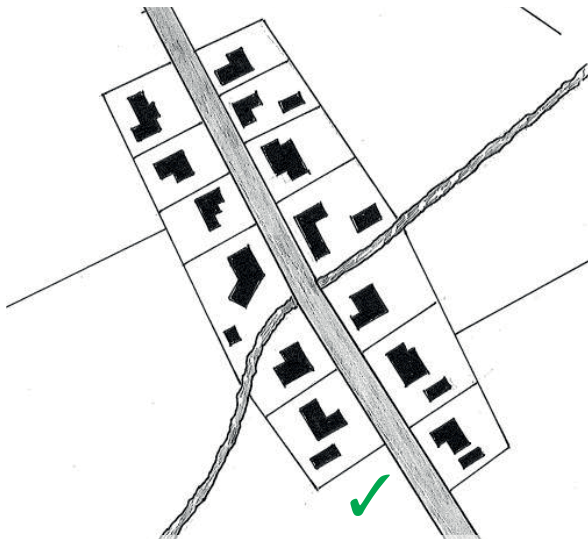


3.4 New Houses in the Countryside

The following guidance is to be used in all instances where housing development proposals involve new build housing outwith settlement development boundaries.

Building Groups

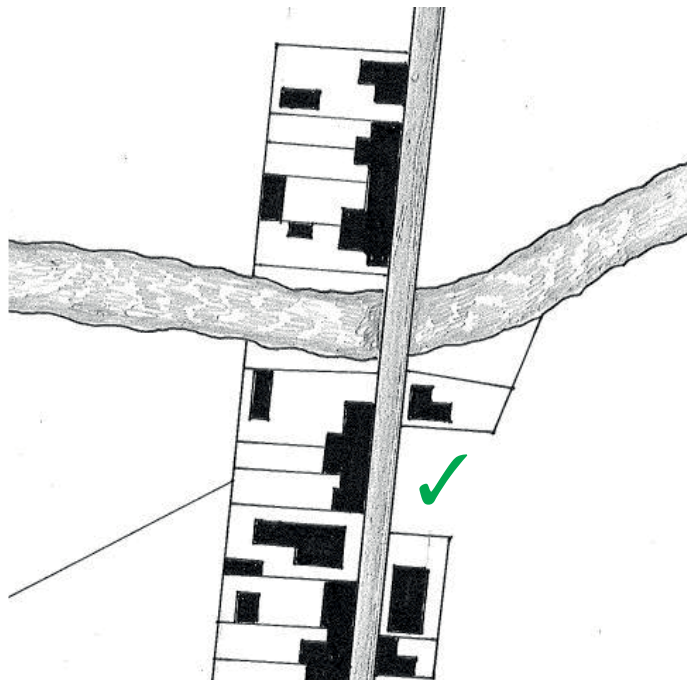
A single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use. This should be sited/located within the building group (i.e. generally located close to other buildings in the group) provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting. Development outwith the boundaries or features that define a group's sense of containment should not be considered as constituting development within or rounding off the building group. Proposals that have a significant detrimental impact on the character of the group, or its landscape setting should be resisted as failing to round off or consolidate the group. Definitions of "sense of containment" and "building group" are contained in the Glossary.



Building Group: acceptable rounding off.

Gap Sites

In Category 1 RSUs a gap site with a frontage of up to 50 meters 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 may be filled by a single house. A site will not constitute a gap site if it lies within the curtilage of an existing house, or on land that is not clearly defined as being outwith the curtilage of a house or houses. For the purposes of this definition, a house must (as a minimum) be wind and watertight to be considered as a dwelling. In Category 2 RSUs suitable gap sites with a frontage of up to 75 meters may be filled by up to two new houses.



Acceptable gap site between two existing houses.

Essential Workers

This policy supports the development of a single house to meet an essential worker requirement for the management of land or other rural business, or for a retired farmer and/or their spouse where all other options where a house could be supported by Policy TC2 have been investigated and dismissed. In all instances occupancy controls will be applied to any planning permission through the use of conditions or other legal agreement. These options include the conversion or renovation of existing property on the same landholding, availability of accommodation in a settlement in close proximity to the required location, the existence of a valid planning permission for a new house that has not been taken up and development of a new house on a site that would be supported by Policy TC2. These options would not be subject to the application of occupancy controls.

There will be a general presumption against the removal of occupancy conditions applied to any planning permission for an essential worker house. Applications to remove occupancy conditions will require to demonstrate to the satisfaction of Angus Council that:

- there is no current or foreseeable future demand for essential worker housing in the area; and
- the property has been marketed with occupancy conditions for a minimum period of 6 months at a valuation/price taking account of its essential worker housing status.

These should be sought in relation to all new houses for essential workers and houses to accommodate a retired farmer and/or their spouse.

This list is not exhaustive and other surveys or supporting information may be requested on a case by case basis.

Planning applications for essential worker housing should be supported by evidence that there is/will be a functional requirement for the person to live at their place of work (e.g. an essential worker report, which includes some explanation as to why the worker needs to live on the landholding). For applications involving

proposed businesses, a business plan should also be submitted, which demonstrates that a professional approach to considering the viability of the business has been adopted.

The following supporting information may be requested under the terms of Policy TC2:

- ▶ a supporting statement that details the options considered and why the alternatives to the preferred option have been dismissed.
- ▶ a record of house and land sales from the land holding that covers a five year period and a location plan showing the land holding and these houses/plots on an Ordnance Survey map base. If no houses or plots of land have been sold off over the past five years, this should be noted in the supporting statement.
- ▶ if the application is made in relation to an existing farm/rural business, a report that confirms there is a justified requirement for a worker and explains why they need to live in close proximity to their place of work. An application made in relation to a proposed rural business would also require to submit a business plan to persuade the Council that the business is genuine and viable. Details shall be provided to justify the proposed location of the house which should normally be situated adjacent to the existing building group.

These should be sought in relation to all new houses for essential workers and houses to accommodate a retired farmer and/or their spouse.

This list is not exhaustive and other surveys or supporting information may be requested on a case by case basis.

Large Country Houses

It is recognised that the terms of Policy TC2 may preclude the development of one-off substantial country houses (for the avoidance of doubt this does not include large houses in large gardens) which have the potential to contribute to the future architectural and landscape heritage of Angus.

As an exception to Policy TC2 and only in exceptional circumstances Angus Council may support proposals for a new large country house where:

- ▶ the proposed house sits within a substantial area of landscaped ground or on a site with an existing landscaped setting which can be strengthened through implementation of a landscaping scheme approved as part of the overall design concept for the new country house;
- ▶ the minimum footprint of the house should be around 500sq m, excluding garaging and outbuildings;
- ▶ the proposed house makes a significant contribution to the architectural heritage of Angus.

All proposals must meet appropriate detailed criteria set out in Appendix 3 and be submitted with a design statement in accordance with Supplementary Guidance on Design and Placemaking. Other surveys or supporting information may be requested on a case by case basis.

4 Design Considerations for New Houses in the Countryside

In general the design solution for new houses in the countryside should accord with the principles set out in Policies DS3 Design Quality and Placemaking and PV6 Development in the Landscape. Guidance on design of new development in rural locations has been incorporated into the Design Quality and Placemaking Supplementary Guidance.

The basic principles for the siting and design of new houses in the countryside are set out below. New housing development should:

- ▶ Reflect the traditional pattern of development in the area;
- ▶ Materials, form, scale and massing of new development should complement and not detract from existing traditional buildings in the area. Contemporary designs based on traditional characteristics will be generally encouraged. New housing based on suburban characteristics will not be supported;
- ▶ New development should seek to integrate with local landscape context and features and fit into the wider landscape setting, not be imposed on it. Obtrusive development (i.e. on a ridgeline, artificially elevated ground or open settings) will not be supported;
- ▶ Landscaping and boundary treatment should be used to integrate new development with its setting. Proposals should be accompanied by a landscaping plan to demonstrate how the development will integrate into the local landscape setting.

Appendix 1:

Extracts from Angus Local Development Plan

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 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 metaled 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:

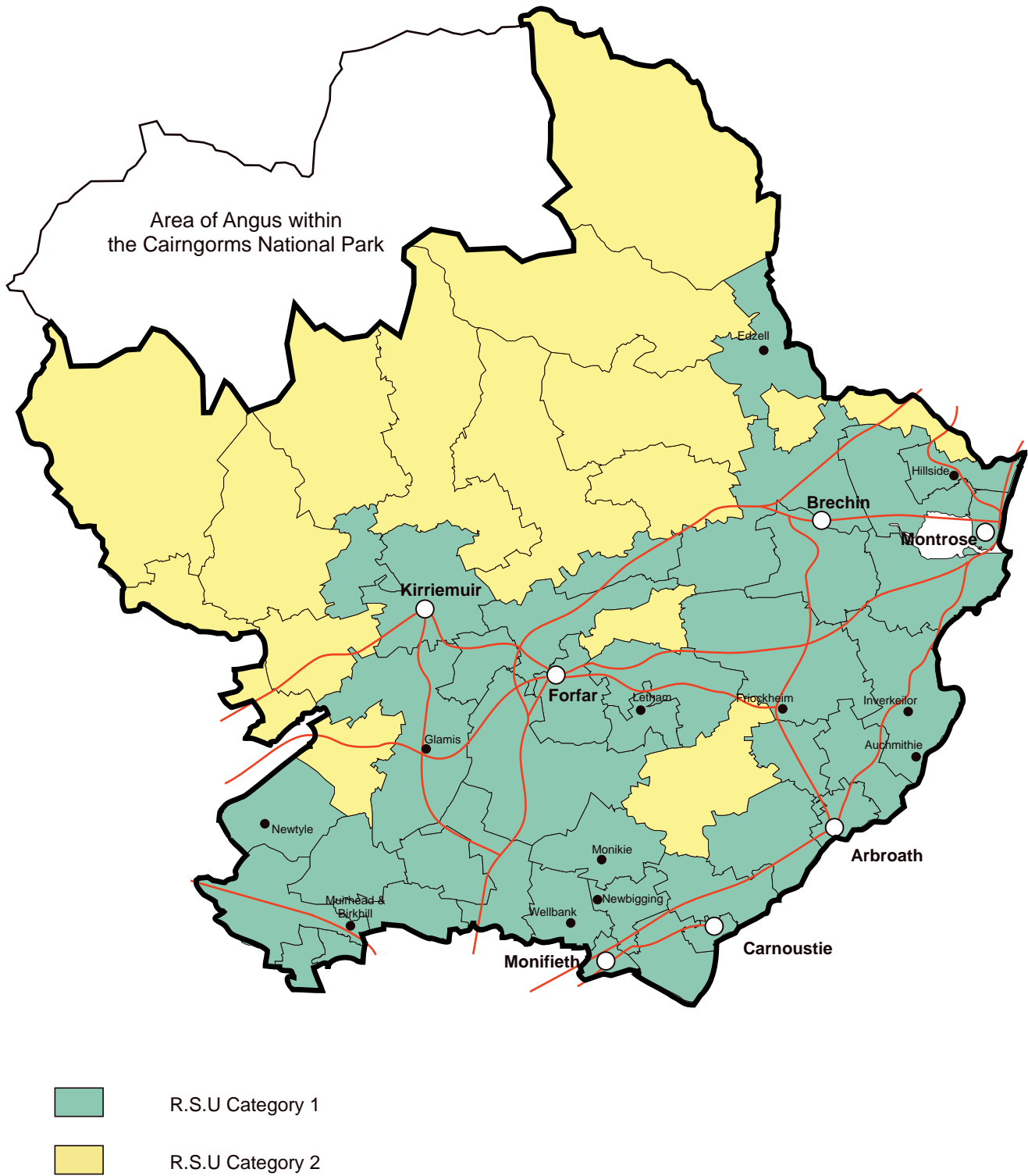
- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional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

Appendix 2:

Category 1 & 2 Rural Settlement Units



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Appendix 3:

Detailed Countryside Housing Criteria

In addition to taking account of the provisions of the Policy TC2 all countryside housing proposals should meet the following criteria as applicable (except where specific exclusions are set out). Definitions for terms used in the criteria are set out in the Glossary. Development proposals should:

- a** not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported;
- b** meet the following plot size requirements (does not apply to proposals for conversion of non-residential buildings):
 - ▶ Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m²
 - ▶ Category 2 RSUs – between 0.06ha/600m² and 0.4ha/4000m²
- c** not extend ribbon development;
- d** not result in the coalescence of building groups or of a building group with a nearby settlement;
- e** contribute to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality. Examples of suburban design on nearby or adjacent houses will not be accepted as justification for additional suburban development;
- f** provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Guidance on private amenity space and distance between dwellings is set out in the Design Quality and Placemaking Supplementary Guidance. In countryside areas application of this guidance will have regard to the nature of the location and adjoining properties. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.
- g** make provision for affordable housing in line with Policy TC3: Affordable Housing and the guidance set out in the Developer Contributions and Affordable Housing Supplementary Guidance;
- h** where the proposed development will have a demonstrable cumulative impact on infrastructure and community facilities provision, an appropriate developer contribution from will be sought. Guidance on the range of contributions that may be sought from residential development and the methodologies for calculating the contribution are set out in the Developer Contributions and Affordable Housing Supplementary Guidance;
- i** not adversely affect or be affected by farming or other rural business activities (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);
- j** not take access through a farm court; (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);
- k** not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large. The standard of the existing access should be taken into account when assessing a development proposal. Improvements should only be required where these would be necessary to provide ease of vehicular access to the existing and proposed development, or for road safety purposes;

Glossary

Affordable housing

Housing of a reasonable quality that is affordable to people on modest incomes.

Brownfield site

Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and development land within the development boundary where further intensification of use is considered acceptable.

Building Group

A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use. The building group will require to have a sense of containment.

Contaminated Land:

Land should be considered as contaminated if the presence of substances in, on or under that land represents an unacceptable risk to human health or the wider environment. For planning purposes a site is contaminated where the presence or suspected presence of contaminants is an obstacle to development, regardless as to whether development is proposed. Further guidance is available in PAN 33: Development of Contaminated Land.

Countryside

The area outwith any defined development boundaries.

Contiguous

Sharing an edge or boundary, neighbouring or adjacent (sites outwith but contiguous* with a development boundary – ALDP Policy DS1).

Development Boundary

Provide a definition between built up areas and the open countryside and may include peripheral areas of open space important to the settlement's setting and character. Defined to protect the landscape setting of towns and villages and prevent the uncontrolled spread of development.

Essential worker

A full time worker (minimum 35 hour week) required by the operational needs of a farm or rural business to live in close proximity to their place of work for reasons of security or animal welfare or similar.

Flood risk

The combination of the probability of a flood and of the potential adverse consequences, associated with a flood, for human health, the environment, cultural heritage and economic activity.

Gap site

The space between the curtilages of two houses or between the curtilage of one house and a metaled road (i.e. a stone surface with a hard, crushed rock or stone surface as a minimum) or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility. The site should have established boundaries on three sides.

Greenfield site

These are sites which have never previously been developed, or that were derelict but have now been fully-restored and brought back into active or beneficial use for agriculture, forestry, environmental purposes or outdoor recreation.

Infrastructure

In broad terms, this covers the facilities that are required to allow development to take place. Typically, we mean to speak of roads, sewers, waste water treatment works, schools, open space, bus stations and bus stops, park and ride facilities, and/or waste management centres. Community infrastructure might also include libraries, community halls and even shops.

Prime quality agricultural land

This is agricultural land identified as being of Class 1, 2 or 3.1 in the land capability classification for agriculture as developed by the Macaulay Land Use Research Institute.

Public Interest

Development that would have benefits for the wider community, or is justifiable in the national interest. Proposals that are solely of commercial benefit to the proposer would not comply with this policy.

Removing Dereliction

This involves the removal of existing buildings, which have been abandoned, are dilapidated and have a detrimental effect on visual amenity. They may appear unsuitable for re-use (i.e. for appropriate purposes), by dint of their physical condition and there ought to be no prospect of their re-use, for suitable alternative purposes.

Ribbon Development

A string of 3 or more houses along a metalled road – i.e. a road with a hard, crushed rock stone surface as a minimum.

Rural Area

The area outwith the development boundaries of the seven towns in Angus.

Rural brownfield site

Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.

Rural service centre

These are some of the largest villages in Angus, which have a range of important services and facilities (such as primary schools, doctors' surgeries, shops, public transport stops) and are capable of accommodating additional development over the Angus LDP period.

Rural Services

Services in the rural area that provide a valuable local community function such as local convenience shops, hotels, public houses, restaurants and petrol stations.

Rural Settlement Units (RSUs)

Geographical areas loosely based on primary school catchment areas.

Category 1 RSUs

These areas are generally non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. In these areas new housing development outwith settlements should be restricted.

Category 2 RSUs

Primarily remote rural areas where limited new development outwith settlements may be appropriate in order to stem rural depopulation and / or support existing services.

Sense of containment

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

Significant Environmental Improvement

This could involve the removal of contaminants (e.g. asbestos, pesticides). Environmental improvement may also relate to the removal of structures (as opposed to buildings, which are covered by the definition of dereliction), areas of hard-standing and other permanent features that have a detrimental effect on visual amenity.

Contacts

Angus Council

Planning Service
Communities
County Buildings
Market Street
Forfar
DD8 3LG
Tel: 03452 777778
Email: planning@angus.gov.uk

Angus Council

Roads Service
Communities
County Buildings
Market Street
Forfar
DD8 3LG
Tel: 03452 777778
Email: roads@angus.gov.uk

ANGUS COUNCIL

**COMMUNITIES
PLANNING**

CONSULTATION SHEET

PLANNING APPLICATION NO

17/00215/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

04	04	17
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

Comments for Planning Application 17/00215/PPPL

Application Summary

Application Number: 17/00215/PPPL

Address: Land West Of Bella Cottage Logie Pert Montrose

Proposal: Erection of Dwelling House

Case Officer: Damian Brennan

Customer Details

Name: Mrs Kathleen Ritchie

Address: Braebost Kinnaber Road Hillside, Montrose

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

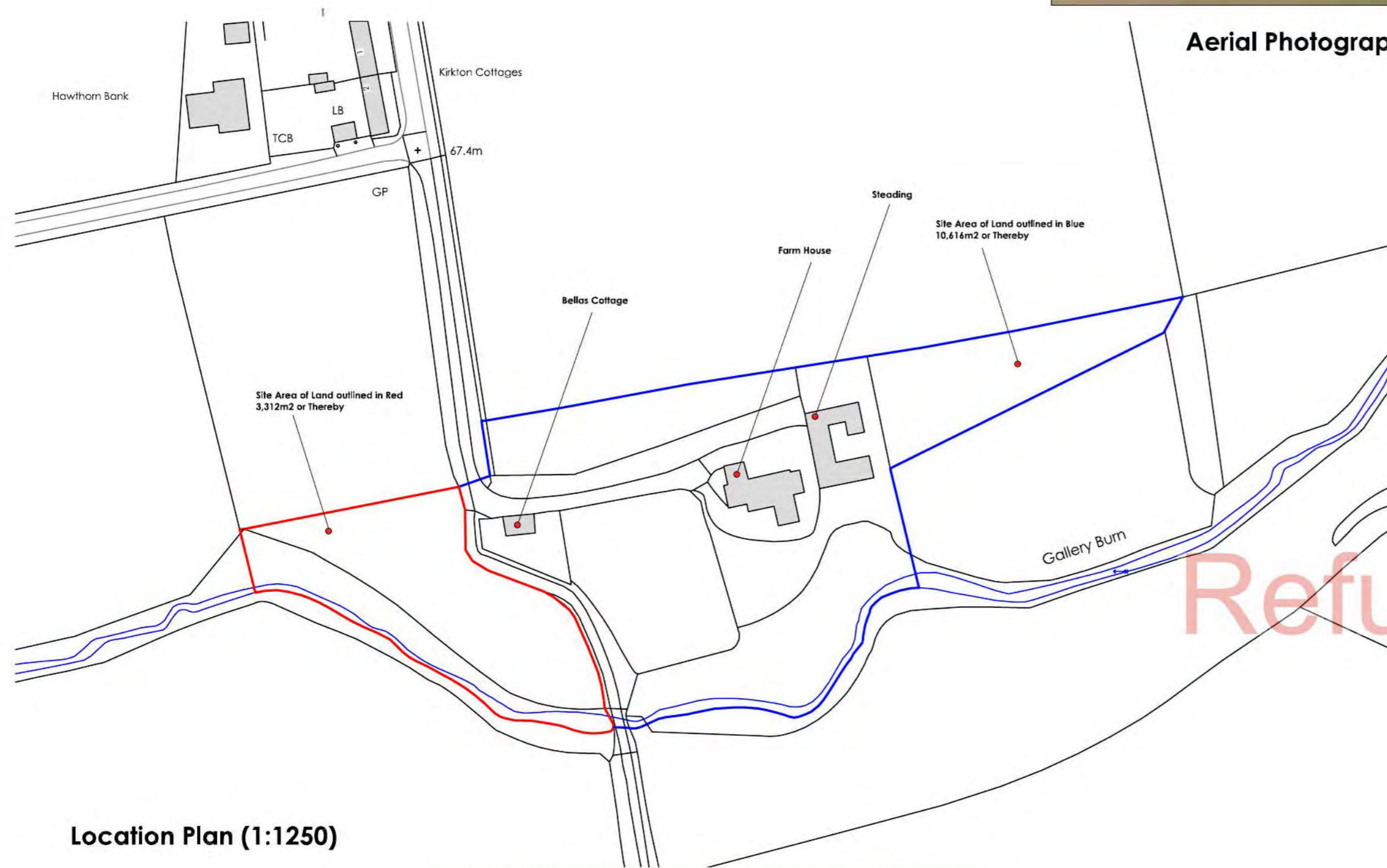
Comment Reasons:

Comment: Hillside, Dun and Logie Pert object to the building of a house in what would appear to be agricultural ground. If this house is approved it could create a gap site for further development.

Refused



Aerial Photograph (1:1250)



Location Plan (1:1250)

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Refused

REVISION	DATE	DESCRIPTION OF REVISION

CLIENT
Mr & Mrs Mears

PROJECT
Proposed Erection of Dwellinghouse
Bella's Field, Logie Pert, Montrose, DD10 9JX

DRAWING TITLE
Proposed Location Plan & Aerial Photograph

SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	17.03.17	JDC/707/001.PPP	DP

This drawing is issued for the purpose of the status indicated below

- Sketch Proposal
- Planning Application Submission
- Planning Application
- Building Warrant Application Submission
- Building Warrant Application
- Tender Issue
- Construction Drawings to be Adhered to on Site

john d crawford Ltd
 ARCHITECTURAL SERVICES
 72 New Wynd Montrose
 Angus
 DD10 8RF
 email | info@johndcrawford.co.uk
 tel | 01674 672064 fax | 01674 672126

















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 : 17/00215/PPPL

To **Mr Johnathan Mears**
c/o John D. Crawford Ltd
72 New Wynd
Montrose
Scotland
DD10 8RF

With reference to your application dated 27 March 2017 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of Dwelling House at Land West Of Bella Cottage Logie Pert Montrose for Mr Johnathan Mears

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

The reasons for the Council's decision are:-

1. That the application is contrary to policies TC2 and DS1 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the site would not round off an established building group; meet an essential worker requirement; form a gap site; allow for the acceptable replacement of an existing dwelling; or redevelop a rural brownfield site. In addition, it is also to contrary to criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria of the Countryside Housing Supplementary Guidance because the proposed site would be formed by sub-dividing the existing residential curtilage of The Kirklands as approved by planning application 14/00009/FULL.

Amendments:

The application has not been subject of variation.

Dated this **22 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 Agent Third Party objector who made a representation

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

SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE

at

**Bella's Field
Logie Pert
Montrose
DD10 9JX**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



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On behalf of

Mr. Jonathan Mears

Executive Summary

ERECTION OF DWELLING HOUSE AT BELLA'S FIELD, LOGIE PERT, MONTROSE DD10 9JX

- The application site which measures c0.3312 hectares (c0.82 acres) is located to the immediate west of an established and distinguished group of three buildings situated approximately 140 metres to the south east of Logie Pert. The three buildings comprise '*The Kirklands*', which is a Category 'C' Listed Building; '*Bella's Cottage*', which is a Category 'B' Listed Building and a U shaped steading building. All three buildings are owned by the applicant, Mr. Jonathan Mears.
- The application site which is located next to Bella's Cottage comprises an area of land which slopes generally downwards from the north to the south where it meets the Gallery Burn. The southern boundary of the site is clearly defined by that burn and mature trees on either side of it; to the east by an existing track beyond which exists Bella's Cottage and the garden attached to '*The Kirklands*'; and to the north by agricultural land, the boundary of which is defined by a Post and Ryelock Fence.
- Planning Permission was granted by the Council to change the use of the application site and an area of ground to the north east of it from agricultural use to private garden ground on 14th April 2014 under Planning Application Reference Number 14/00009/FULL. This permission has since been implemented.
- The application submitted seeks planning permission in principle for the erection of a dwelling house on the site. It is our client's intention that the proposed house becomes a retirement home for him and his wife as the existing dwelling house (*The Kirklands*) is too large for present requirements and a burden to maintain in advancing years. In the event of planning permission being secured for the retirement home and subsequently developed, the properties known as '*The Kirklands*' and '*Bella's Cottage*' will be occupied by our client's children and grandchildren.
- Policy TC2 of the Angus Local Development Plan along with the Council's Supplementary Guidance on Countryside Housing supports the erection of a single new house in countryside locations where it would round off an established building group of 3 or more existing dwellings or buildings capable of conversion to residential use.
- There is clearly a group of three buildings comprising the two dwelling houses (Bella's Cottage and The Kirklands) and a steading capable of conversion to residential use within the overall land holding owned by our client. That building group has a very clearly established sense of containment generated by the location of the individual buildings within it; the established landscape frame work surrounding them and the application site; and by virtue of the fact that the Council has previously granted planning permission to change the use of the site to private garden ground. The application site also forms a clearly defined

gap in the established landscape setting and will round off the existing group without adverse effect on the wider landscape.

- Based on our consideration of the development plan and all other material considerations it is our considered opinion that permission should be granted for the dwelling house as applied for.

SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE AT BELLA'S FIELD, LOGIE PERT, MONTROSE DD10
9JX

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SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE AT BELLA'S FIELD, LOGIE PERT, MONTROSE DD10 9JX

1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our client, Mr. Jonathan Mears. It is in support of an application for the erection of a dwelling house at Bella's Field, Logie Pert, Montrose DD10 9JX



Location Plan (Site Outlined in Red)

2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site which measures c0.3312 hectares (c0.82 acres) is located to the immediate west of an established and distinguished group of three buildings situated approximately 140 metres to the south east of Logie Pert. The three buildings comprise 'The Kirklands', which is a Category 'C' Listed Building; 'Bella's Cottage', which is a Category 'B' Listed Building and a U shaped steading building. The site which is located next to Bella's Cottage comprises an area of land which slopes generally downwards from the north towards the south where it meets an existing burn known as The Gallery Burn. The southern boundary of the site is clearly defined by that burn and mature trees on either side of it; to the east by an existing track beyond which exists Bella's Cottage and the garden attached to 'The Kirklands'; and to the north by agricultural land, the boundary of which is defined by a Post and Ryelock Fence.



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- 2.2 Planning Permission was granted by the Council to change the use of the application site and an area of ground to the north east of it from agricultural use to private garden ground under Planning Application Reference Number 14/00009/FULL on 14th April 2014 and has since been implemented.



The Kirklands



Steadings



Bella's Cottage

2.3 Our client, Mr. Jonathan Mears, owns the application site along with the three buildings and adjoining lands referred to above and as outlined in the location plan accompanying the application. Those lands which measure some 1.393 hectares (c.3.44 acres) include a small agricultural land holding registered under Agricultural Holding Number BRN – 239091; MLC – 090/0038; and FIS – 313736.



Photographs of Application Site

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application submitted seeks planning permission in principle for the erection of a dwelling house on the site. It is our client's intention that the proposed house becomes a retirement home for him and his wife as the existing dwelling house (*The Kirklands*) is too large for present requirements and a burden to maintain in advancing years. In the event of planning permission being secured for the retirement home and subsequently developed the properties known as '*The Kirklands*' and '*Bella's Cottage*' will be occupied by our client's children and grandchildren.

4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) and the adopted Angus Local Development Plan. Other key material considerations in the determination of the application include Scottish Planning Policy; Planning History; and the Council's Supplementary Guidance on Countryside Housing.

Strategic Development Plan for Dundee, Angus, Perth and North Fife (TayPlan)

4.4 The Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was approved by Scottish Ministers in June 2012 and sets out proposals for the development of the region in the period between 2012 and 2032. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application proposals.



Angus Local Development Plan 2016

- 4.5 The Angus Local Development Plan was adopted by Angus Council in September 2016. The application site lies within a 'Countryside Housing Category 2 Area.' Policy TC2 on 'Residential Development' states the following:

'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 of affordable housing in accordance with Policy TC3 Affordable Housing.*

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

- *is not allocated or protected for another use;*
- *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:*
 - 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*
- *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.'*

4.6 Our client's application is considered to be supported by and in compliance with the terms of Policy TC2 as it has a strong visual and coherent relationship with the established group of buildings. It also has the characteristics of a gap site as a result of those buildings and the established landscape framework surrounding it.

4.7 Other policies within the Plan which are of relevance to the application under consideration include the following:

Policy DS1 – Development Boundaries and Priorities

Policy DS3 – Design Quality & Place making

Policy DS4 – Amenity

Policy PV6 – Development in the Landscape

Policy PV8 – Built and Cultural Heritage

4.8 Policy DS1 on '*Development Boundaries and Priorities*' states the following:

'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 green field 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*

4.9 The application proposals involve the development of a gap site located between a group of three existing buildings and an established landscaped framework. The erection of a dwelling on the site will also round off the established group of buildings and appear as a logical addition to them.

4.10 Policy DS3 on '*Design Quality and Place Making*' states the following:

'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 are set out in '*Designing Street's* are addressed.*
- *Adaptable – Where development is designed to support a mix of compatible uses and accommodating changing needs.*
- *Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimize environmental impacts and maximize 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.'

4.11 Whilst many of the criteria mentioned in Policy DS3 above relate to larger scale developments than that proposed; and to urban rather than rural locations it is evidently clear that a dwelling house can be comfortably accommodated on this site appearing as a logical addition to the existing building group and being contained within a strong and mature landscaped framework. An appropriately designed house in this location will contribute positively to the character and appearance of the area.

4.12 Policy DS4 on '*Amenity*' states the following:

'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.'

4.13 A dwelling house is clearly capable of being accommodated on this site and can be provided with acceptable levels of amenity. Similarly the erection of a house on the site will not result in adverse impacts on amenity levels at the nearest existing residential property (Bella's Cottage).

4.14 Policy DV6 on '*Development in the Landscape*' states the following:

'Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provision in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- *the site selected is capable of accommodating the proposed development;*

- *the siting and design integrate with the landscape context and minimize adverse impacts on the local landscape;*
- *potential cumulative effects with any other relevant proposal are considered to be acceptable; and*
- *mitigation measures and/or reinstatement are proposed where appropriate.*

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimize or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and consideration areas in Angus will be set out in a Planning Advice Note.'

4.15 The application site benefits from established landscaped boundaries to the south which along with its relationship to the existing group of buildings to the east will ensure that any dwelling house will integrate with the landscape and not result in an adverse effect on it, thus complying with the requirements of Policy PV6.

4.16 Policy PV8 on '*Built and Cultural Heritage*' states the following:

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

4.17 As noted previously 'Bella's Cottage' and 'The Kirklands' are Category 'B' and Category 'C' Listed Buildings respectively. The development of a new appropriately designed dwelling house on the application site will not have an adverse impact on the setting of either building.

4.18 In light of the considerations outlined above we are very firmly of the opinion that the proposal is entirely compliant with the terms of the development plan and therefore meets the requirements of the first part of Section 25 in the Planning Act.

Other material considerations

4.19 There are a number of other material considerations which must be addressed in the consideration of this Planning Application including Scottish Planning Policy; Planning History; and the Council's Supplementary Guidance on 'Countryside Housing.'

Scottish Planning Policy

4.20 Scottish Planning Policy was published by the Scottish Government in June 2014 with its purpose stated as being '*to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.*' Paragraph 75 of SPP advises that the Planning System should:

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and*
- *support an integrated approach to coastal planning.'*

4.21 Paragraph 81 of the SPP states the following:

'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

4.22 Paragraph 83 of the SPP states the following:

'In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing (including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self-build; holiday homes; new build or conversion linked to rural business) and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *not impose occupancy restrictions on housing.'*

4.23 It is evidently clear from the above extracts that there is a strong level of support for appropriate forms of development in rural areas advocated in Scottish Planning Policy. The dwelling house proposed by our client, which, as we have demonstrated previously, is supported by the terms of the Angus Local Development Plan, is clearly considered appropriate in the context described.

4.24 Paragraph 137 of Scottish Planning Policy on 'The Historic Environment' states the following:

'The planning system should:

- *promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and*
- *enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use.*

Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.'

4.25 The development of a dwelling house on the application site will not result in an adverse impact on the setting of either listed building within the established group.

Planning History

4.26 As noted earlier the Council has previously granted planning permission for the change of use of the application site from agricultural to private garden ground under the terms of Planning Permission Reference Number 14/00009/FULL and that permission has been implemented. The change of use granted and subsequently implemented changes the nature and use of the application site and strengthens its integration within the already established building group.

Countryside Housing – Supplementary Guidance

4.27 The Council's Supplementary Guidance on '*Countryside Housing*' is understood to have been approved by the Council's Planning Committee earlier this year. The main objectives of the Supplementary Guidance are to:

- Provide advice on the interpretation of relevant aspects of Policies TS2 and DS1 of the Angus Local Development Plan, and provide a consistent approach to decision-making;
- Guide new development to appropriate and sustainable locations, where impact on landscape quality is minimised;
- Ensure new development reflects traditional patterns of development in the locality; and
- Promote high quality development in the countryside that respects local character and rural heritage.

4.28 Section 3.4 of the Supplementary Guidance in relation to 'Building Groups' states the following:

'A single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use. This should be sited within the building group (i.e. generally located close to other buildings in the group) provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting. Development outwith the boundaries or features that define a group's sense of containment should not be considered as constituting development within or rounding off the building group. Proposals that have a significant detrimental impact on the character of the group, or its landscape setting should be resisted as failing to round off or consolidate the group. Definitions of "sense of containment" and "building group" are contained in the Glossary.'

4.29 '*Building Group*' and '*Sense of Containment*' are defined as follows:

'Building Group - *A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use. The building group will require to have a sense of containment.'*

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

4.30 There is clearly a group of three buildings comprising the two dwelling houses (Bella's Cottage and The Kirklands) and a steading capable of conversion to residential use within the overall land holding owned by our client. That building group has a very clearly established sense of containment generated by the location of the individual buildings within it; the established landscape frame work surrounding them and the application site; and by virtue of the fact that the Council has previously granted planning permission to change the use of the application to private garden ground. As noted previously the application site which forms a clearly defined gap in the established landscape structure will round off the existing group without adverse effect on the wider landscape.

4.31 Section 4 of the Supplementary Guidance on ‘*Design Considerations for New Houses in the Countryside*’ states the following:

‘In general the design solution for new houses in the countryside should accord with the principles set out in Policies DS3 Design Quality and Placemaking and PV6 Development in the Landscape. Guidance on design of new development in rural locations has been incorporated into the Design Quality and Placemaking Supplementary Guidance.

The basic principles for the siting and design of new houses in the countryside are set out below. New housing development should:

- *Reflect the traditional pattern of development in the area;*
- *Materials, form, scale and massing of new development should complement and not detract from existing traditional buildings in the area. Contemporary designs based on traditional characteristics will be generally encouraged. New housing based on suburban characteristics will not be supported;*
- *New development should seek to integrate with local landscape context and features and fit into the wider landscape setting not be imposed on it. Obtrusive development (i.e. on a ridgeline, artificially elevated ground or open settings) will not be supported;*
- *Landscaping and boundary treatment should be used to integrate new development with its setting. Proposals should be accompanied by a landscaping plan to demonstrate how the development will integrate into the local landscape setting.’*

4.32 As this is an application for Planning Permission in Principle it is not possible to respond in detail to some of the requirements outlined above. However, what is evident is the fact that this site represents an opportunity to round off an existing group of buildings on a site that has very clear and well defined physical boundaries. Those boundaries will assist with the integration of that house within the landscape and without causing adverse impact on it.

4.33 Appendix 3 to the Supplementary Guidance sets out the Criteria that all countryside housing proposals are required to meet. Those criteria and our responses to them are outlined below:

a *not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported;*

Response – The granting of planning permission for the erection of a dwelling house on this site will not create a gap or rounding off opportunity for additional greenfield development. Conditions can be imposed on any planning permission in principle granted to ensure that this remains so.

b *meet the following plot size requirements (does not apply to proposals for conversion of non-residential buildings):*

- *Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m²*
- *Category 2 RSUs – between 0.06ha/600m² and 0.4ha/4000m²*

Response – The application site which measures 3312 sq. metres falls within the 600 – 4000 sq. metres threshold specified for Category 2 RSU's.

c not extend ribbon development;

Response – Ribbon development is defined in the Glossary to the Supplementary Guidance as 'a string of 3 or more houses along a metalled road – i.e. a road with a hard, crushed rock stone surface as a minimum.' The development of the application site could not, even by the wildest stretch of the imagination, be construed as contributing to ribbon development.

d not result in the coalescence of building groups or of a building group with a nearby settlement;

Response – The development of the application site for the dwelling house proposed will not result in the coalescence of the established building group with another building group or with a nearby settlement, which in this case is Logie Pert.

e contribute to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality. Examples of suburban design on nearby or adjacent houses will not be accepted as justification for additional suburban development;

Response – Whilst this is an application for planning permission in principle it is unequivocally clear that the site can comfortably accommodate the dwelling house proposed. Detailed design would be a matter for consideration under an application for approval of matters specified in conditions in the event of planning permission in principle being granted.

f provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Guidance on private amenity space and distance between dwellings is set out in the Design Quality and Placemaking Supplementary Guidance. In countryside areas application of this guidance will have regard to the nature of the location and adjoining properties. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council's Advice Note 25 – Agricultural Land to Garden Ground.

Response – High quality residential environments can clearly be created on the application site for the dwelling house proposed.

g make provision for affordable housing in line with Policy TC3: Affordable Housing and the guidance set out in the Developer Contributions and Affordable Housing Supplementary Guidance;

Response – Given the scale of development proposed there is no requirement for the provision of affordable housing in association with it.

h where the proposed development will have a demonstrable cumulative impact on infrastructure and community facilities provision, an appropriate developer contribution

will be sought. Guidance on the range of contributions that may be sought from residential development and the methodologies for calculating the contribution are set out in the Developer Contributions and Affordable Housing Supplementary Guidance.

Response – Whilst our client has no objection to the principle of making developer contributions, any such contributions sought should be directly related to the impacts arising from the development in accordance with the principles set out in Scottish Government Circular 3/2012 on *'Planning Obligations and Good Neighbour Agreements.'* We are unaware of any justification in seeking developer contributions in this particular instance.

i not adversely affect or be affected by farming or other rural business activities (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);

Response – The proposed dwelling houses will not have an adverse effect on any existing farming or rural based enterprise in the area. Permission has already been granted by the Council to change the use of the site from agricultural to residential and that permission has been implemented.

j not take access through a farm court; (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);

Response – Access to the development site is via an existing road direct from the public road. That access does not run through a farm court.

k not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large. The standard of the existing access should be taken into account when assessing a development proposal. Improvements should only be required where these would be necessary to provide ease of vehicular access to the existing and proposed development, or for road safety purposes;

Response – Access to the proposed dwelling house will be taken off the access road serving the two existing dwelling houses.

4.34 Having assessed the proposal against the terms of the development plan and all other material considerations we are firmly of the view that our client's application which seeks planning permission for the erection of a single dwelling house on this site should be granted planning permission in principle.

5. SUMMARY AND CONCLUSIONS

5.1 The following bullet points set out a summary of our client's planning application and the reasons supporting a positive recommendation:

- **The application site which measures c0.3312 hectares (c0.82 acres) is located to the immediate west of an established and distinguished group of three buildings situated approximately 140 metres to the south east of Logie Pert. The three buildings comprise 'The Kirklands', which is a Category 'C' Listed Building; 'Bella's Cottage', which is a Category 'B' Listed Building and a U shaped steading building. All three buildings are owned by the applicant, Mr. Jonathan Mears.**
- **The application site which is located next to Bella's Cottage comprises an area of land which slopes generally downwards from the north to the south where it meets the Gallery Burn. The southern boundary of the site is clearly defined by that burn and mature trees on either side of it; to the east by an existing track beyond which exists Bella's Cottage and the garden attached to 'The Kirklands'; and to the north by agricultural land, the boundary of which is defined by a Post and Ryelock Fence.**
- **Planning Permission was granted by the Council to change the use of the application site and an area of ground to the north east of it from agricultural use to private garden ground on 14th April 2014 under Planning Application Reference Number 14/00009/FULL. This permission has since been implemented.**
- **The application submitted seeks planning permission in principle for the erection of a dwelling house on the site. It is our client's intention that the proposed house becomes a retirement home for him and his wife as the existing dwelling house (*The Kirklands*) is too large for present requirements and a burden to maintain in advancing years. In the event of planning permission being secured for the retirement home and subsequently developed, the properties known as 'The Kirklands' and 'Bella's Cottage' will be occupied by our client's children and grandchildren.**
- **Policy TC2 of the Angus Local Development Plan along with the Council's Supplementary Guidance on Countryside Housing supports the erection of a single new house in countryside locations where it would round off an established building group of 3 or more existing dwellings or buildings capable of conversion to residential use.**
- **There is clearly a group of three buildings comprising the two dwelling houses (Bella's Cottage and The Kirklands) and a steading capable of conversion to residential use within the overall land holding owned by our client. That building group has a very clearly established sense of containment generated by the location of the individual buildings within it; the established landscape frame work surrounding them and the application site; and by virtue of the fact that the Council has previously granted planning permission to change the use of the site to private garden ground. The application site also forms a clearly defined gap in the established landscape structure and will round off the existing group without adverse effect on the wider landscape.**

5.2 In light of the considerations outlined above it is respectfully requested that planning permission be granted for the erection of a single dwelling house on the site. We reserve the right to provide additional information in support of this application prior to its determination if considered necessary or justified.

Signed

A solid black rectangular box redacting the signature of Derek Scott.

Derek Scott

Date

17th March 2017

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A
DWELLINGHOUSE AT LAND WEST OF BELLA COTTAGE, LOGIE,
PERT, MONTROSE**

APPLICATION NO 17/00215/PPPL

APPLICANT'S SUBMISSION

- | | |
|---------------|---|
| ITEM 1 | Notice of Review |
| ITEM 2 | Planning Application and Supporting Documents |
| ITEM 3 | Decision Notice |
| ITEM 4 | Report of Handling |



By Post & Email

Our Ref: ep512/let001AC/DS

21st June 2017

Ms. Elaine Whittet
Angus Council
Corporate Services
Angus House
Orchardbank
FORFAR
DD8 1AN

Dear Ms. Whittet

**17/00215/PPPL – ERECTION OF DWELLING HOUSE ON LAND TO THE WEST OF BELLA'S FIELD,
LOGIE PERT, MONTROSE DD10 9JX**

We write on behalf of our client, Mr. Jonathan Mears, to respectfully request that your Council's Local Review Body reviews the decision of the Appointed Officer, Mr. Damien Brennan, to refuse the above-mentioned application for planning permission in principle for the erection of a dwelling house on land to the west of Bella's Field, Logie Pert, Montrose. A Notice of Review Form is attached as **Document 1**; a copy of the planning application and supporting statement is attached as **Document 2**; a copy of the decision notice is attached as **Document 3**; and a copy of Mr. Brennan's Report of Handling is attached as **Document 4**. All documents should be read with and form an integral part of this review request.

The application site which measures c0.3312 hectares (c0.82 acres) is located to the immediate west of an established and distinguished group of three buildings situated approximately 140 metres to the south east of Logie Pert. The three buildings comprise 'The Kirklands', which is a Category 'C' Listed Building; 'Bella's Cottage', which is a Category 'B' Listed Building and a U shaped steading building. All three buildings are owned by the applicant, Mr. Jonathan Mears.

The application site which is located next to Bella's Cottage comprises an area of land which slopes generally downwards from the north to the south where it meets the Gallery Burn. It was purchased by our client a number of years ago as it was not suitable for arable production and therefore surplus to a local farmer's requirements. The southern boundary of the site is clearly defined by the Gallery Burn and mature trees on either side of it; to the east by an existing track beyond which exists Bella's Cottage and the garden attached to 'The Kirklands'; and to the north by agricultural land, the boundary of which is defined by a Post and Ryelock Fence.

Planning Permission was granted by the Council to change the use of the application site and an area of ground to the north east of it from agricultural use to private garden ground on 14th April 2014 under Planning Application Reference Number 14/00009/FULL. This permission has since

been implemented but only insofar as it relates to the area of ground to the north east of the application site.

The application submitted sought planning permission in principle for the erection of a dwelling house on the site. It is our client's intention that the proposed house becomes a retirement home for him and his wife as the existing dwelling house (*The Kirklands*) is too large for present requirements and a burden to maintain in advancing years. In the event of planning permission being secured for the retirement home and subsequently developed, the properties known as '*The Kirklands*' and '*Bella's Cottage*' will be occupied by our client's children and grandchildren.

The application was refused by the Council's Planning Department on 22nd May 2017 for the following reason(s):

- 1. That the application is contrary to policies TC2 and DS1 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the site would not round off an established building group; meet and essential worker requirement; form a gap site; allow for the acceptable replacement of an existing dwelling; or redevelop and rural brownfield site. In addition, it is also contrary to criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria of the Countryside Housing Supplementary Guidance because the proposed site would be formed by sub-dividing the existing residential curtilage of the Kirklands as approved by planning application 14/00009/FULL.*

Response to Reasons for Refusal

Policy TC2 and by definition Policy DS1 set out the circumstances under which new dwelling houses in the Angus Countryside will be supported.

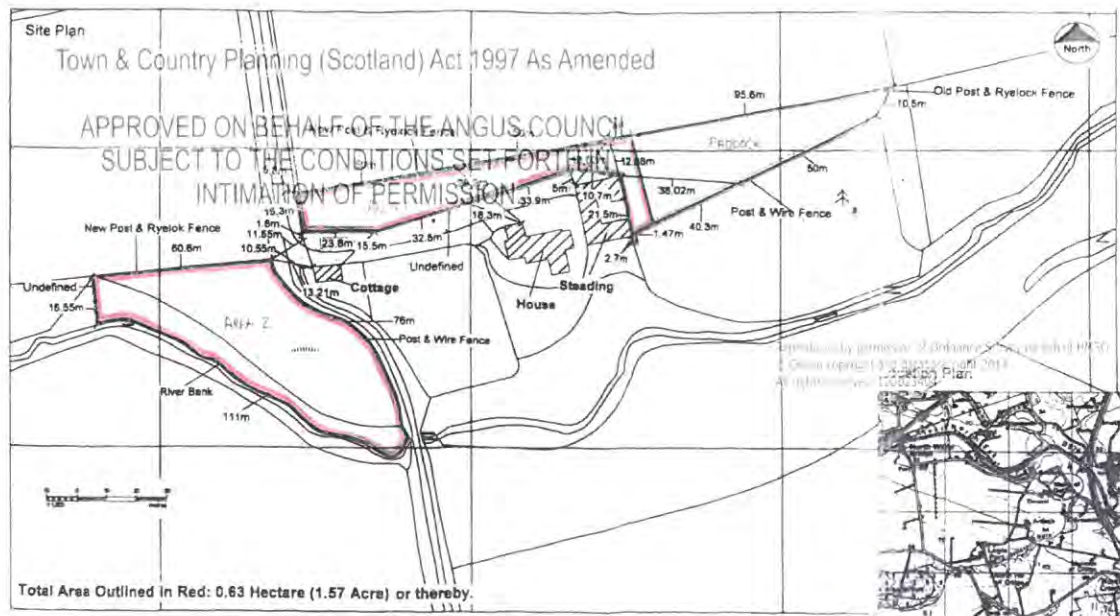
The first such circumstance applicable to the application relates to situations where the erection of a new house would round off a group of three or more existing dwellings. The definition of existing dwellings is expanded in the Council's Supplementary Guidance to include buildings capable of conversion to residential use. We set out in detail in the statement submitted in support of the application that there is an established group of three such buildings next to the site. The Council's Planning Department, in fairness, do not appear to dispute this.

However, the Planning Department has claimed in the Report of Handling that the application site forms part of the garden ground of *The Kirklands* but is located out with the boundaries and features which define the group's sense of containment such as the tree lined road to the north, the track to the west of *Bella's Cottage* and the stone boundary wall. The Planning Department further claim that these features help to define and contain the group and that development to the west of that site would visibly extend rather than round off the group.

We disagree with the Planning Department's assessment of this application proposal. Firstly, the application site does not form part of the garden ground attached to *The Kirklands* as claimed. An examination of the application site, had it been undertaken, would have revealed that it forms part of an agricultural holding (Agricultural Holding Number 6678564200) and was last used for such purposes.

Whilst planning permission was granted to change the use of the site to private garden ground on 14th April 2014 under Planning Application Reference Number 14/00009/FULL the permission

granted related to two separate parcels of land as shown in the diagram below. Area 1 related to an extension of the garden area attached to the Kirklands whereas Area 2 (the current application site) related to an extension of the garden area attached to Bella's Cottage. Whilst Area 1 is now in use as an extended garden area to Kirklands, the use of Area 2 (i.e. the application site) has not been changed. The Council's Planning Department in claiming that the site forms part of the garden area attached to Kirklands has clearly made a very significant error in its assessment of the application.



Setting aside that very significant error in relation to the identity of the application site as garden ground we are very firmly of the opinion that the physical characteristics of the site as they exist presently, represents a logical rounding off to the building group. The site is not isolated in nature. Its southern boundary is defined by mature landscaping along the Gallery Burn whereas its north western boundary is bounded by an existing track beyond which exists Bella's Cottage. Although the change of use to the garden ground has not occurred the fact that the Council has previously granted planning permission to change its use provides further support for the erection of a dwelling house on the site. For the reasons outlined we disagree entirely with the suggestion made in the Report of Handling that the dwelling house proposed would extend the group of existing buildings rather than round off the group.

The second circumstance in Policy TC2 applicable to the application site allows for the erection of new dwelling houses in countryside locations where they are required to meet an essential worker need for the management of land or other rural business. We have outlined in our Supporting Statement that the dwelling house proposed will be used as a retirement home by our client with the existing houses being occupied by his children/grandchildren who would then assume responsibility for the overall agricultural holding. The Report of Handling prepared by the Council's Planning Department fails to mention this important consideration which is disappointing.

The third circumstance which lends support for the erection of a dwelling house in countryside locations relates to situations where such a house would fill a gap between the curtilages of two houses, or the curtilage of one house and a metaled road, or between the curtilage of one house

and an existing substantial building such as a church, a shop or a community facility. Whilst the application proposal may not fully comply with the definition of a gap site as set out in Policy TC2, nor does it need to as it is supported by other policy exceptions, the site does constitute a very clear gap between established landscape features and the existing building group and as such in terms of site and locational criteria it is eminently suitable for the erection of a new dwelling house.



Application site is well contained in landscape and will round off existing building group

For the reasons outlined it is our considered opinion that the proposal complies with the terms of both Policies TC2 and DS1 of the Angus Local Development Plan.

The second part of Mr. Brennan's Reason for Refusal states that the proposal is also contrary to criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria of the Countryside Housing Supplementary Guidance because the proposed site would be formed by sub-dividing the existing residential curtilage of the Kirklands as approved by planning application 14/00009/FULL. As we have outlined previously the application site does not presently form part of the curtilage attached to any property and certainly not the Kirklands. Whilst permission exists to change the use of the application to garden ground attached to Bella's Cottage that change of use has not occurred and in any event only lends support for the erection of a dwelling house on the site.

We note the Planning Department's agreement with our position that a suitable design and position for the proposed house could ensure that any impact on the setting of the adjoining listed buildings could be addressed and as such would not justify the refusal of the application. We also note the Planning Department's opinion that there is no reason to consider that an appropriately designed house could not meet with the remaining policies of the local development plan. We would add that our client has a total commitment to not only maintaining but enhancing the appearance of the locality. Indeed it is worth noting that he has previously restored a 14th Century Category 'A' Listed Castle in Angus and he would not construct anything which detracted from the listed status of his other properties.

The Report of Handling draws attention to the fact that the Local Community Council has objected to the application raising in particular concerns about the creation of a gap site between the application site and existing development to the north. The Report of Handling, in response to this concern has stated - '*allowing a house on the proposed site would not create a qualifying gap site for further development to the north because the road frontage of the 'gap' would be too large and a further house would result in the coalescence of this group to the building group to the north (contrary to Supplementary Guidance.*' It is perhaps significant to note that the

Community Council described the site as '*agricultural land*' rather than garden ground as it has been so described by the Council's Planning Department. It is also significant to note that the Community Council's objection does not appear to relate to the application proposal but rather to concerns about the creation of a gap site capable of development arising from the granting of permission for our client's house. Such concerns have been dismissed by the Planning Officer.

In light of all considerations outlined above it appears to us that the Council's Planning Department has somewhat over zealously refused our client's application and in doing so have denied our client the opportunity of erecting a retirement home on a site which is entirely suitable for such purposes particularly when measured against industry standard siting criteria. The Scottish Government places great emphasis in Scottish Planning Policy on the provision of appropriate opportunities for the development of rural housing in the Scottish Countryside. Whilst it is acknowledged that there is an element of subjectivity in the decision making process when it comes to deciding between the development of a site extending a group or rounding off a group there should always be an overlying presumption in favour of appropriate development. The erection of a dwelling house on this site is entirely appropriate and as such it is respectfully requested that it be approved.

We reserve the right to expand on the contents of this supporting letter or to respond to any further submissions made by the Council's Planning Department, Consultees or third parties prior to its determination by the Local Review Body.

Please acknowledge receipt and registration of this request at your earliest convenience. Thanking you in anticipation of your assistance.

Yours sincerely

A black rectangular redaction box covering the signature of Derek Scott.

Derek Scott

enc.

cc. Mr. J Mears

List of Documents

- Document 1 -** Notice of Review Form
- Document 2 -** Copy of Planning Application submitted to Angus Council
- Document 3 -** Copy of Decision Notice
- Document 4 -** Copy of Report of Handling

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr.	Ref No.	EP512Bella
Forename	Jonathan	Forename	Derek
Surname	Mears	Surname	Scott
Company Name		Company Name	Derek Scott Planning
Building No./Name	The Kirklands	Building No./Name	Unit 9
Address Line 1	Logie Pert	Address Line 1	Dunfermline Business Centre
Address Line 2		Address Line 2	Izatt Avenue
Town/City	Montrose	Town/City	Dunfermline
Postcode	DD10 9JX	Postcode	KY12 0NJ
Telephone		Telephone	01383 620300
Mobile		Mobile	07802 431970
Fax		Fax	01383 844 999
Email		Email	enquiries@derekscottplanning.com
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	17/00215/PPPL		
Site address	Land to the west of Bella's Field Logie Pert Montrose DD10 9JX		
Description of proposed development	Erection of Dwelling House		

Date of application

Date of decision (if any)

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

4. Nature of Application

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

5. Reasons for seeking review

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

6. Review procedure

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

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

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

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

We reserve the right to respond to any submissions made on this Review Request by either the Appointed Officer or Third Parties.

7. Site inspection

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

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

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

None.

8. Statement

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

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

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

Please refer to attached supporting letter.

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

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

N/A

9. List of Documents and Evidence

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

Please refer to attached supporting letter.

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

10. Checklist

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

Full completion of all parts of this form


Statement of your reasons for requesting a review

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

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

DECLARATION

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

Signature: 

Name:

Date:

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



County Buildings Market Street Forfar DD8 3LG Tel: 01307 461 460 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100043737-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of Dwelling House

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	John D. Crawford Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Crawford	Building Number:	72
Telephone Number: *	01674672064	Address 1 (Street): *	New Wynd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Montrose
Fax Number:		Country: *	Scotland
		Postcode: *	DD10 8RF
Email Address: *	admin@johndcrawford.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	The Kirklands
First Name: *	Johnathan	Building Number:	
Last Name: *	Mears	Address 1 (Street): *	Logie Pert
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Montrose
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD10 9JX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Angus Council

Full postal address of the site (including postcode where available):

Address 1:

BELLA'S COTTAGE

Address 2:

LOGIE PERT

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

MONTROSE

Post Code:

DD10 9JX

Please identify/describe the location of the site or sites

Northing

764158

Easting

366654

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Discouraging further planning application for a dwelling on this site.

Title:

Mr

Other title:

First Name:

Damian

Last Name:

Brennan

Correspondence Reference Number:

16/00630/PREAPP

Date (dd/mm/yyyy):

14/09/2016

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

3312.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant Land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: John Crawford

On behalf of: Mr Johnathan Mears

Date: 20/03/2017

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Supporting Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr John Crawford

Declaration Date: 20/03/2017

Payment Details

Online payment: 440432

Payment date: 20/03/2017 16:26:17

Created: 20/03/2017 16:26

SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE

at

**Bella's Field
Logie Pert
Montrose
DD10 9JX**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



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On behalf of

Mr. Jonathan Mears

Executive Summary

ERECTION OF DWELLING HOUSE AT BELLA'S FIELD, LOGIE PERT, MONTROSE DD10 9JX

- The application site which measures c0.3312 hectares (c0.82 acres) is located to the immediate west of an established and distinguished group of three buildings situated approximately 140 metres to the south east of Logie Pert. The three buildings comprise '*The Kirklands*', which is a Category 'C' Listed Building; '*Bella's Cottage*', which is a Category 'B' Listed Building and a U shaped steading building. All three buildings are owned by the applicant, Mr. Jonathan Mears.
- The application site which is located next to Bella's Cottage comprises an area of land which slopes generally downwards from the north to the south where it meets the Gallery Burn. The southern boundary of the site is clearly defined by that burn and mature trees on either side of it; to the east by an existing track beyond which exists Bella's Cottage and the garden attached to '*The Kirklands*'; and to the north by agricultural land, the boundary of which is defined by a Post and Ryelock Fence.
- Planning Permission was granted by the Council to change the use of the application site and an area of ground to the north east of it from agricultural use to private garden ground on 14th April 2014 under Planning Application Reference Number 14/00009/FULL. This permission has since been implemented.
- The application submitted seeks planning permission in principle for the erection of a dwelling house on the site. It is our client's intention that the proposed house becomes a retirement home for him and his wife as the existing dwelling house (*The Kirklands*) is too large for present requirements and a burden to maintain in advancing years. In the event of planning permission being secured for the retirement home and subsequently developed, the properties known as '*The Kirklands*' and '*Bella's Cottage*' will be occupied by our client's children and grandchildren.
- Policy TC2 of the Angus Local Development Plan along with the Council's Supplementary Guidance on Countryside Housing supports the erection of a single new house in countryside locations where it would round off an established building group of 3 or more existing dwellings or buildings capable of conversion to residential use.
- There is clearly a group of three buildings comprising the two dwelling houses (Bella's Cottage and The Kirklands) and a steading capable of conversion to residential use within the overall land holding owned by our client. That building group has a very clearly established sense of containment generated by the location of the individual buildings within it; the established landscape frame work surrounding them and the application site; and by virtue of the fact that the Council has previously granted planning permission to change the use of the site to private garden ground. The application site also forms a clearly defined

gap in the established landscape setting and will round off the existing group without adverse effect on the wider landscape.

- **Based on our consideration of the development plan and all other material considerations it is our considered opinion that permission should be granted for the dwelling house as applied for.**

SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE AT BELLA'S FIELD, LOGIE PERT, MONTROSE DD10
9JX

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SUPPORTING STATEMENT

ERECTION OF DWELLING HOUSE AT BELLA'S FIELD, LOGIE PERT, MONTROSE DD10 9JX

1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our client, Mr. Jonathan Mears. It is in support of an application for the erection of a dwelling house at Bella's Field, Logie Pert, Montrose DD10 9JX



Location Plan (Site Outlined in Red)

2. LOCATION AND DESCRIPTION OF SITE

2.1 The application site which measures c0.3312 hectares (c0.82 acres) is located to the immediate west of an established and distinguished group of three buildings situated approximately 140 metres to the south east of Logie Pert. The three buildings comprise 'The Kirklands', which is a Category 'C' Listed Building; 'Bella's Cottage', which is a Category 'B' Listed Building and a U shaped steading building. The site which is located next to Bella's Cottage comprises an area of land which slopes generally downwards from the north towards the south where it meets an existing burn known as The Gallery Burn. The southern boundary of the site is clearly defined by that burn and mature trees on either side of it; to the east by an existing track beyond which exists Bella's Cottage and the garden attached to 'The Kirklands'; and to the north by agricultural land, the boundary of which is defined by a Post and Ryelock Fence.



Location Plan (Application Site Outlined in red – Other Land owned Outlined in Blue)

2.2 Planning Permission was granted by the Council to change the use of the application site and an area of ground to the north east of it from agricultural use to private garden ground under Planning Application Reference Number 14/00009/FULL on 14th April 2014 and has since been implemented.



The Kirklands



Steadings



Bella's Cottage

2.3 Our client, Mr. Jonathan Mears, owns the application site along with the three buildings and adjoining lands referred to above and as outlined in the location plan accompanying the application. Those lands which measure some 1.393 hectares (c.3.44 acres) include a small agricultural land holding registered under Agricultural Holding Number BRN – 239091; MLC – 090/0038; and FIS – 313736.



Photographs of Application Site

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application submitted seeks planning permission in principle for the erection of a dwelling house on the site. It is our client's intention that the proposed house becomes a retirement home for him and his wife as the existing dwelling house (*The Kirklands*) is too large for present requirements and a burden to maintain in advancing years. In the event of planning permission being secured for the retirement home and subsequently developed the properties known as '*The Kirklands*' and '*Bella's Cottage*' will be occupied by our client's children and grandchildren.

4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) and the adopted Angus Local Development Plan. Other key material considerations in the determination of the application include Scottish Planning Policy; Planning History; and the Council's Supplementary Guidance on Countryside Housing.

Strategic Development Plan for Dundee, Angus, Perth and North Fife (TayPlan)

4.4 The Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was approved by Scottish Ministers in June 2012 and sets out proposals for the development of the region in the period between 2012 and 2032. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application proposals.



Angus Local Development Plan 2016

- 4.5 The Angus Local Development Plan was adopted by Angus Council in September 2016. The application site lies within a 'Countryside Housing Category 2 Area.' Policy TC2 on 'Residential Development' states the following:

'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 of affordable housing in accordance with Policy TC3 Affordable Housing.*

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

- *is not allocated or protected for another use;*
- *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:*
 - 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*
- *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.'*

4.6 Our client's application is considered to be supported by and in compliance with the terms of Policy TC2 as it has a strong visual and coherent relationship with the established group of buildings. It also has the characteristics of a gap site as a result of those buildings and the established landscape framework surrounding it.

4.7 Other policies within the Plan which are of relevance to the application under consideration include the following:

Policy DS1 – Development Boundaries and Priorities

Policy DS3 – Design Quality & Place making

Policy DS4 – Amenity

Policy PV6 – Development in the Landscape

Policy PV8 – Built and Cultural Heritage

4.8 Policy DS1 on '*Development Boundaries and Priorities*' states the following:

'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 green field 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*

4.9 The application proposals involve the development of a gap site located between a group of three existing buildings and an established landscaped framework. The erection of a dwelling on the site will also round off the established group of buildings and appear as a logical addition to them.

4.10 Policy DS3 on '*Design Quality and Place Making*' states the following:

'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 are set out in '*Designing Street*'s are addressed.*
- *Adaptable – Where development is designed to support a mix of compatible uses and accommodating changing needs.*
- *Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimize environmental impacts and maximize 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.'

4.11 Whilst many of the criteria mentioned in Policy DS3 above relate to larger scale developments than that proposed; and to urban rather than rural locations it is evidently clear that a dwelling house can be comfortably accommodated on this site appearing as a logical addition to the existing building group and being contained within a strong and mature landscaped framework. An appropriately designed house in this location will contribute positively to the character and appearance of the area.

4.12 Policy DS4 on '*Amenity*' states the following:

'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.'

4.13 A dwelling house is clearly capable of being accommodated on this site and can be provided with acceptable levels of amenity. Similarly the erection of a house on the site will not result in adverse impacts on amenity levels at the nearest existing residential property (Bella's Cottage).

4.14 Policy DV6 on 'Development in the Landscape' states the following:

'Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.'

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provision in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- *the site selected is capable of accommodating the proposed development;*

- *the siting and design integrate with the landscape context and minimize adverse impacts on the local landscape;*
- *potential cumulative effects with any other relevant proposal are considered to be acceptable; and*
- *mitigation measures and/or reinstatement are proposed where appropriate.*

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimize or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and consideration areas in Angus will be set out in a Planning Advice Note.'

4.15 The application site benefits from established landscaped boundaries to the south which along with its relationship to the existing group of buildings to the east will ensure that any dwelling house will integrate with the landscape and not result in an adverse effect on it, thus complying with the requirements of Policy PV6.

4.16 Policy PV8 on '*Built and Cultural Heritage*' states the following:

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

4.17 As noted previously 'Bella's Cottage' and 'The Kirklands' are Category 'B' and Category 'C' Listed Buildings respectively. The development of a new appropriately designed dwelling house on the application site will not have an adverse impact on the setting of either building.

4.18 In light of the considerations outlined above we are very firmly of the opinion that the proposal is entirely compliant with the terms of the development plan and therefore meets the requirements of the first part of Section 25 in the Planning Act.

Other material considerations

4.19 There are a number of other material considerations which must be addressed in the consideration of this Planning Application including Scottish Planning Policy; Planning History; and the Council's Supplementary Guidance on 'Countryside Housing.'

Scottish Planning Policy

4.20 Scottish Planning Policy was published by the Scottish Government in June 2014 with its purpose stated as being '*to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.*' Paragraph 75 of SPP advises that the Planning System should:

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and*
- *support an integrated approach to coastal planning.'*

4.21 Paragraph 81 of the SPP states the following:

'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

4.22 Paragraph 83 of the SPP states the following:

'In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing (including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self-build; holiday homes; new build or conversion linked to rural business) and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *not impose occupancy restrictions on housing.'*

4.23 It is evidently clear from the above extracts that there is a strong level of support for appropriate forms of development in rural areas advocated in Scottish Planning Policy. The dwelling house proposed by our client, which, as we have demonstrated previously, is supported by the terms of the Angus Local Development Plan, is clearly considered appropriate in the context described.

4.24 Paragraph 137 of Scottish Planning Policy on 'The Historic Environment' states the following:

'The planning system should:

- *promote the care and protection of the designated and non-designated historic environment (including individual assets, related [settings](#) and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and*
- *enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use.*

Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.'

4.25 The development of a dwelling house on the application site will not result in an adverse impact on the setting of either listed building within the established group.

Planning History

4.26 As noted earlier the Council has previously granted planning permission for the change of use of the application site from agricultural to private garden ground under the terms of Planning Permission Reference Number 14/00009/FULL and that permission has been implemented. The change of use granted and subsequently implemented changes the nature and use of the application site and strengthens its integration within the already established building group.

Countryside Housing – Supplementary Guidance

4.27 The Council’s Supplementary Guidance on ‘*Countryside Housing*’ is understood to have been approved by the Council’s Planning Committee earlier this year. The main objectives of the Supplementary Guidance are to:

- Provide advice on the interpretation of relevant aspects of Policies TS2 and DS1 of the Angus Local Development Plan, and provide a consistent approach to decision-making;
- Guide new development to appropriate and sustainable locations, where impact on landscape quality is minimised;
- Ensure new development reflects traditional patterns of development in the locality; and
- Promote high quality development in the countryside that respects local character and rural heritage.

4.28 Section 3.4 of the Supplementary Guidance in relation to ‘Building Groups’ states the following:

‘A single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use. This should be sited within the building group (i.e. generally located close to other buildings in the group) provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting. Development outwith the boundaries or features that define a group’s sense of containment should not be considered as constituting development within or rounding off the building group. Proposals that have a significant detrimental impact on the character of the group, or its landscape setting should be resisted as failing to round off or consolidate the group. Definitions of “sense of containment” and “building group” are contained in the Glossary.’

4.29 ‘*Building Group*’ and ‘*Sense of Containment*’ are defined as follows:

‘Building Group - *A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use. The building group will require to have a sense of containment.’*

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

4.30 There is clearly a group of three buildings comprising the two dwelling houses (Bella’s Cottage and The Kirklands) and a steading capable of conversion to residential use within the overall land holding owned by our client. That building group has a very clearly established sense of containment generated by the location of the individual buildings within it; the established landscape frame work surrounding them and the application site; and by virtue of the fact that the Council has previously granted planning permission to change the use of the application to private garden ground. As noted previously the application site which forms a clearly defined gap in the established landscape structure will round off the existing group without adverse effect on the wider landscape.

4.31 Section 4 of the Supplementary Guidance on ‘*Design Considerations for New Houses in the Countryside*’ states the following:

‘In general the design solution for new houses in the countryside should accord with the principles set out in Policies DS3 Design Quality and Placemaking and PV6 Development in the Landscape. Guidance on design of new development in rural locations has been incorporated into the Design Quality and Placemaking Supplementary Guidance.

The basic principles for the siting and design of new houses in the countryside are set out below. New housing development should:

- *Reflect the traditional pattern of development in the area;*
- *Materials, form, scale and massing of new development should complement and not detract from existing traditional buildings in the area. Contemporary designs based on traditional characteristics will be generally encouraged. New housing based on suburban characteristics will not be supported;*
- *New development should seek to integrate with local landscape context and features and fit into the wider landscape setting not be imposed on it. Obtrusive development (i.e. on a ridgeline, artificially elevated ground or open settings) will not be supported;*
- *Landscaping and boundary treatment should be used to integrate new development with its setting. Proposals should be accompanied by a landscaping plan to demonstrate how the development will integrate into the local landscape setting.’*

4.32 As this is an application for Planning Permission in Principle it is not possible to respond in detail to some of the requirements outlined above. However, what is evident is the fact that this site represents an opportunity to round off an existing group of buildings on a site that has very clear and well defined physical boundaries. Those boundaries will assist with the integration of that house within the landscape and without causing adverse impact on it.

4.33 Appendix 3 to the Supplementary Guidance sets out the Criteria that all countryside housing proposals are required to meet. Those criteria and our responses to them are outlined below:

a not create a gap or rounding off opportunity for additional greenfield development. The sub-division of existing residential curtilages to artificially create new build plots will not be supported;

Response – The granting of planning permission for the erection of a dwelling house on this site will not create a gap or rounding off opportunity for additional greenfield development. Conditions can be imposed on any planning permission in principle granted to ensure that this remains so.

b meet the following plot size requirements (does not apply to proposals for conversion of non-residential buildings):

- *Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m²*
- *Category 2 RSUs – between 0.06ha/600m² and 0.4ha/4000m²*

Response – The application site which measures 3312 sq. metres falls within the 600 – 4000 sq. metres threshold specified for Category 2 RSU’s.

c not extend ribbon development;

Response – Ribbon development is defined in the Glossary to the Supplementary Guidance as ‘a string of 3 or more houses along a metaled road – i.e. a road with a hard, crushed rock stone surface as a minimum.’ The development of the application site could not, even by the wildest stretch of the imagination, be construed as contributing to ribbon development.

d not result in the coalescence of building groups or of a building group with a nearby settlement;

Response – The development of the application site for the dwelling house proposed will not result in the coalescence of the established building group with another building group or with a nearby settlement, which in this case is Logie Pert.

e contribute to the rural character of the surrounding area and not be urban in form and/or appearance. Materials and design should reflect and complement traditional properties in the locality. Examples of suburban design on nearby or adjacent houses will not be accepted as justification for additional suburban development;

Response – Whilst this is an application for planning permission in principle it is unequivocally clear that the site can comfortably accommodate the dwelling house proposed. Detailed design would be a matter for consideration under an application for approval of matters specified in conditions in the event of planning permission in principle being granted.

f provide a good residential environment, including useable amenity space/private garden ground, and adequate space between dwellings whilst retaining the privacy of adjacent properties. Guidance on private amenity space and distance between dwellings is set out in the Design Quality and Placemaking Supplementary Guidance. In countryside areas application of this guidance will have regard to the nature of the location and adjoining properties. The extension of property curtilage in relation to proposals for renovation or conversion of existing buildings may be permitted in line with Angus Council’s Advice Note 25 – Agricultural Land to Garden Ground.

Response –High quality residential environments can clearly be created on the application site for the dwelling house proposed.

g make provision for affordable housing in line with Policy TC3: Affordable Housing and the guidance set out in the Developer Contributions and Affordable Housing Supplementary Guidance;

Response – Given the scale of development proposed there is no requirement for the provision of affordable housing in association with it.

h where the proposed development will have a demonstrable cumulative impact on infrastructure and community facilities provision, an appropriate developer contribution

will be sought. Guidance on the range of contributions that may be sought from residential development and the methodologies for calculating the contribution are set out in the Developer Contributions and Affordable Housing Supplementary Guidance.

Response – Whilst our client has no objection to the principle of making developer contributions, any such contributions sought should be directly related to the impacts arising from the development in accordance with the principles set out in Scottish Government Circular 3/2012 on ‘*Planning Obligations and Good Neighbour Agreements.*’ We are unaware of any justification in seeking developer contributions in this particular instance.

i *not adversely affect or be affected by farming or other rural business activities (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);*

Response – The proposed dwelling houses will not have an adverse effect on any existing farming or rural based enterprise in the area. Permission has already been granted by the Council to change the use of the site from agricultural to residential and that permission has been implemented.

j *not take access through a farm court; (subject to provision of a good residential environment may not apply to proposals for essential worker housing required for the management of land or other rural business);*

Response – Access to the development site is via an existing road direct from the public road. That access does not run through a farm court.

k *not require an access road of an urban scale or character. The standard of an access required to serve a development will give an indication of the acceptability of the scale of the development in a rural location, e.g. where the roads standards require a fully adoptable standard of road construction with street lighting and is urban in appearance it is likely that the development proposals will be too large. The standard of the existing access should be taken into account when assessing a development proposal. Improvements should only be required where these would be necessary to provide ease of vehicular access to the existing and proposed development, or for road safety purposes;*

Response – Access to the proposed dwelling house will be taken off the access road serving the two existing dwelling houses.

4.34 Having assessed the proposal against the terms of the development plan and all other material considerations we are firmly of the view that our client’s application which seeks planning permission for the erection of a single dwelling house on this site should be granted planning permission in principle.

5. SUMMARY AND CONCLUSIONS

5.1 The following bullet points set out a summary of our client's planning application and the reasons supporting a positive recommendation:

- The application site which measures c0.3312 hectares (c0.82 acres) is located to the immediate west of an established and distinguished group of three buildings situated approximately 140 metres to the south east of Logie Pert. The three buildings comprise '*The Kirklands*', which is a Category 'C' Listed Building; '*Bella's Cottage*', which is a Category 'B' Listed Building and a U shaped steading building. All three buildings are owned by the applicant, Mr. Jonathan Mears.
- The application site which is located next to Bella's Cottage comprises an area of land which slopes generally downwards from the north to the south where it meets the Gallery Burn. The southern boundary of the site is clearly defined by that burn and mature trees on either side of it; to the east by an existing track beyond which exists Bella's Cottage and the garden attached to '*The Kirklands*'; and to the north by agricultural land, the boundary of which is defined by a Post and Ryelock Fence.
- Planning Permission was granted by the Council to change the use of the application site and an area of ground to the north east of it from agricultural use to private garden ground on 14th April 2014 under Planning Application Reference Number 14/00009/FULL. This permission has since been implemented.
- The application submitted seeks planning permission in principle for the erection of a dwelling house on the site. It is our client's intention that the proposed house becomes a retirement home for him and his wife as the existing dwelling house (*The Kirklands*) is too large for present requirements and a burden to maintain in advancing years. In the event of planning permission being secured for the retirement home and subsequently developed, the properties known as '*The Kirklands*' and '*Bella's Cottage*' will be occupied by our client's children and grandchildren.
- Policy TC2 of the Angus Local Development Plan along with the Council's Supplementary Guidance on Countryside Housing supports the erection of a single new house in countryside locations where it would round off an established building group of 3 or more existing dwellings or buildings capable of conversion to residential use.
- There is clearly a group of three buildings comprising the two dwelling houses (Bella's Cottage and The Kirklands) and a steading capable of conversion to residential use within the overall land holding owned by our client. That building group has a very clearly established sense of containment generated by the location of the individual buildings within it; the established landscape frame work surrounding them and the application site; and by virtue of the fact that the Council has previously granted planning permission to change the use of the site to private garden ground. The application site also forms a clearly defined gap in the established landscape structure and will round off the existing group without adverse effect on the wider landscape.

5.2 In light of the considerations outlined above it is respectfully requested that planning permission be granted for the erection of a single dwelling house on the site. We reserve the right to provide additional information in support of this application prior to its determination if considered necessary or justified.

Signed

A solid black rectangular box redacting the signature of Derek Scott.

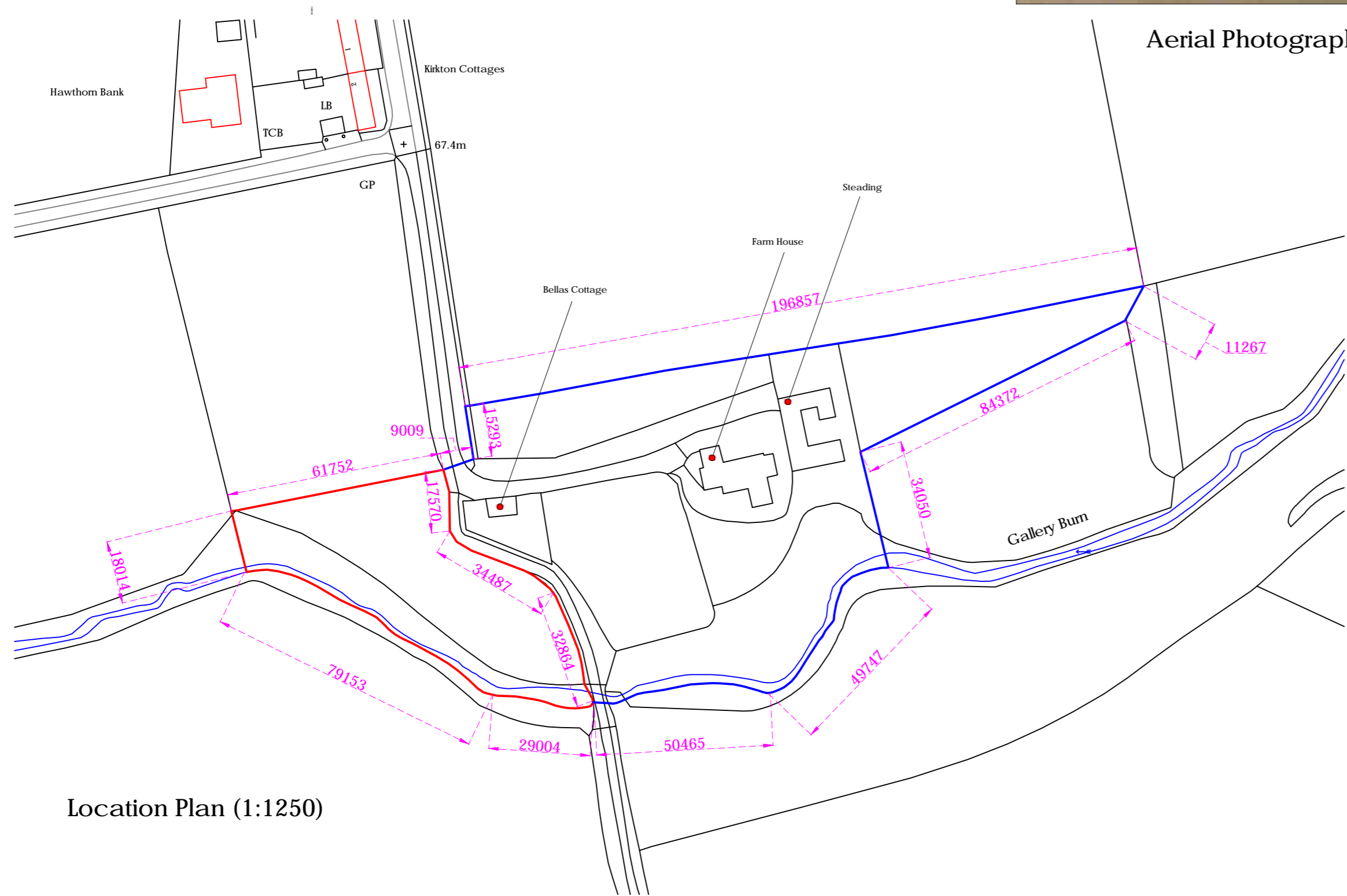
Derek Scott

Date

17th March 2017



Aerial Photograph (1:1250)



Location Plan (1:1250)

REVISION	DATE	DESCRIPTION OF REVISION

CLIENT Mr & Mrs Mears

PROJECT Proposed Erection of Dwellinghouse
Bella's Field, Logie Pert, Montrose, DD10 9JX

DRAWING TITLE
Proposed Location Plan & Aerial Photograph

SCALE	DATE	DRAWING No.	DRAWN BY
1:1250	17.12.16	JDC-001	KJC

- This drawing is issued for the purpose of the status indicated below
- Sketch Proposal
 - Planning Application Submission
 - Planning Application
 - Building Warrant Application Submission
 - Building Warrant Application
 - Tender Issue
 - Construction Drawings to be Adhered to on Site

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 : 17/00215/PPPL**

To **Mr Johnathan Mears**
c/o John D. Crawford Ltd
72 New Wynd
Montrose
Scotland
DD10 8RF

With reference to your application dated 27 March 2017 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of Dwelling House at Land West Of Bella Cottage Logie Pert Montrose for Mr Johnathan Mears

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

The reasons for the Council's decision are:-

1. That the application is contrary to policies TC2 and DS1 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the site would not round off an established building group; meet an essential worker requirement; form a gap site; allow for the acceptable replacement of an existing dwelling; or redevelop a rural brownfield site. In addition, it is also to contrary to criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria of the Countryside Housing Supplementary Guidance because the proposed site would be formed by sub-dividing the existing residential curtilage of The Kirklands as approved by planning application 14/00009/FULL.

Amendments:

The application has not been subject of variation.

Dated this **22 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 Agent Third Party objector who made a representation

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

Angus Council

Application Number:	17/00215/PPPL
Description of Development:	Erection of Dwelling House
Site Address:	Land West Of Bella Cottage Logie Pert Montrose
Grid Ref:	366629 : 764133
Applicant Name:	Mr Johnathan Mears

Report of Handling

Site Description

The application site consists of a 3312 square metre parcel of land that is situated 100 metres to the south of the Logie Pert which is located approximately 3 km to the north-west of the settlement of Hillside. Access to the site is gained from the unclassified roadway U435 which connects the C37 and C38 roads. The site is bounded to the south by Gallery Burn and to the north and west by agricultural land. To the east the site is bounded by an access track beyond which is Bella's Cottage and Kirklands.

Proposal

The application seeks planning permission in principle for the erection of a dwellinghouse. The application form indicates that the existing access to the site would be utilised, a public water supply would be utilised and sustainable drainage methods for surface water.

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 14 April 2017 for the following reasons:

- Affecting Setting of Listed Building

A site notice was posted for Setting of Listed Building on 5 April 2017.

Planning History

14/00009/FULL for Change Of Use From Agricultural To Garden Ground Re-Application was determined as "approved" on 14 April 2014.

The site is associated with The Kirklands a Category C listed building. The building noted in the listing as The Kirklands (Former Logie-Pert Manse) was listed in 1971 and previously formed part of a B Listed group with the adjacent B Listed Bella's Cottage. The information associated with

The Kirklands listing indicates:-

Late 18th century, remodelled in later 19th century. 2-storey, L-plan manse made irregular-plan by later additions. Cream coursed ashlar sandstone with polished dressings to S elevation; squared and snecked rubble sandstone elsewhere; W elevation harled. S elevation single windows enlarged to form bipartites. S (ENTRANCE) ELEVATION: original 3-bay manse with later advanced gabled wing to outer right. Advanced gabled porch to centre with single window to S and doorway to left return; single window at 1st floor above.

Bipartite windows to both floors in bay to outer left. Lean-to addition advanced at ground in bay to right of porch; bipartite window at 1st floor above. 2-storey canted window in gabled bay to outer right; single windows to both floors to left return. N ELEVATION: 3-bay. Advanced gabled wing to outer right. Gabled wing to outer left. Irregular disposition of windows. Single storey pitched roof adjoining to E. E ELEVATION: 3-bay. Single windows to both floors in gabled bay to outer right. Doorway and single window at ground in bays to left; single windows at 1st floor. W ELEVATION: not seen 1994. Variety of glazing patterns, including 12-pane sash and case to N and W. Grey slate roof; block skewputts to later wing; corniced gablehead stacks; moulded octagonal cans. INTERIOR: not seen 1994. REFERENCES: Appears on 1st Edition OS Map (1862), and modified on 2nd Edition OS Map (1903). NOTES: Forms B-group with Manse Lodge (listed separately). Former manse to Lodge-Pert Parish church, enlarged by addition of E wing in later 19th century. No early accounts of the property are available from the Heritors' Records (1911-1929). A U-plan steading stands to E of the manse.

Manse Lodge (Bella's Cottage)

The information associated with the Manse Lodge indicates it is a piend-roofed harled cottage, round headed openings with plain tympana and margins: 2-window and centre door elevation. Early 19th cent. The Statement of Special Interest indicates that Manse itself now known as Kirklands but Manse Lodge still retained original name 1963. B Group with Manse listed separately.

Applicant's Case

The applicant's agent has submitted supporting information in the form of a Supporting Statement. The relevant points contained within this document relating to this application are summarised as follows:
Supporting Statement

- o Location - identifies the position of the site and surrounding context such as its position to the west of the B listed Bella's Cottage and C listed Kirklands;
- o Description of Site - notes site size and outlines the characteristics of the site and site history;
- o Description of proposed development - notes elements such as plot size, surrounding context, reasoning for development;
- o Policy background - identifies current national, LDP and supplementary guidance;
- o Site photos are included in support of the points noted.

Consultations

Community Council - Has objected to the proposal noting concerns regarding the building of a house on what appears to be agricultural land and the possible creation of a gap site.

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

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

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

Representations

No letters of representation were received.

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 PV6 : Development in the Landscape
Policy PV8 : Built and Cultural Heritage
Policy PV15 : Drainage Infrastructure
Policy PV18 : Waste Management in New Development

TAYplan Strategic Development Plan

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

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

Assessment

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority in considering whether to grant planning permission to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP.

Policy TC2 indicates that in countryside locations single new houses will be supported where development would round off a group of 3 or more existing dwellings (a); meet an essential worker need (b) or fill a gap between the curtilages of two houses, one house and a metalled road or one house and an existing substantial building (c). New houses are also supported where the proposal involves acceptable replacement of an existing house (d) or regeneration or redevelopment of a brownfield site (e). The proposal attracts no support from either of these tests (d & e) and the site is greenfield.

In terms of the rounding off test (a), the site is located 10 metres to the west of Bella's Cottage, 70 metres to the west of The Kirklands and 100 metres to the west of the U-shaped steading associated with The Kirklands. Both Bella's Cottage and The Kirklands are residential properties with the steading which is located east of The Kirkland's having the form of an out-building associated with The Kirklands. The existing building group does not contain 3 residential dwellings; however, the definition of a building group is expanded in the supplementary guidance to include buildings 'capable of conversion'. The applicant's agent has submitted information suggesting that the site would 'round off' an established building group. However, the site forms part of the garden ground of The Kirklands but is located outwith the boundaries and features which define the group's sense of containment such as the tree lined road to the north, the track west of Bella's Cottage and the stone boundary wall. These features help to define and contain the group and development of the site west of that group would visibly extend rather than round off the group. The Kirklands contains policies of land to the south, north and east of the property with similarities to the proposed site which again suggests that the application site would not round off the group.

The application site does not constitute a gap site (b) and no information has been submitted to suggest that the proposed house is required to meet an essential worker requirement for the management of land or other rural business (c). The proposed site would be formed by subdividing the existing residential curtilage of The Kirklands as approved by planning application 14/00009/FULL and as such the proposal also fails criterion (a) of the Supplementary Guidance Appendix 3 Detailed Countryside Housing Criteria which states that 'the sub division of existing residential curtilages to artificially create new build plots will not be supported'. On the basis of this, the principle of a house on the site attracts no support from Policy TC2 and is contrary to it.

Policy PV8 indicates that development proposals affecting listed buildings will only be supported where the proposed development will not adversely affect the integrity of the site or reasons for which it was

designated; or any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and appropriate measures are provided to mitigate any identified adverse impacts. The site is situated 10 metres to the west of the B listed Bella's Cottage which is closely associated with the adjacent C listed Kirklands Manse (The Kirklands). The development of the site has the potential to adversely impact on the setting of these listed buildings in terms of the way in which they are understood, appreciated and experienced. A suitable design and position for the proposed house could ensure this impact would not be so great as to justify refusal of planning permission.

There is have no reason to consider that an appropriately designed house could not meet with the remaining policies of the local development plan.

It is noted that the community council has objected to the proposal raising the issue of potentially creating a gap site for further development to the north. Allowing a house on the proposed site would not create a *qualifying* gap site to the north because the road frontage of the 'gap' would be too large and a further house would result in the coalescence of this group to the building group to the north (contrary to the Supplementary Guidance). However, other policy issues with the proposal are identified and the community council is correct that the proposed site is contrary to the local development plan.

In conclusion, the proposed house does not meet the local development plan approach for housing in the countryside and is contrary to policy TC2 and the associated Countryside Housing Supplementary Guidance. In failing to comply with policy TC2 the proposal is also contrary to policy DS1. There are no material considerations which justify approval of planning permission.

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 TC2 and DS1 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the site would not round off an established building group; meet an essential worker requirement; form a gap site; allow for the acceptable replacement of an existing dwelling; or redevelop a rural brownfield site. In addition, it is also to contrary to criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria of the Countryside Housing Supplementary Guidance because the proposed site would be formed by sub-dividing the existing residential curtilage of The Kirklands as approved by planning application 14/00009/FULL.

Notes:

Case Officer: Damian Brennan
Date: 18 May 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 PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- o potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

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

National Sites

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

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

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

Regional and Local Sites

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

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

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

Policy 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>)

Policy PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.