

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 APRIL 2018

24 PEARSE STREET, BRECHIN

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 and garage in garden ground, application No 17/00667/PPPL, at 24 Pearse Street, Brechin.

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 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

List of Appendices:
Appendix 1 – Submission by Planning Authority
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ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 17/00667/PPPL

APPLICANT- MR M FAIRWEATHER

PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION
OF DWELLINGHOUSE AND GARAGE IN GARDEN GROUND AT 24 PEARSE STREET
BRECHIN DD9 6JR

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Angus Council

Application Number:	17/00667/PPPL
Description of Development:	Planning Permission in Principle for Erection of Dwellinghouse and Garage in Garden Ground
Site Address:	24 Pearse Street Brechin DD9 6JR
Grid Ref:	359338 : 760514
Applicant Name:	Mr M Fairweather

Report of Handling**Site Description**

The application site forms part of the garden ground associated with 24 Pearse Street, Brechin. 24 Pearse Street is a 5 bedroom traditional detached stone villa set within a 1050sqm plot. Within that existing plot is the dwelling and outbuildings to the south with the majority of its private garden ground to the north. The site proposed for a house measures approximately 425sqm and contains the majority of the private and useable garden and lawn associated with the existing house. There is an existing tarred access from Latch Road to the north. The existing house curtilage is surrounded by a high hedge and low wall. 24 Pearse Street is located within a predominantly residential area of Brechin characterised by traditional buildings, spacious plots bounded by stone walls, trees and hedges.

Proposal

Planning permission in principle is sought for the erection of a dwellinghouse and garage. The plans submitted suggest that a vehicular access would be taken from Latch Road and shared with 24 Pearse Street. The plans indicate that a section of garden building to the rear of the existing garage would be demolished to increase garden ground for 24 Pearse Street. The garden buildings for 24 Pearse Street are outside of the application site and as such do not form part of the application.

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

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 15 September 2017 for the following reasons:

- Contrary to Development Plan

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

Planning History

17/00129/PREAPP – A pre application enquiry was submitted in March 2017 seeking advice on whether the site would be likely to obtain planning permission for a dwelling. The pre application response indicated that the site was too small to accommodate a house taking account of the pattern of development and would leave too small a plot and garden area for the existing substantial dwelling. It also identified concerns that a house on the site would adversely affect the amenity of the existing house at 24 Pearse Street by overshadowing and inadequate window to window distances. The pre application response indicated that an application for planning permission for the proposal described would be refused planning permission.

Applicant's Case

The applicant has submitted a supporting statement with the application. The applicant states that the existing curtilage for the house and garage measures approximately 1060sqm. It is intended to share the existing access from Latch Road and take pedestrian access from Pearse Street. In order to provide more rear garden for 24 Pearse Street, part of the garage/shed will be removed (but this is outside of the application site and therefore does not form part of the proposal). It is suggested that removal of the store to the rear of the garage would permit 123sqm or thereby of rear garden ground for the existing dwelling. The proposed dwelling would be so designed to take into consideration window to window distances and, due to ground level changes, the existing dwelling would not be overshadowed by the proposed dwelling. The applicant contends that a sympathetic design for a new dwellinghouse would both fit in with the existing surroundings, as well as improve the environment.

Consultations

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

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

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

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

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 in the Angus Local Development Plan (ALDP) indicates that the focus of development will be sites allocated or otherwise identified for development. On sites not allocated or otherwise identified for development such as the application site, Policy DS1 indicates that proposals for development will be supported where they are of an appropriate scale and nature and are in accordance with policies of the plan.

Policy TC2 deals with all proposals for residential development and indicates that within development boundaries Angus Council will support proposals for new residential development where the proposal is consistent with the character and pattern of development in the surrounding area. The policy also requires proposals to be compatible in terms of land use; to provide a satisfactory residential environment for the proposed dwelling; not to result in unacceptable impacts on the built and natural environment, surrounding amenity, access and infrastructure; and include as appropriate a mix of house sizes and provision for affordable housing in accordance with Policy TC3.

Policy DS3 indicates 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. Like Policy TC2, it requires development to fit with the character and pattern of development in the surrounding area.

Angus Council Advice Note 14 Small Housing Sites provides guidance for developments of between one and four dwellings within towns. It includes considerations relating to plot size, plot coverage, private amenity space and distance between buildings.

Advice Note 14 indicates that *the plot area of a proposal must bear some affinity with the surrounding plots, the council will be reluctant to permit developments that do not respect the character of the area, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or "squeezed in"*.

The site is located on a corner plot within the curtilage of 24 Pearse Street which has a road frontage on Pearse Street and Latch Road. 24 Pearse Street is a substantial stone villa which presents as a one and a half storey property onto Pearse Street but has two storey extensions to the rear providing a large dwelling with five bedrooms. The villa sits to the south of its plot which affords the dwelling a private garden to the north which is commensurate in size with a large 5 bedroom dwelling.

24 Pearse Street (1050sqm) is similar in size to other corner plots in the surrounding area in that it is larger than most other (non-corner) plots which only have a single road frontage. Other corner plots at 13 Latch Road (860sqm), 50 Latch Road (2600sqm), 32 Airlie Street (900sqm), 1 Duke Street (1700sqm), 2 Duke Street (1700sqm) have similar characteristics to 24 Pearse Street. The plots are characterised by the houses having a spacious setting with room for hedges and trees to mature which contributes to the green character of the street scene in the area around Pearse Street, Latch Road, Airlie Street and southern parts of Duke Street.

The proposed house would sit between 24 Pearse Street and Latch Road and would result in a house on a new artificially created corner plot of 425sqm which is significantly smaller than those in the surrounding area. The proposed house would appear squeezed in and would also erode the spacious setting of the existing villa, out of character with other corner plots in the surrounding area. Policies TC2 and DS3 indicate that development should be consistent with the character and pattern of development in the surrounding area. The proposed house plot would not be compatible with the character and pattern of development in the surrounding area contrary to policies TC2, DS3 and Advice Note 14.

I have concluded that the proposal is contrary to policies TC2, DS3 and Advice Note 14 above. For completeness, I will address the remaining policy tests below.

The proposed land use would be compatible with those in the surrounding area; the proposed house would be capable of providing a satisfactory residential environment for the householder; the proposal would not result in unacceptable impact on the built and natural environment, access or infrastructure and the proposal does not trigger the requirement for affordable housing. The proposal would meet these tests of TC2.

In relation to the other tests of Policy DS3, detailed design of the proposed house would be a matter for a subsequent detailed application, were the proposal otherwise acceptable.

Policy DS4 deals with amenity and indicates that 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 property. The majority of usable private amenity ground for 24 Pearse Street is the lawn area defined as the application site. The development of a house on the site would take away the majority of private garden ground associated with 24 Pearse Street which would reduce the level of residential amenity available to that property. The proposal raises no issues against the remaining aspects of Policy DS4 that could not be addressed in a detailed application, were the proposal otherwise acceptable. Refuse collection, storage and recycling could be provided. With regard to traffic and road safety, the Roads Service has offered no objection to the proposal.

Policy PV15 relates to drainage infrastructure. The applicant indicated that the proposal would connect to

the public water supply and public drainage system but would not make provisions for SUDS arrangements at the site. Use of the public sewer for foul drainage is acceptable and Scottish Water has offered no objection. The use of SUDS could be secured by planning condition, were the proposal otherwise acceptable.

The proposal represents an undesirable form of development by attempting to artificially create a plot for a new dwelling through the sub-division of residential garden ground. This would result in a new dwelling squeezed into a plot which is inconsistent with the character and pattern of development of corner plots in the surrounding area. Whilst the proposal complies with some aspects of the local development plan, it is contrary to policies TC2 and DS3. In failing to comply with policies TC2 and DS3, the proposal is also contrary to Policy DS1. The proposal is contrary to the development plan and there are no material considerations which would 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. The application is contrary to policies DS1, DS3 and TC2 of the Angus Local Development Plan (2016) because the proposed development by creating a small plot within the garden ground of 24 Pearse Street would not be compatible with the character and pattern of development in the surrounding area.

Notes:

Case Officer: Neil Duthie
Date: 26 January 2018

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.

ANGUS COUNCIL

COMMUNITIES PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

17/00667/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

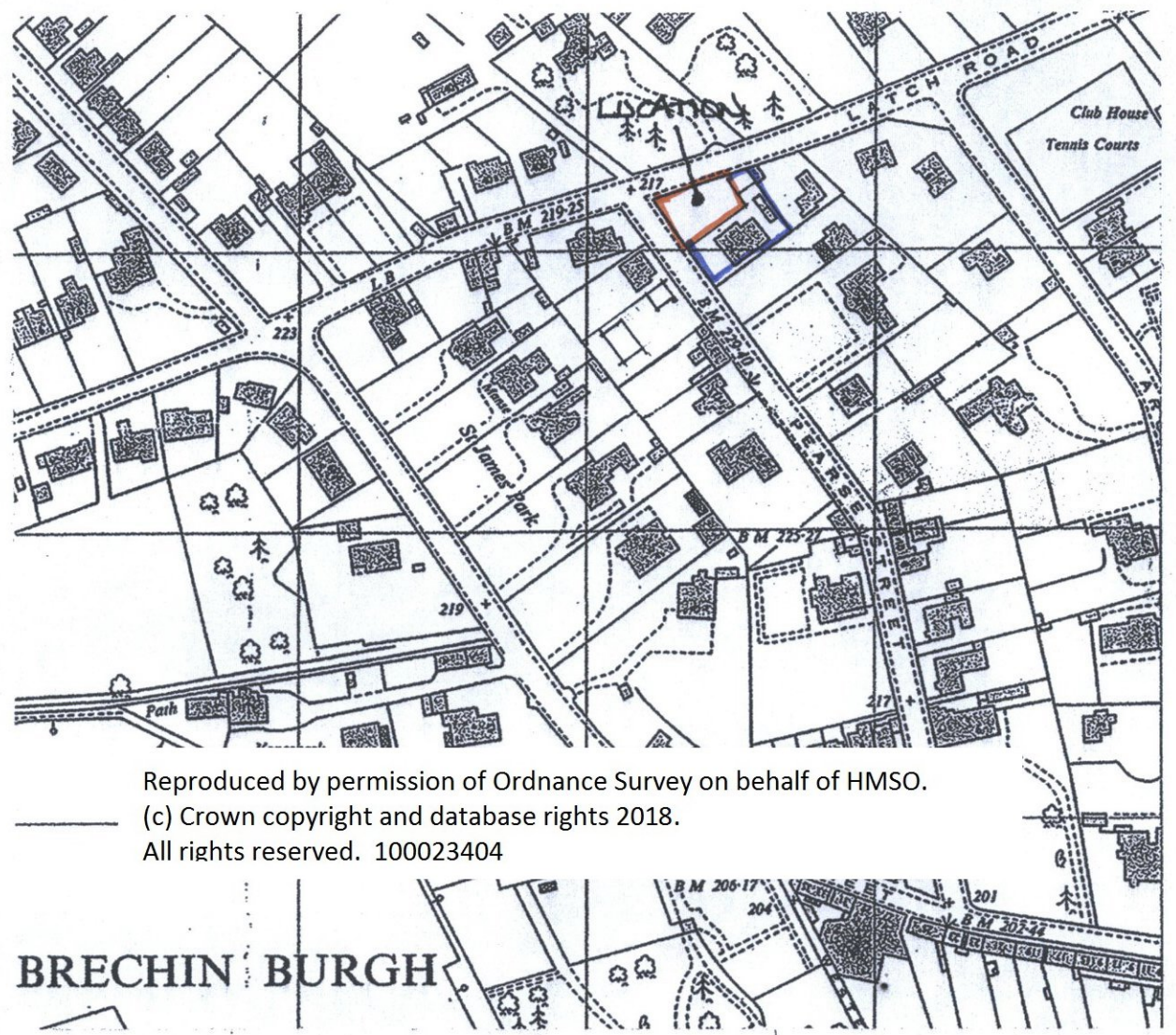
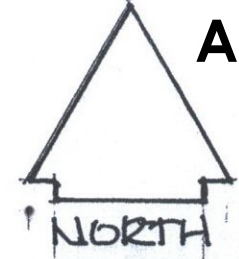
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

Refused

AC3



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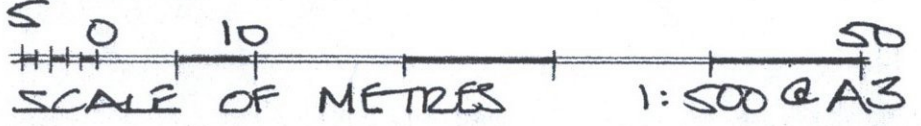
BRECHIN BURGH

LOCATION PLAN.

SCALE 1:2500

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BLOCK PLAN



PROPOSED ERECTION OF DWELLING HOUSE
 IN GARDEN GROUND
 AT
 24 PEARSE STREET, BRECHIN

Refused

A CRAIG
 ARCHITECTURAL
 CONSULTANT



6 CLERK STREET, BRECHIN, ANGUS DD9 6AE
 Tele: (01356) 625500 Fax: (01356) 625572

DRAWING N°: PRE APP
 SD. N.A
 SCALE 1:500 1:2500
 DATE FEBRUARY 2017



AC4











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 : 17/00667/PPPL

To **Mr M Fairweather**
c/o A D Craig
6 Clerk Street
Brechin
DD9 6AE

With reference to your application dated 7 August 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 Dwellinghouse and Garage in Garden Ground at 24 Pearse Street Brechin DD9 6JR for Mr M Fairweather

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

The reasons for the Council's decision are:-

- 1 The application is contrary to policies DS1, DS3 and TC2 of the Angus Local Development Plan (2016) because the proposed development by creating a small plot within the garden ground of 24 Pearse Street would not be compatible with the character and pattern of development in the surrounding area.

Amendments:

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

Dated this **30 January 2018**

Kate Cowey
Service Manager
Angus Council
Place
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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
Place
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

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.

PLANNING

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"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

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.

24 PEARSE STREET

BRECHIN

DD9 6JR

ERECTION OF DWELLING HOUSE IN GARDEN GROUND

SUPPLEMENTARY INFORMATION

JUNE 2017

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

SITE DESCRIPTION

The existing dwelling house is 1½ storey of masonry construction under a slated roof and situated on an elevated site. To the rear (north east) the garden ground is substantially covered with existing garages and sheds built on 2 levels. Further garden ground exists to the front (south west) and to the side (northwest) at a lower level. The site extends to 1060 sq. m. or thereby

A pre-application enquiry response Ref: 17/00129/PREAPP dated 16 March 2017 has been received from Angus Council Planning Department.

SITE PROPOSALS

It is proposed to erect a single dwelling house and garage on the area of lower garden ground situated at the north west of the existing dwelling house at 24 Pearse Street, Brechin.

The proposals have been assessed against the following:

TAYplan (Approved 2012)

Angus Local Development Plan (Adopted 2016) – Policies DS1, DS4, TC2 and the Council's Advice Note 14: Small Housing Sites

The proposed site extends to approximately 425 sq.m. which is accordance with the 400 sq.m. guideline. The site being no smaller than some of the adjacent plot on Latch Road. Vehicular access would be by means of an existing access entered from Latch Road and pedestrian access from Pearse Street. It is proposed to demolish part of the existing garage/shed arrangement, with the remaining section of garage situated on garden ground to the rear of the existing house at 24 Pearse Street leaving the rear garden ground extending to 123 sq.m. or thereby. The proposed house would be designed to take into consideration window to window distances and due to the ground levels would in no way overshadow the existing dwelling.

The proposed site is within the development boundary and of a scale appropriate to the location. The site makes use of garden ground which is at a lower level to the remaining garden ground at 24 Pearse Street and forms a clearly defined boundary line which is all in accordance with the requirements of Policy DS1

Again criteria contained in Policy DS4 Amenity would be unaffected by the proposals.

The proposals also meet the following criteria:

- Compatible with the current use of land in the surrounding area
- Provides a satisfactory residential environment
- Does not result in unacceptable impact on the natural environment, surrounding amenity, access or infrastructure.

CONCLUSION

Given a sympathetic design, a proposed dwelling house and garage would both fit in with the existing surroundings as well as improve the environment.

Photographs included in the report show the relevant street views and the extent of the proposed site.



East View from Latch Road



North View from Pearse Street



West View of Plot

The proposals meet the criteria set out in Angus Council Policies and Advice Note.

Accordingly, an application for Planning Permission in Principle should gain approval.

END OF REPORT

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF
DWELLINGHOUSE AND GARAGE IN GARDEN GROUND AT
24 PEARSE STREET, BRECHIN**

APPLICATION NO 17/00667/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review	
ITEM 2	Application for Planning Permission	
ITEM 3	Drawing No. Pre App	
ITEM 4	Supplementary Information – June 2017	
ITEM 5	E-mail 17/00129/Pre App	
ITEM 6	Planning Permission in Principle Refusal Ref 17/00667/PPPL	

Received
Legal & Democratic Services

08 FEB 2018

Time 9.35 Ints Amc



A CRAIG
ARCHITECTURAL
CONSULTANT

Head of Law & Administration
Angus Council
Angus House
Orchardbank Business Park
FORFAR
DD8 1AN

7 February 2018
Ref: ADC/adc

Dear Sir/madam,

**24 PEARSE STREET, BRECHIN DD9 6JR – NOTICE OF REVIEW
Planning Permission in Principle Refusal Ref: 17/00667/PPPL**

My client wishes to appeal against refusal of the above Planning Application.

The following is enclosed.

- Notice of Review Appeal Form
- Application for Planning Permission Form
- Drawing No. PRE APP
- Supplementary Information – June 2017
- email Ref: 17/00129/PREAPP
- Planning Permission in Principle Refusal Ref: 17/00667/PPPL

I trust this meets with your approval and will allow an appeal application to be processed.

Yours faithfully,

A.D.Craig

6 CLERK STREET
BRECHIN
ANGUS DD9 6AE

Telephone: (01356) 625500
07836 692314

Fax: (01356) 625572
email: info@adcraig.co.uk

adc

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 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**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.**

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: X

* Do you agree to correspondence regarding your review being sent by e-mail? YES

X No

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

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 the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

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

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.

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

If you have marked box 1 or 2, 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 are necessary:

N/A

Site inspection

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

- | | Yes | No |
|--|-----|--------------------------|
| 1. Can the site be viewed entirely from public land? | X | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X | <input type="checkbox"/> |

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

NONE

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.

A pre-application enquiry Ref: 17/00129/PREAPP advised that the site was too small for the proposed dwelling house and advised that any application would be assessed against policies DS1, DS4, TC2 and Advice Note 14.

The above was taken into account and the plot size increased to meet the requirements of Advice Note 14. Proposed Plot size 425 sq. m. leaving the original dwelling with a Plot size of 625 sq.m. which is in keeping with plot sizes in the surrounding area.

An application for Planning Permission in Principle was submitted Ref: 17/00667/PPPL.

No objections or letters of representation were received from consultees or adjoining neighbours.

The assessment in the Report of Handling make reference to the following policies.

Policy DS1: Indicates that proposals for development will be supported where they are of an appropriate scale and nature and are in accordance with policies of the plan – This can be met in a detailed house design.

Policy TC2: Criteria contained in this policy can again be met in a detailed house design

Policy DS3: "High design standard, aspects of landscape or townscape that contribute positively to the character and sense of place in which they are located" can be agreed in consultation with Angus Council Planning Department when a detailed application is submitted.

Advice Note 14: All criteria can be met

The Report of Handling also states under " I will address the remaining policy tests below"

"The proposals would meet these tests of TC2"

Policy DS4 meets the requirement for house sites and "with regard to traffic and road safety, the Roads Service has offered no objection to the proposals

Policy PV15: Relates to drainage and "Scottish Water has offered no objection"

In the Reason for Decision it states the site "would not be compatible with the character and pattern of development in the surrounding area"

Conclusion:

Similar policies/criteria was applied to a previous application on a smaller site approximately 200 metres from the proposed site. Ref: 07/00277/FULL being the most recent application. This application was also refused by the planning department but granted on appeal by the Review Committee.

The proposals are not contrary to Policies TC2, DS3 and Advice Note 14 as stated in the refusal document and approval should be granted.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

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 and intend to rely on in support of your review.

APPLICATION FOR PLANNING PERMISSION FORM
DRAWING No. PRE APP
SUPPLEMENTARY INFORMATION – JUNE 2017
E-MAIL 17/00129/PREAPP
PLANNING PERMISSION IN PRINCIPLE REFUSAL REF: 17/00667/PPPL

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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	M.	Forename	Alex.
Surname	Fairweather	Surname	Craig
Company Name		Company Name	A.Craig Arch. Consultant
Building No./Name	24 Pearse Street	Building No./Name	6 Clerk Street
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City	Brechin	Town/City	Brechin
Postcode	DD9 6JR	Postcode	DD9 6AE
Telephone		Telephone	01356 625500
Mobile		Mobile	07836 692314
Fax		Fax	01356 625572
Email		Email	adc@adcraig.co.uk
3. Postal Address or Location of Proposed Development (please include postcode)			
<div style="border: 1px solid black; padding: 5px;"> 24 Pearse Street Brechin DD9 6JR </div>			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input checked="" type="checkbox"/>	
Further Application*		<input type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	N/A	Date:	16 March 2017
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.			

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of Dwelling House and garage on garden ground of existing dwelling

Is this a temporary permission?

Yes No

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

N/A

Have the works already been started or completed?

Yes No

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

Date started: N/A

Date completed: N/A

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

N/A

6. Pre-Application Discussion

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

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

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

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

Name: Neil Duthie

Date: 16 March 2017

Ref No.: 17/00129/PREAPP

Advice was given on Policies and criteria to be met

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.) 425

8. Existing Use

Please describe the current or most recent use:

Dwelling House, Garage/Store and Garden Ground

9. Access and Parking

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

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

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

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

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

4

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

4

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

10. Water Supply and Drainage Arrangements

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

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

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

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

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

Please show more details on your plans and supporting information

What private arrangements are you proposing?

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

Please show more details on your plans and supporting information.

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

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

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

Yes No

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

11. Assessment of Flood Risk

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

Yes No

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

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

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

N/A

12. Trees

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

Yes No

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

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes No

If yes, please provide details and illustrate on plans.

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

Will be shown on detailed drawings at Full Planning Stage

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes No

If yes how many units do you propose in total?

1

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

1 additional house and garage - See Supplementary Information

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

Does your proposal alter or create non-residential floorspace?

Yes No

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes No Don't Know

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

17. Planning Service Employee/Elected Member Interest

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

Yes No

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

Yes No

If you have answered yes please provide details:

N/A

DECLARATION

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

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

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

Yes No N/A

Signature:

Name:

A.D.Craig

Date:

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.

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner 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 application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Town & Country Planning (Scotland) Act 1997 As Amended

APPROVED ON BEHALF OF THE ANGUS COUNCIL
SUBJECT TO THE CONDITIONS SET FORTH IN
INTIMATION OF PERMISSION



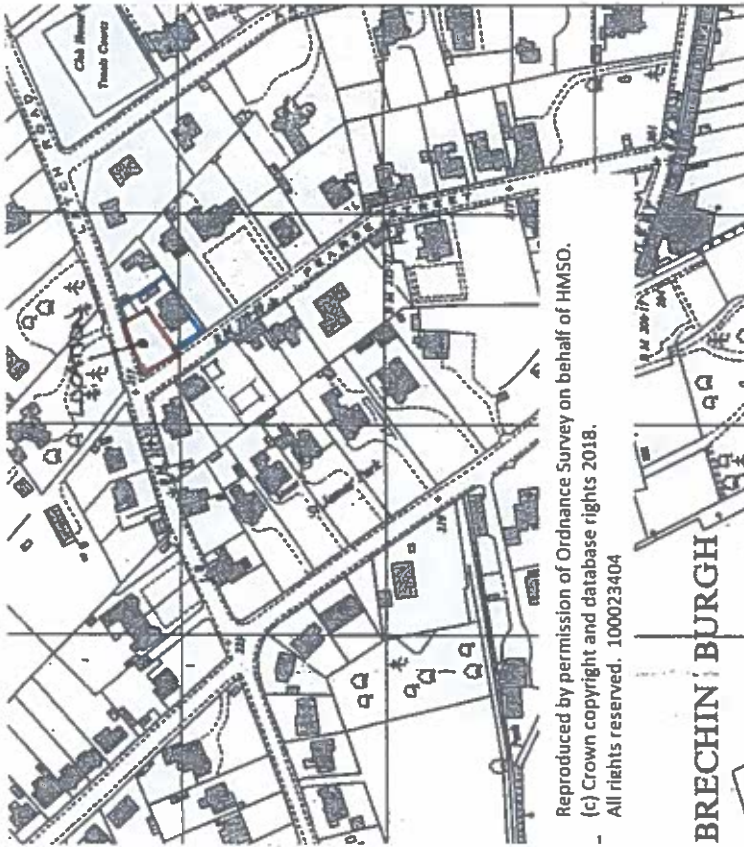
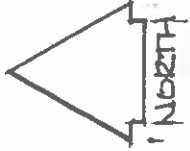
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11

BLOCK PLAN



PROPOSED ERECTION OF DWELLING HOUSE
IN GARDEN GROUND
AT
24 PEARSE STREET, BRECHIN



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BRECHIN BURGHC
LOCATION PLAN

SCALE 1:2500



ACRAIG
ARCHITECTURAL
CONSULTANT

6 CLERK STREET, BRECHIN, ANGUS DD9 6AE
Tele: (01356) 625500 Fax: (01356) 625572

DRAWING Nº: FFEAFT
SD. N.A
SCALE 1:500 1:2500
DATE FEBRUARY 2017

24 PEARSE STREET

BRECHIN

DD9 6JR

ERECTION OF DWELLING HOUSE IN GARDEN GROUND

SUPPLEMENTARY INFORMATION

JUNE 2017

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

SITE DESCRIPTION

The existing dwelling house is 1½ storey of masonry construction under a slated roof and situated on an elevated site. To the rear (north east) the garden ground is substantially covered with existing garages and sheds built on 2 levels. Further garden ground exists to the front (south west) and to the side (northwest) at a lower level. The site extends to 1060 sq. m. or thereby

A pre-application enquiry response Ref: 17/00129/PREAPP dated 16 March 2017 has been received from Angus Council Planning Department.

SITE PROPOSALS

It is proposed to erect a single dwelling house and garage on the area of lower garden ground situated at the north west of the existing dwelling house at 24 Pearse Street, Brechin.

The proposals have been assessed against the following:

TAYplan (Approved 2012)

Angus Local Development Plan (Adopted 2016) – Policies DS1, DS4, TC2 and the Council's Advice Note 14: Small Housing Sites

The proposed site extends to approximately 425 sq.m. which is accordance with the 400 sq.m. guideline. The site being no smaller than some of the adjacent plot on Latch Road. Vehicular access would be by means of an existing access entered from Latch Road and pedestrian access from Pearse Street. It is proposed to demolish part of the existing garage/shed arrangement, with the remaining section of garage situated on garden ground to the rear of the existing house at 24 Pearse Street leaving the rear garden ground extending to 123 sq.m. or thereby. The proposed house would be designed to take into consideration window to window distances and due to the ground levels would in no way overshadow the existing dwelling.

The proposed site is within the development boundary and of a scale appropriate to the location. The site makes use of garden ground which is at a lower level to the remaining garden ground at 24 Pearse Street and forms a clearly defined boundary line which is all in accordance with the requirements of Policy DS1

Again criteria contained in Policy DS4 Amenity would be unaffected by the proposals.

The proposals also meet the following criteria:

- Compatible with the current use of land in the surrounding area
- Provides a satisfactory residential environment
- Does not result in unacceptable impact on the natural environment, surrounding amenity, access or infrastructure.

CONCLUSION

Given a sympathetic design, a proposed dwelling house and garage would both fit in with the existing surroundings as well as improve the environment.

Photographs included in the report show the relevant street views and the extent of the proposed site.





North View from Pearse Street



West View of Plot

The proposals meet the criteria set out in Angus Council Policies and Advice Note.

Accordingly, an application for Planning Permission in Principle should gain approval.

END OF REPORT

Alex Craig

From: DuthieNG <DuthieNG@angus.gov.uk>
Sent: 16 March 2017 16:59
To: info@adcraig.co.uk
Subject: Erection of a Dwellinghouse - 24 Pearse Street, Brechin - 17/00129/PREAPP

Alex

I refer to the above pre-application enquiry I recently received and can now respond to you.

Please note that your proposals will be assessed in accordance with the development plan, as follows;

TAYplan (Approved 2012);
Angus Local Development Plan (Adopted 2016).

In the Angus Local Development Plan, the following policies would be relevant to your proposals;

Policies DS1, DS4, TC2.

Please note that there will be other general policies of the development plan that might also be relevant to the consideration of any subsequent planning application and these should be considered in developing any development proposal.

I note your intended proposal for this predominantly residential area and consider this would be a relatively small site for a house in comparison with the overall existing pattern of development in the vicinity and out of character with this existing pattern of development, as stated in the Council's Advice Note 14: Small Housing Sites. I have viewed the site in google street view and the development of this site would also leave the existing dwelling with little rear private useable garden ground due to the existence of the long garage. The remaining rear useable garden may also be below the minimum of 100sqm, as required by this advice note. I would also consider the erection of a dwellinghouse to be overdevelopment on this corner site and could affect the existing amenity of the residents in 24 Pearse Street by overshadowing and inadequate window to window distances. In this respect, I consider that an application for planning permission for your proposal would be recommended for refusal.

I trust this answers your enquiry.

Whilst enquiries and pre-application discussions are encouraged, it should be stressed that the above advice is given without the benefit of a site visit and full external consultations or full and comprehensive information and as such the expressed opinion is given without prejudice and is not binding upon the Council.

The Council is interested in your views of the pre-application service offered by the Planning Service. We would be grateful if you could spare a few minutes to complete a short survey to give us your opinion. The survey can be found halfway down the Council's Planning homepage (<http://www.angus.gov.uk/planning/> under "Development Management" or by following this link: <https://www.surveymonkey.com/s/G6Z2SLZ>

Regards

Neil Duthie

Planning Officer (Development Standards) Communities Planning & Place Angus Council County Buildings Market
Street Forfar
DD8 3LG

If calling or telephoning please ask for Neil Duthie on 01307 473229 or e-mail
DuthieNG@angus.gov.uk

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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 : 17/00667/PPPL

To **Mr M Fairweather**
c/o A D Craig
6 Clerk Street
Brechin
DD9 6AE

With reference to your application dated 7 August 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 Dwellinghouse and Garage in Garden Ground at 24 Pearse Street Brechin DD9 6JR for Mr M Fairweather

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


The reasons for the Council's decision are:-

- 1 The application is contrary to policies DS1, DS3 and TC2 of the Angus Local Development Plan (2016) because the proposed development by creating a small plot within the garden ground of 24 Pearse Street would not be compatible with the character and pattern of development in the surrounding area.

Amendments:

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

Dated this **30 January 2018**


Kate Cowey
Service Manager
Angus Council
Place
Angus House
Orchardbank Business Park
Forfar
DD8 1AN