

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 18 DECEMBER 2017

NARADEN, PANMURE ROAD, MONIKIE

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 the erection of a dwellinghouse, application No 17/00495/PPPL, at Naraden, Panmure Road, Monikie.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**);
- (iii) consider the further lodged representations (**Appendix 3**); and
- (iv) consider the applicant's response to further representations (**Appendix 4**).

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

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

4. FINANCIAL IMPLICATIONS

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

5. CONSULTATION

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

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

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

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ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 17/00495/PPPL

APPLICANT- MR JOHN ANDERSON

PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION
OF A DWELLINGHOUSE AT NARADEN PANMURE ROAD MONIKIE DD5 3QA

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Angus Council

Application Number:	17/00495/PPPL
Description of Development:	Planning Permission in Principle for Erection of a Dwellinghouse
Site Address:	Naraden Panmure Road Monikie Dundee DD5 3QA
Grid Ref:	350250 : 737664
Applicant Name:	Mr John Anderson

Report of Handling

Site Description

The application site area is 851sq.m and is bound by the Naraden house at the north and the Hamewith house at the south. The site is bound by agricultural land at the west and by Panmure Road (U302) with Monikie Memorial Hall beyond at the east.

Proposal

This is an application for Planning Permission in Principle for the erection of a house within an area of garden ground of the existing house known as "Naraden" or "Nara Den", Panmure Road, Monikie. An indicative drawing provided in supporting information shows an L-shaped house centrally occupying the site.

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 7 July 2017.

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

Planning History

08/00488/OUT for Erection of a Dwellinghouse was determined as "approved subject to conditions" on 28 May 2008 - *the approved plan shows the current application site within the curtilage of the approved house.*

11/01133/PPPL for Planning Permission in Principle for Erection of a Dwellinghouse was determined as "approved subject to conditions" on 9 February 2012 - *the approved plan shows the current application site within the curtilage of the approved house.*

13/00369/FULL for Erection of a Dwellinghouse was determined as "approved subject to conditions" on 27 June 2013 - *the approved plan shows the current application site within the curtilage of the approved house.*

Planning permission reference: 13/00369/FULL is the approved planning permission for the erection of the house now known as "Naraden" or "Nara Den". The planning permission conditionally approved the erection of a house in a 2,300sq.m application site incorporating the entire 61m road frontage at the east of the application site between the Limberhurst (also known as 'Tigh-Na-Coille') house to the north and the Hamewith house to the south. The approved Location Plan drawing (drawing no. 1097 PL01) Setting Out Site Layout drawing (drawing no. 1097 PL02 Rev 2) and Proposed Landscaping drawing (drawing no. 1097 PL03 Rev 3), all prepared by I.C. Anderson Planning Co-ordinator Ltd, show the whole 2,300sq.m

site being used as garden ground in association with the house. This Planning Permission for the erection of a house in a gap site was approved under the previous planning policy framework of the Angus Local Plan Review 2009, of which Schedule 2a indicated development proposals for countryside housing should not open up further areas for similar applications. Therefore the application was approved on the basis it would not create a gap or rounding off opportunity for additional greenfield development. The applicant's agent Arthur Stone Planning & Architectural Design was sent e-mail correspondence on 28 July 2017 advising that failure to develop the Naraden site in accordance with the approved drawings and supporting information provided for the determination and discharge of conditions for planning permission 13/00369/FULL would be a breach of planning control.

Applicant's Case

A Planning Statement was provided in support of the application. Authored by the agent and titled 'Planning Statement - Erection of house and formation of access Planning Permission in Principle, Land south of Nara Den, Panmure Road, Monikie', the statement provides an overview of the proposal, application site and site history. The statement asserts the application site constitutes a gap site and, whilst it acknowledges the site was approved as residential garden ground for the Naraden house under planning permission reference: 13/00369/FULL, it states the Naraden house and services were not proposed to occupy the whole site. The statement further indicates the Naraden occupier and applicant had no intention to associate all the land with the Naraden house and asserts the application site does not form part of the curtilage of the Naraden House. The statement continues and concludes by discussing the proposal in relation to the provisions of the Angus Local Development Plan (ALDP).

Consultations

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

Angus Council - Roads - Offered no objection to the proposal, provided conditions relating to visibility splays, the formation of a verge crossing and a minimum number of parking spaces at the site were applied.

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

Representations

One letter of representation was received offering objection to the application. The main points of objection are summarised as follows: -

- The proximity of the proposed development to the garden boundary of the Hamewith house south of the application site;
- The impact on privacy of the Hamewith house.

These matters are discussed in the assessment section below.

A further concern is raised that information has not been provided on the number of storeys of the proposed house. However, this is an application for planning permission in principle and elevation drawings or details relating to building height and numbers of storeys proposed are not required at this stage.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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.

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 relates to new proposals for residential development. The application site is located within a Category 1 Rural Settlement Unit (RSU). Category 1 RSU's are areas that are not remote from towns and where the Council's policy towards new countryside housing is more restricted, as development should be directed towards existing settlements as defined by the ALDP.

Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories. That policy is supported by adopted supplementary guidance. In terms of possible acceptable situations, the proposal would not involve retention, renovation or acceptable replacement of an existing house; it does not involve conversion of a non-residential building; it does not involve redevelopment of a brownfield site that delivers significant visual or environmental improvement; and it is not required for an essential worker in association with a rural business.

The applicants agent has submitted information suggesting that this is a gap site. However, the Council adopted Countryside Housing Supplementary Guidance in September 2016. That supplementary guidance states that *'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.'* It also states that *'The sub-division of existing residential curtilages to artificially create new build plots will not be supported'*. All planning permissions (and building warrants) that have been granted for the erection of a house on the land now occupied by Naraden indicate the current application site forming part of the curtilage. This site forms part of the approved curtilage for Naraden as detailed in planning permission reference 13/00369/FULL. The suggestion that the current application site was not intended to form part of the curtilage of Naraden is disingenuous. The information submitted with the planning application for that house shows the area included within the curtilage; it indicates that a hedge would be planted along the entire site frontage; it indicates that the area comprising the current plot would be planted as wild flower meadow; and further indicates that it would accommodate the soakaway for the approved house. The Design Strategy Statement provided with application 13/00369/FULL stated that *'the dwelling is sited towards the northern end of the site, this is entirely in character with the adjacent dwellings: Hamewith, Limberhirst, The Elms, and Bona Vista, all of which are located to the North end of the respective sites, to take advantage of the views to the South'*. It further stated that *'The tract of the site to the south of the dwelling allows an open vista across the site to the south and western horizon to be maintained when viewed from Panmure Road'*. This is clearly a case where the approved curtilage of the property at Naraden has been subdivided through the erection of what is clearly a recently constructed fence to artificially create a site and this is specifically contrary to Council policy.

The development of the site would not round off a building group. Rather, approval of this application could establish a precedent for subdivision of previously approved curtilages within the existing development and open up other areas around the building group for similar development.

In terms of amenity considerations, it is relevant to note that the house known as Naraden has large living room windows and a balcony at first floor level. These provide views to the south over the current

application site. The balcony is around 9 metres from the proposed boundary with the new house whilst the large windows in the southern gable of Naraden are around 10 metres from the proposed boundary. Advice Note 14 indicates that a distance of 12 metres is required between upper floor windows and mutual boundaries. That distance would not be met by this proposal. In these circumstances the proposal does not comply with the Advice Note guidance and this could compromise the amenity of occupants of any new house constructed on the application site. A third party has raised concern regarding potential impact on amenity of the existing dwelling to the south. However, the house to the south is located in the region of 10 metres from the application site and inter-visibility with the application site is restricted by an existing fence, outbuildings and trees within the Hamewith boundary. In addition, the majority of usable private amenity ground for of the Hamewith house is south, east and west of the house. Whilst no details of house design have been provided at this stage, it is likely that a house could be accommodated on the site in a manner that would not unacceptably adversely affect the amenity of neighbouring property. Detailed matters could be considered in any subsequent application relating to the design and layout of the new house.

The proposal does not give rise to any other significant issues in terms of development plan policy that could not be addressed by condition. However, as discussed above, this site has been artificially created through the subdivision of the approved curtilage of the property at Naraden. In addition, first floor windows and a balcony in the property at Naraden overlook the proposed site at a distance less than that required by Angus Council's Advice Note 14. For these reasons the proposal is contrary to development plan policy and relevant statutory and non-statutory guidance.

In passing it is noted that there are a number of issues in terms of compliance with planning permission reference 13/00369/FULL. The access has not been formed in the correct position or in accordance with the requirements of the planning conditions. Similarly, the boundary treatments and landscaping has not been undertaken in accordance with the approved plans or requirements of planning conditions. This matter is pursued separately through planning enforcement.

In conclusion, the proposal relates to the erection of a new house on a plot that has been artificially created through the subdivision of a previously approved curtilage. That is contrary to the Council's policy for new housing in the countryside. In addition, approval of this application could establish a precedent for further subdivision of existing house plots in the area, again contrary to the Council's adopted policies. The design and location of the house on the neighbouring plot to the north is such that first floor windows and a balcony would overlook the curtilage of the proposed house and would have a significant and unacceptable impact on the amenity of occupants of the proposed dwelling. The proposal is contrary to development plan policy and there are no material considerations that justify approval of planning permission contrary to the development plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the application is contrary to Policy TC2 of the Angus Local Development Plan 2016 as it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location. In addition, the proposal is contrary to the Council's adopted Countryside Housing Supplementary Guidance as the site is part of the curtilage approved in association with Naraden and the approved curtilage has been sub-divided to artificially create a new build plot.
2. That the application is contrary to Policy TC2 and Policy DS4 of the Angus Local Development Plan 2016 as the site would not provide a satisfactory residential environment for the occupants of the proposed dwelling as it is overlooked by first floor windows and a balcony on the neighbouring dwelling to the north.
3. That the application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the site is not in accordance with relevant policies of the ALDP, namely Policy TC2 and its associated statutory supplementary guidance, and Policy DS4.

Case Officer: Fraser MacKenzie
Date: 23 August 2017

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
All proposals will be expected to support delivery of the Development Strategy.

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

- o be compatible with current and proposed land uses in the surrounding area;
- o provide a satisfactory residential environment for the proposed dwelling(s);
- o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and

- o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

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

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

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

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

ANGUS COUNCIL

COMMUNITIES PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

17/00495/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

29	06	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



Memorandum

Place Directorate – Technical & Property Services
Roads & Transport Business Unit

TO: SERVICE MANAGER, PLANNING

FROM: INTERIM SERVICE MANAGER, ROADS

YOUR REF:

OUR REF: JDH/AG/ TD1.3

DATE: 08 AUGUST 2017

SUBJECT: **PLANNING APPLICATION REF. NO. 17/00495/PPPL – PROPOSED PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A DWELLING HOUSE AT NARADEN, MONIKIE FOR MR J ANDERSON**

I refer to the above planning application.

The site is located in vacant land on the west side of the U302 Monikie Reservoir Road (C1 - B961), between the properties known as Hamewith and Limberhurst.

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

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

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

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, do not object to the application but would recommend that any consent granted shall be subject to the following condition:

- 1 That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the Monikie Reservoir Road (C1 - B961) giving a minimum sight distance of 70 metres in each direction at a point 2.4 metres from the nearside channel line of the Monikie Reservoir Road (C1 - B961).

Reason: to provide a safe and suitable access in the interests of road safety.

- 2 That, within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road level.

Reason: to provide and maintain adequate sightlines in the interests of road safety.

- 3 That, prior to the occupation or use of the dwelling house, the verge crossing at the proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

Reason: to provide a safe and satisfactory access in a timely manner.

- 4 That, prior to the occupation of the dwelling house, the minimum number of parking spaces shall be provided within the site curtilage in accordance with the National Roads Development Guide (SCOTS).

Reason: to maintain the free flow of traffic on the adjacent public road.

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

ap.

Comments for Planning Application 17/00495/PPPL

Application Summary

Application Number: 17/00495/PPPL

Address: Naraden Panmure Road Monikie Dundee DD5 3QA

Proposal: Planning Permission in Principle for Erection of a Dwellinghouse

Case Officer: Fraser MacKenzie

Customer Details

Name: Mr James Kay

Address: Hamewith, Monikie, Dundee DD5 3PZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposal for development at Naraden Panmure Road is for a single dwelling house. As the immediate next door neighbour to the proposed development that will border on our property that is Hamewith, my wife and I are very concerned if this new building will be up and down stairs, in other words a two storey building. No information was available on this subject.

We believe if the proposed development is a two storey build then this becomes a privacy issue for our single storey bungalow Hamewith.

We are also concerned how closely this development will border our existing garden perimeter fence.



AC4

Refused

Bona Vista

The Elms

Proposed Location
of Vehicular Access

Limberhurst

Monikie
Memorial Hall

Paraden

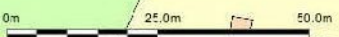
TCB (dis)

131.4m

Hamewith

GP

Refused



NO50253767

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Land south of Naraden Panmure Road Monikie DD5 3PZ



Site Plan shows area bounded by: 350158.23, 737577.3 350358.23, 737777.3 (at a scale of 1:1250), OSGridRef: NO50253767. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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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 : 17/00495/PPPL

To **Mr John Anderson**
c/o Arthur Stone Planning & Architectural Design
FAO Alison Arthur
Jamesfield Business Centre
Abernethy
KY14 6EW

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

Planning Permission in Principle for Erection of a Dwellinghouse at Naraden Panmure Road Monikie Dundee DD5 3QA for Mr John Anderson

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

The reasons for the Council's decision are:-

1. That the application is contrary to Policy TC2 of the Angus Local Development Plan 2016 as it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location. In addition, the proposal is contrary to the Council's adopted Countryside Housing Supplementary Guidance as the site is part of the curtilage approved in association with Naraden and the approved curtilage has been sub-divided to artificially create a new build plot.
2. That the application is contrary to Policy TC2 and Policy DS4 of the Angus Local Development Plan 2016 as the site would not provide a satisfactory residential environment for the occupants of the proposed dwelling as it is overlooked by first floor windows and a balcony on the neighbouring dwelling to the north.
3. That the application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the site is not in accordance with relevant policies of the ALDP, namely Policy TC2 and its associated statutory supplementary guidance, and Policy DS4.

Amendments:

The application has not been subject of variation.

Dated this **23 August 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

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.



Planning Statement

Erection of dwellinghouse and formation of
access

Planning Permission in Principle

Land south of Nara Den, Panmure Road, Monikie

Mr J Anderson

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Introduction

This statement is submitted in support of an application for planning permission in principle for the erection of one dwelling house and formation of an access on land south of Nara Den, Panmure Road, south of Monikie.

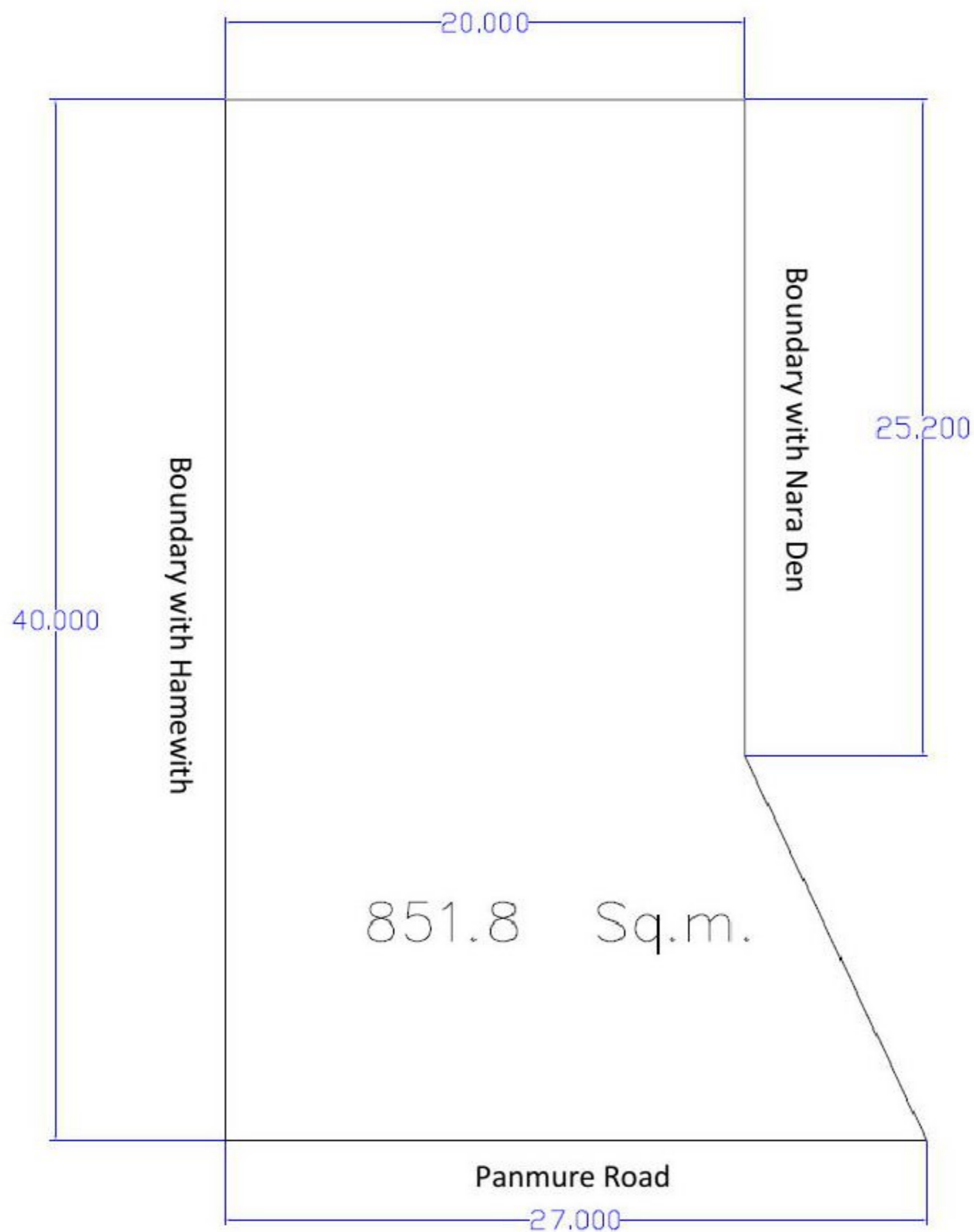
Site Description

The site area is 851.8 sqm, has a roadside frontage of 27m and extends 40m west of the roadside (measured site drawing below). The site was formerly farmland but is now vacant land since becoming part of the land ownership of the adjacent house, Nara Den, to the north.

The application site adjoins the west side of Panmure Road, south of Monikie and south west of the reservoirs, within an existing group of housing located around the junction of Panmure Road and the B961. The gap site lies within this group of 8 houses, with the site bounded to the north by Nara Den and south by Hamewith. The east boundary of the site, adjacent to Panmure Road, has Monikie Memorial Hall and car park lying opposite. Farmland lies to the west of the site.



Aerial view of housing group around Panmure Road/B961/Memorial Hall, south of Monikie

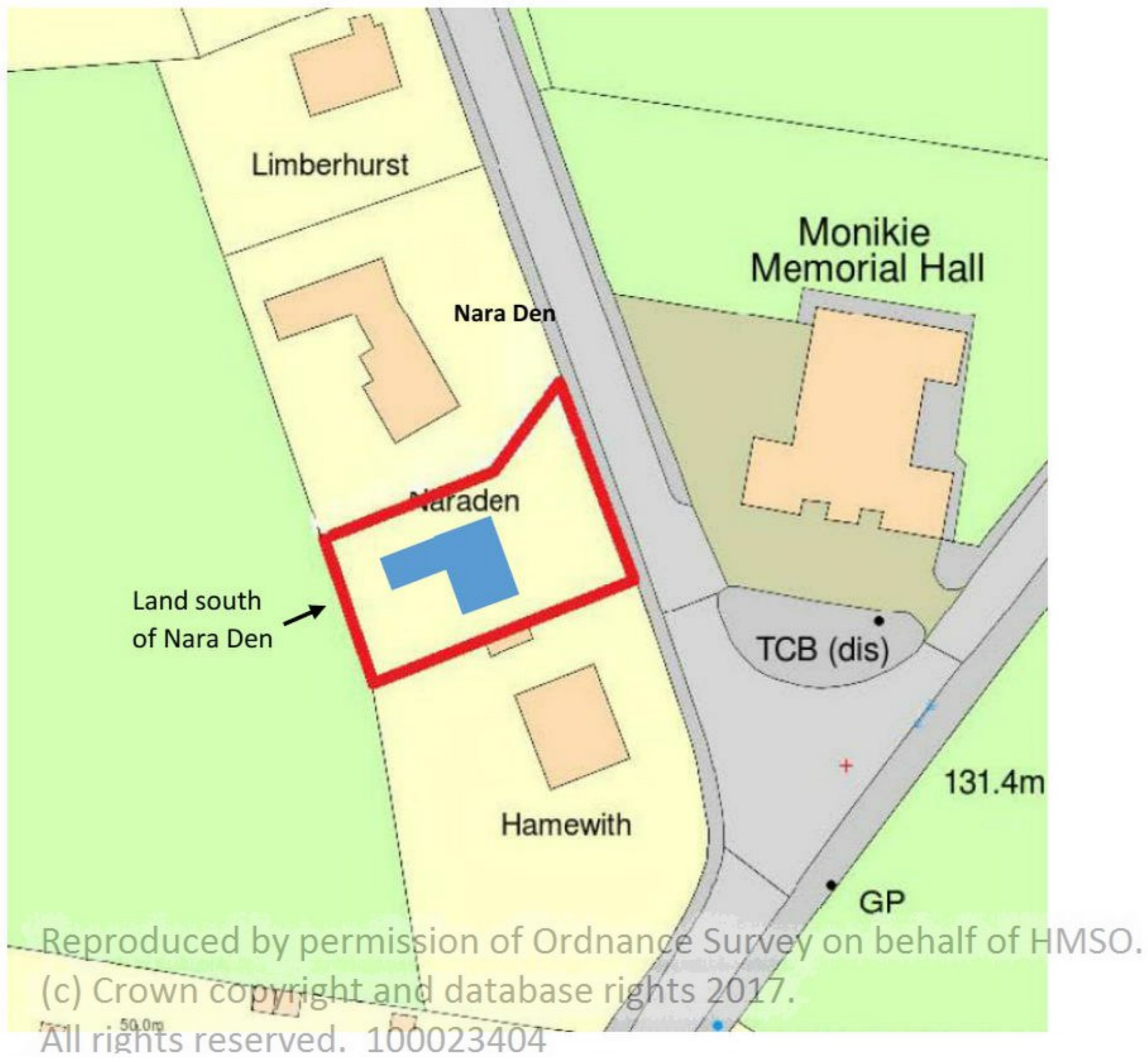


Measured Site Boundaries

Proposal

The application, in principle, proposes the erection of a detached dwelling house on this 851.8 sqm site and creation of an access to Panmure Road. Although no detailed proposals are included with this proposal a notional plot layout is included below as an illustration of the ability of the site to accommodate this proposal.

It is proposed that all requirements necessary to achieve a high quality development, addressing the site layout, design, boundary treatment and landscape strategy will be submitted in a statement at the time of any further detailed application.



Notional plot layout for land south of Nara Den, Panmure Road

Planning History

This site was the subject of an application in 2008 (08/00488/OUT) for erection of a single dwellinghouse (prior to the applicant's ownership of the site). That application was recommended for refusal on the policy basis that it was not an appropriate site for a single dwellinghouse as it was larger than the maximum site area specified for an individual house plot. However, the application was approved by Committee and subsequently a further application for planning permission in principle for a single dwellinghouse on the site (11/01133/PPPL) was approved. Subsequently, the entire parcel of land was included within the site boundary when approval was given for full planning permission for erection of a dwellinghouse (13/00369/FULL). However, it was not proposed that the house and associated garden ground and services would occupy all the land and were all drawn toward the north end of the site (as shown on the submitted drawings for that application). This house, adjacent to the current site, has now been developed.

Principle of Development

The following consideration has been given to the Angus Local Development Plan 2016, its strategy and policies in support of the proposal. It is not considered that the proposal has any strategic significance and therefore no reference is made to the TAYplan Strategic Development Plan.

It is considered that the proposed erection of a single dwellinghouse should not raise any concerns in relation to the Council's Development Strategy and aspirations for rural Angus.

Policy DS1 Development Boundaries and Priorities

This policy supports countryside development proposals where they are of a scale and nature appropriate to their location and are in accordance with the other relevant policies of the Angus Local Development Plan. It is proposed that this application can be considered for support, as outlined in terms of the policies below.

Policy TC2 Residential Development

In terms of this policy and its general requirement for all residential development we would suggest that this proposal meets with the relevant criteria, i.e.

- *Be compatible with current and proposed land uses in the surrounding area*
- *Provide a satisfactory residential environment for the proposed dwelling*
- *Not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure;*

This policy makes general requirements for all new residential development which we believe would be met by this proposal in that:

We advocate that this proposal for a single dwellinghouse, within an existing group, will be well located in terms of its own residential environment, will not have any detrimental impact on the amenity of the surrounding houses, the operation of the nearby stone supply business or adjacent farmland or the use of the adjacent hall. It will not create any significant impacts on the built environment as a sensitively designed and sited, modestly sized dwellinghouse will sit comfortably within the surrounding group of buildings. It is not considered that there will be any unacceptable infrastructural impacts created by the proposal and any relevant details could be addressed within the details of a future application.

This policy provides support for development in countryside locations in certain circumstances and we would suggest that this proposal gains support from the category:

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.

The Council's more detailed Countryside Housing Supplementary Guidance (2016) elaborates on the criteria for 'gap sites' indicating support where the site is:

'In Category 1 RSUs a gap site with a frontage of up to 50 meters between the curtilages of two houses'.

It is acknowledged that the guidance indicates that *'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'*. We understand that our client has received informal verbal pre application advice from the Council that the proposal would not meet with the guidance on the basis that the site had been interpreted as garden ground.

The site of this current proposal was formerly within the consented site boundary for the newly developed adjacent house, Nara Den (applications 11/01133/PPPL and 13/00369/FULL). These earlier applications were made on this very large site (larger than set out in Council guidance for rural development) resulting from Committee approval, against recommendation, of the original 2008 application. The current owner of the site, and occupier of Nara Den, purchased the whole parcel of land with permission for a single dwellinghouse although with no intention to associate all the land with the now developed house.

Although this current proposal forms part of the original application site of the adjacent house, Nara Den, our client wishes to clarify that the site of this proposal does not form part of the curtilage of Nara Den. The land to the south is clearly defined as being outwith the curtilage of Nara Den and has at no time been garden ground used in association with the house. Adequate garden ground and plot ratio is provided for Nara Den in the land currently used in association with the house. We would strongly suggest that the area of site of the proposed dwellinghouse has the appearance of a gap site in the surrounding housing group and meets with the terms of the detailed policy requirements for gap sites and countryside development.

It is considered that the Scottish Government's note on the legal status of curtilage (Householder PD User/Design Code Scoping Study 2008) is helpful in supporting this proposal where it states that:

'The principal test is whether the nearby land or building to the subject land or building is an integral part of it.....This is a functional concept and not dependent on what might have been conveyed as a parcel'.

Appendix 3 Detailed Countryside Housing Criteria

In addition to the terms of policy TC2 Residential Development, we believe that the proposal meets the detailed criteria as indicated below.

- a) The proposal will not *'create a gap or rounding off opportunity'*, as stated, in that the plot size is appropriate to a single dwelling. As referred to above the proposal is not considered as *'sub division of existing residential curtilages to artificially create new build plots'* and therefore should be supported by the criteria.
- b) The proposal, with a plot size of 851.8 sqm (0.085ha) meets the plot size requirements for a Category 1 RSU (between 0.08ha and 0.2ha)

- c) The proposal will not extend ribbon development, as it will fill a gap between Nara Den and Hamewith.
- d) The proposal will not result in the coalescence of building groups or a building group with a nearby settlement.
- e) The proposal for a house in this location will not have a detrimental impact on the rural nature of the surrounding area. As an application in principle no details are submitted but it is proposed that future design and materials would reflect the best attributes of the character of the surrounding rural area.
- f) The proposal can provide an adequate residential environment with appropriate garden ground and plot ratio and designed and located to ensure that no privacy issues arise.
- g) As a single house there is no requirement to contribute to affordable housing.
- h) It is not considered that the proposal for a single house will make any significant cumulative impact on infrastructure and community facilities which will require a developer contribution as set out in the related supplementary guidance.
- i) The proposal will not adversely affect farming or be affected by farming operations.
- j) The proposal does not take access through a farm court.
- k) The proposal will not require an access road of urban scale or character.

Policy DS3 Design Quality and Placemaking

This policy aims to ensure that development is of high quality, reflecting the 'six qualities of successful place' as promoted by the Scottish Government. It is suggested that there is an appropriate context for development of the scale and nature proposed on this site and that an appropriate design solution could be readily accommodated on the site that reflects the evaluation criteria for creating a successful place. It is anticipated that future detailed requirements relating to siting and design, external appearance, access, drainage, boundaries, ground levels and car parking, turning space and landscaping can all be secured in a future detailed application.

Policy PV6 Development in the Landscape

In terms of this policy it is suggested that this proposal will in no way threaten the objective to protect and enhance the quality of the landscape in Angus, its diversity, its distinctive local characteristic and its important views and landmarks.

It is considered that there is a suitable landscape context to enable a single dwellinghouse to be incorporated into this housing group. The proposed site is afforded a favourable landscape setting within the existing residential group. The approach to the group from Monikie to the north and its hedged/treed nature, along with the mature garden planting of the properties and the more distant, and extensive, woodland to the west all provides a setting which will enable the addition of a further house without any detrimental landscape impacts. The proposal will also provide an opportunity to incorporate landscaping which would enhance this gap site and the wider group, with potential benefits for biodiversity, adjacent to agricultural land of relatively low diversity.

Conclusion

In conclusion, we would make the following points:

- The application site comprises an 851.8 sqm gap site within the group of housing located around the Panmure Road/B961 junction, south of Monikie.
- The proposal is for a single dwellinghouse sharing access to Panmure Road with the adjacent house to the north.
- A notional plot layout included in this statement illustrates the ability of the site to accommodate this proposal.
- Historic planning applications for this site, in addition to land to the north has resulted in the development of a house, Nara Den, to the north. This land, although part of an earlier 'site boundary' was not required as land associated with the adjacent house.
- We would advocate that the proposal is supported by Angus Local Development Plan 2016 policies:
 - **Policy DS1 Development Boundaries and Priorities** – proposal would be of a scale and nature appropriate to its countryside location.
 - **Policy TC2 Residential Development** – the proposal is promoted as a countryside gap site, filling a gap between the curtilages of two existing dwellinghouses, with a road frontage of less than 50m and area of 851.8 sqm. The proposal would meet with the related detailed Countryside Housing Criteria.
 - **Policy DS3 Design Quality and Placemaking** – the site provides an appropriate context for a single dwellinghouse and an appropriate design solution could be readily accommodated.
 - **Policy PV6 Development in the Landscape** – the proposal has an appropriate landscape context and can provide opportunity to enhance the quality of the landscape and improve biodiversity.
- The applicant will be happy to discuss any further submissions required and conditions proposed to be attached to any consent.

We hope that this statement will clarify any issues raised as part of the determination of this application and will act as a spring board for discussion between ourselves and the case officer. We would ask that the case officer discuss the proposed recommendation with ourselves prior to any decision being made on the proposal.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

NARADEN, PANMURE ROAD, MONIKIE

APPLICANT'S SUBMISSION

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



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 100069835-001

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.

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:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	<input type="text"/>
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Newburgh
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	info@arthurstoneplanning.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Nara Den"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Anderson"/>	Address 1 (Street): *	<input type="text" value="Panmure Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Monikie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD5 3QA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

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

Planning permission in principle for a single dwellinghouse on land adjacent to Nara Den, Panmure Road, Monikie

Type of Application

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

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to Supporting Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Local Review Body Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00495/PPL

What date was the application submitted to the planning authority? *

13/06/2017

What date was the decision issued by the planning authority? *

23/08/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We believe a site inspection is required to fully appreciate the nature of this site as a suitable location for the proposed dwellinghouse. A site visit will allow for an appreciation of the appearance of this site as a gap in the surrounding group and its relationship with adjacent properties, including the ability of the site to accommodate a house while retaining its residential amenity and that of neighbouring properties. The general nature of the wider housing group can also be assessed.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Alison Arthur

Declaration Date: 09/10/2017



Local Review Body Statement

Angus Council Development Management Review Committee



Planning Permission in Principle (17/00495/PPPL)

Adjacent Nara Den, Panmure Road, Monikie, Dundee DD5 3QA

Mr John Anderson

1.0 Summary

1.1 This statement aims to provide a reasoned justification to support the approval of the application for planning permission in principle for a single dwellinghouse on land adjacent to Nara Den, Panmure Road, Monikie (17/00495/PPL).



Site viewed from south east





Site viewed from north east



Aerial view of housing group around Panmure Road/B961/Memorial Hall, south of Monikie



Site location (not to scale)

1.2 In support of this application the applicant wishes to make the following points:

- This proposed site is in essence and appearance a gap site providing an ideal area of vacant land suitable for a new dwelling house in a countryside location.
- The site can readily accommodate a single house with appropriate residential amenity for future occupants, providing generous private garden area and off street parking to meet the Council's criteria.
- No adverse comments were raised by the Roads Department or any other consultee in respect of the proposal.
- The Report of Handling for the application is clear that a house can be accommodated on the site in a manner which would not unacceptably adversely affect the amenity of neighbouring property.
- The site has never been used in association with the adjacent dwellinghouse Nara Den and is not required for any related servicing requirements.
- This is not a house with a well-established garden that has been subdivided but rather is a new build with surrounding land which has not at any point been occupied as part of land associated with the property.
- This site is an unrealised opportunity for an additional rural house in a good location making good use of available resources and whose occupants could be supporting local services.
- Encouraging appropriate rural development, a prime objective of the Angus Local Development Plan, would be achieved through the approval of this application.
- The Local Development Plan's overarching policy DS1 gives support to proposals (outwith development boundaries) *'where they are of a scale and nature appropriate to their location'*.
- The Council's Countryside Guidance does not state any restriction on the sub division of curtilages to 'round off' a building group. The applicant maintains that this gap site is not part of the curtilage of the adjacent property. However, in any case it would seem reasonable to allow this site to be developed as a 'completion' of a building group in a similar fashion to the objective of allowing for 'rounding' of building groups, given that sub division of curtilages is not an issue in this respect.
- We respectfully suggest that this application meets with the spirit of policy relating to housing in the countryside.

2.0 Background

2.1 This application 17/00495/PPL was refused planning permission in principle for a single dwellinghouse and the reasons for the Council's decision were stated as:

The reasons for the Council's decision are:-

1. That the application is contrary to Policy TC2 of the Angus Local Development Plan 2016 as it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location. In addition, the proposal is contrary to the Council's adopted Countryside Housing Supplementary Guidance as the site is part of the curtilage approved in association with Naraden and the approved curtilage has been sub-divided to artificially create a new build plot.
2. That the application is contrary to Policy TC2 and Policy DS4 of the Angus Local Development Plan 2016 as the site would not provide a satisfactory residential environment for the occupants of the proposed dwelling as it is overlooked by first floor windows and a balcony on the neighbouring dwelling to the north.
3. That the application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the site is not in accordance with relevant policies of the ALDP, namely Policy TC2 and its associated statutory supplementary guidance, and Policy DS4.

2.2 The applicant provided a detailed supporting statement to accompany the planning application. Given the reasons for refusal provided, this current statement intends to discuss the following matters for consideration:

- Acceptability of the site for a new house in the countryside
- Residential amenity implications in respect of overlooking by Nara Den

3.0 Acceptability of the site for a new house in the countryside

3.1 The first reason for refusal is that the application does not comply with any of the circumstances in Policy TC2 Residential Development that would allow for construction of a new house in the countryside.

3.2 We advocate that **Policy TC2 can be met** (relevant criteria in 3.3 below) and would make the following comments in this respect:

- This proposal for a single dwellinghouse, within an existing residential group will be well located in terms of its own residential environment (see below for discussion),
- The proposal will not have any detrimental impact on the amenity of the surrounding houses, the operation of the nearby business or adjacent farmland or the use of the adjacent hall.
- The proposal will not create any significant impacts on the built environment as a sensitively designed and sited, modestly sized dwellinghouse will sit comfortably within the surrounding group of buildings.
- It is not considered that there will be any unacceptable infrastructural impacts created by the proposal and any relevant details could be addressed within the details of a future application.

3.3 The above points demonstrate compliance with Policy TC2 which requires that **all proposals for new residential development** should:

- *Be compatible with current and proposed land uses in the surrounding area*
- *Provide a satisfactory residential environment for the proposed dwelling*
- *Not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure;*
- *(the 4th criteria relates to affordable housing and is not relevant in this case)*

3.4 Policy TC2 provides support for development in **countryside locations**, along with the advice in the Council's Housing in the Countryside Supplementary Guidance.

3.5 The applicant refers to the 'gap' site adjacent to Nara Den. The land has not at any time been used in association with the adjacent house at Nara Den and is not required to meet any garden ground requirements or servicing relating to Nara Den (an earlier proposed soakaway within the site has not been implemented due to ground conditions).

3.6 We would make the following comments in respect of the above:

- The applicant purchased the parcel of land where Nara Den is now built, and the land to the south, with planning permission in principle in place. A 2008 approval of outline planning permission for a single house on this very large site (exceeding that set out in Council guidance) led to detailed consent using the same site.
- The applicant did not intend that the whole extent of the land would be part of the garden ground/outside space associated with Nara Den. His detailed planning application indicates this area as 'meadow', indicating that he did not envisage using this area in association with the house.
- Following the relatively recent completion of Nara Den work has moved on to external works around the house, including fencing to secure a garden area used by Nara Den. We would respectfully suggest that this should not be viewed as 'artificially' creating a plot as referred to in the Report of Handling. It is clear that this is not a house with a well-established garden that has been subdivided but rather is a new build with surrounding land which has not at any point been occupied as part of land associated with the property. We therefore respectfully suggest that the application site is clearly defined as being outwith the curtilage of Nara Den.
- The photographs below, from prior to the planning application submission, indicate that the household activity associated with Nara Den is all in closer proximity to the house. The 'site' area has been unused, even prior to the erection of the fence.
- We referred to the Scottish Government's note on the legal status of curtilage (Householder PD User/Design Code Scoping Study 2008) as we believed it helped support this proposal where it states that, *'The principal test is whether the nearby land or building to the subject land or building is an integral part of it.....This is a functional concept and not dependent on what might have been conveyed as a parcel'*. We believe that although the whole site is referred to in the Report of Handling as the

curtilage of Nara Den it is in fact not required for the use of Nara Den (as it has sufficient garden ground outwith the application site to comply with Council policy and guidance and is not required to provide land for a soakaway as drainage is to the public mains system).

- We respectfully suggest that the area of site of the proposed dwellinghouse has the appearance of a gap site in the surrounding housing group and should be considered favourably in terms of the policy requirements for countryside development.
- The Report of Handling states that *'approval of this application could establish a precedent for subdivision of previously approved curtilages within the existing development and open up other areas around the building group for similar development'*. We would suggest that the surrounding houses have a considerably older planning history, their curtilages have a quite different established appearance and that in any case they sit on considerably smaller plots. We understand that all applications are considered on their own merits and that approval of this application need establish no precedent in terms of future development.
- The Countryside Housing Supplementary Guidance refers to *'a single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings ...'* The Guidance makes no reference to sub division of curtilages being unacceptable in relation to 'rounding off' building groups. We therefore believe, in any case, that it would be reasonable to consider that the approval of this site is 'completing' this group of houses with a similar objective to 'rounding off'.



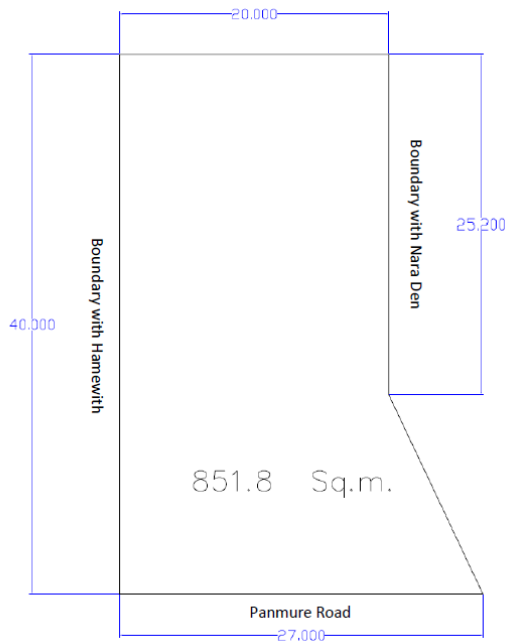
The site, adjacent to Nara Den, from time prior to submission of application 17/00495/PPL (no use made of land to south of house).

4.0 Acceptable residential environment – no loss of privacy for future occupants

4.1 The second reason for refusal of the application was that, contrary to policies TC2 Residential Environment and DS4, *'the site would not provide a satisfactory residential environment for the occupants of the proposed dwelling as it is overlooked by first floor windows and a balcony on the neighbouring dwelling to the north.'*

4.2 We respectfully suggest that it is entirely achievable to locate a dwelling house on this site while maintaining residential amenity standards required by the Council in terms of Local Development Plan policy and advice. This is an application for planning permission in principle and we believe that all matters of residential amenity could be adequately achieved at the detailed application stage. However, we make the following comments regarding achieving a satisfactory residential environment in support of the proposal:

- The current vacant **site** is overlooked by the south east facing windows and balcony of Nara Den in the same way that many other development sites may be overlooked by neighbouring properties. However, an appropriately located and designed house when **built on the site** will achieve appropriate residential amenity. Any building on the site will immediately create its own environment, around and within, of public and private areas. We believe that it is entirely possible to ensure that overlooking does not compromise the privacy of a **dwelling house built on the site**. The well thought out use of the site, in itself, creates its own privacy.
- A well-conceived site layout and house design will ensure that appropriate privacy of the proposed house can be maintained. The main living rooms, kitchen/living space and bedrooms of the proposed house can be oriented away from the south east elevation of Nara Den. This is the most likely orientation for a house in any case to maximise views and sunlight. We believe the land available is more than sufficient to provide an adequately sized and flexible space to enable good layout and design.



Site dimensions

- The site layout can achieve plentiful private amenity space. The house itself will create private space by terminating any views from Nara Den’s first floor. The far side of the proposed house will gain privacy. The first floor eye level viewing height from Nara Den is not higher than the ridge height of even a single storey pitched roof house and therefore there would be no view from Nara Den over the rooftop to private garden area beyond. Other garden structures and planting will also create areas of private garden ground.
- A footprint for a 3 bedroom house (bungalow, one and a half or two storey) on the site could be around 80 – 120 sqm, readily accommodated on the site and meeting Council guidance in terms of plot ratio and private amenity space.
- We would emphasise that a site layout which achieves privacy and residential amenity for the proposed house will not have any adverse impact on the amenity of the adjacent property to the south.

4.5 The applicant trusts that the above considerations demonstrate the potential for the site to accommodate a house and maintain privacy and to enable support in terms of Policies TC2 and DS4 of the Angus Local Development Plan 2016.

5.0 Conclusion

5.1 The third reason for refusal is that the application is contrary to Policy DS1 of the Angus Local Development Plan 2016 ‘as the site is not in accordance with relevant policies of the ALDP, namely Policy TC2 and its associated statutory supplementary guidance, and Policy DS4’.

5.2 We respectfully suggest that this application meets with the ‘overarching’ policy DS1 Development Boundaries and Priorities. In referring to Development Principles the Local Development Plan states that *‘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 possibility of locating adjacent to existing development or groups of buildings.’* We believe that this site is an unrealised opportunity for an additional rural house in a good location making good use of available resources and whose occupants could be supporting local rural services. Further, it removes potential pressure for development in a less desirable rural locations.

5.3 Policy DS1 in its reference to proposals *‘outwith development boundaries’* (as in this case) gives support *‘where they are of a scale and nature appropriate to their location’*. This proposal is in essence and appearance an ideal area of land creating a gap site suitable for a new dwelling house.

5.4 The applicant trusts that this statement provided for the Development Management Review Committee provides a sound reasoned justification for a single house on the site.

5.5 Our client respectfully asks that members note the aforementioned positive attributes of the proposed development and consider whether the prime objectives of the Angus Local Development Plan, to encourage appropriate development, would be satisfied through the approval of this application.

APPENDIX 3

FURTHER LODGED REPRESENTATIONS

ForsythSL

From: [REDACTED]
Sent: 09 November 2017 14:54
To: ForsythSL
Subject: Re: Panmure Road Statement

Dear Sarah,

My wife and i have read the statement over, in particular the second reason for refusal of the application, which is regarding our privacy residing in Hamewith.

It remains clear to us that our privacy will still be compromised. A second dwelling house situated near our existing border is of great concern to us and our appropriate privacy would not be maintained.

Also, we do not wish to have a second dwelling built similar to the first that would be totally out of character with the surrounding properties, adjacent to our bungalow Hamewith.

Kind Regards,
James Kay.

From: ForsythSL <ForsythSL@angus.gov.uk>
Sent: 06 November 2017 13:11
To: [REDACTED]
Subject: Panmure Road Statement

Mr Kay

As discussed, statement attached. Please let me have any further comments by Thursday 5pm at latest.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Resources | Angus Council | St Margaret's House | Orchardbank Business Park | Forfar | DD8 1WS | T: 01307 476269 | ForsythSL@angus.gov.uk

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**APPLICANT'S RESPONSE TO
FURTHER REPRESENTATIONS**



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

Application for Review – Erection of a Dwellinghouse at Naraden, Panmure Road, Monikie
Application No 17/00495/PPPL – Mr John Anderson

Comments on Further Representation

Mr Kay's representation states that:

'My wife and i have read the statement over, in particular the second reason for refusal of the application, which is regarding our privacy residing in Hamewith.

It remains clear to us that our privacy will still be compromised. A second dwelling house situated near our existing border is of great concern to us and our appropriate privacy would not be maintained.

Also, we do not wish to have a second dwelling built similar to the first that would be totally out of character with the surrounding properties, adjacent to our bungalow Hamewith.'

Paragraphs 1 and 2 of the Representation

With respect, Mr Kay appears to have misunderstood the application's second reason for refusal. The second reason for refusal states:

2. That the application is contrary to Policy TC2 and Policy DS4 of the Angus Local Development Plan 2016 as the site would not provide a satisfactory residential environment for the occupants of the proposed dwelling as it is overlooked by first floor windows and a balcony on the neighbouring dwelling to the north.

It is clear that the reason for refusal indicates that the site would not provide a satisfactory residential environment for the occupants of the **proposed dwelling**, i.e. the subject of the review, due to overlooking from the neighbouring dwelling to the north (i.e. Nara Den – the applicant's home).

The reason for refusal is not referring to the residential environment of the neighbouring property to the south, i.e. Hamewith – Mr Kay's property). Further, we wish to emphasise that in the Case Officer's Report of Handling (see below) the impact of the proposed dwelling on the residential amenity of Hamewith was considered in detail, noting separation distance and fencing/outbuilding and trees within its boundary. The Case Officer's assessment of the impact on Hamewith concluded that *'it is likely that a house could be accommodated on the site in a manner that would not unacceptably adversely affect the amenity of neighbouring property'*.