

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 15 MAY 2018

LAND EAST OF WOODEND VILLA, ALDBAR, BRECHIN

REPORT BY THE SERVICE LEADER – LEGAL AND DEMOCRATIC

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, application No 17/00834/PPPL, at Land East of Woodend Villa, Aldbar, 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
- Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 17/00834/PPPL****APPLICANT- MS CAROL DAWSON****PROPOSAL & ADDRESS – ERECTION OF DWELLINGHOUSE & GARAGE AT LAND
EAST OF WOODEND VILLA ALDBAR BRECHIN DD9 6SZ****CONTENTS**

AC1	Report of Handling	
	Policy Tests (Angus Local Development Plan 2016)	
	Policy DS1, DS3, DS4, TC2 & PV12 – Please click on the links below: - https://www.angus.gov.uk/directories/document_category/development_plan http://www.angus.gov.uk/sites/angus-cms/files/2017-11/Countryside%20Housing%20Supplementary%20Guidance.pdf	
	Consultation Responses	
AC2	Roads – Traffic 18.10.17	
AC3	Roads – Flooding 02.11.17	
AC4	Roads – Traffic 28.11.17	
	Letters of Respresentations	
AC5	Hooghiemstra – 22.10.17	
AC6	Hooghiemstra – 23.10.17	
	Application Drawings	
AC7	Refused Location Plan	
AC8	Refused Drawings	

	Further Information Relevant to Assessment	
AC9	Site Photographs	
AC10	Decision Notice	
	Supporting information	
AC11	Design Statement	

Angus Council

Application Number:	17/00834/PPPL
Description of Development:	Erection of Dwellinghouse and Garage
Site Address:	Land East Of Woodend Villa Aldbar Brechin DD9 6SZ
Grid Ref:	356036 : 755672
Applicant Name:	Ms Carol Dawson

Report of Handling**Site Description**

This is a linear site to the east of the public road from Pitkenedy to Brechin and measures around 1023sqm in area. It lies to the north of a minor road that forms the northern boundary of Montreathmont Forest a short distance to the east of a property known as Woodend Villa. A number of trees appear to have been felled on the site.

Proposal

It is proposed to erect a single dwellinghouse and garage. This is an application for planning permission in principle and, therefore, there is no requirement to provide detailed plans at this stage. However, the applicant has submitted an indicative layout to show a modest-sized dwellinghouse and detached garage with vehicular and pedestrian access from the connecting road to the south.

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 20 October 2017

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

Planning History

Planning permission was granted in April 2005 for a replacement house on land to the west of the current application site (Appn: 05/00112/FUL refers). That house has now been constructed. The plans approved with that house indicate a plot measuring around 1050sqm with the eastern boundary fence approximately 5 metres from the gable end of the garage.

Applicant's Case

The applicant has submitted a Design Statement in support of the application. This states that the site is currently unused and linked to the dwelling to the west. It is considered that this linear site could accommodate a dwelling and the nearby forest will provide a backdrop of trees, therefore minimising any visual impact of the development. It is intended to erect a modern low energy dwelling and would complete development on this corner site. A 1.5 storey dwelling could be erected to complement the existing dwelling. Garden ground could be provided to the east of the building footprint and include the retention of the remaining trees.

The applicant considers that the development would be in compliance with policies of the ALDP and

supplementary guidance, by relating to a group of 3 or more dwellings and also by being a gap site between the curtilage of an existing dwelling and a metalled road.

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, on the understanding that there are access road improvements made and the car parking provision is to their standards.

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

Angus Council - Flood Prevention - This consultee has stated that a topographical survey is required.

Angus Council Environmental Health - This consultee has stated no objections.

Representations

2 letters of representation were received. The main points of concern were as follows: -

- Inadequate information to fully assess the proposal;
- The wood to the south of the application is currently being thinned/felled and, therefore, this will result in more of a visual impact for the development;
- The Design Statement is inaccurate as only two dwellings are in close proximity to the development, not three;
- A private water supply is proposed, but no details of this are provided;
- A ditch lies in the northmost part of the application site and it is unclear if this will remain in its current form or if any alterations to the ditch will be made.

These matters are discussed in the Assessment section of this report below.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV12 : Managing Flood Risk

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 applicant has submitted information suggesting that development of the site would round off an existing building group. However, the ALDP clearly states that a single new house may be acceptable where it would **round off an established building group of 3 or more existing dwellings**. In this case there is a single house to the west of the site with a further single house on the opposite side of the Pitkenedy to Brechin public road. There are only two existing dwellings in the vicinity and therefore there is no building group. A house on the application site cannot comply with this element of the policy.

The applicant has also submitted information suggesting that this is a gap site. Policy TC2 allows for a single house where it would **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**. In this case there is a house to the west of the application site. However, the planning permission for that house identified its eastern boundary fence in the region of 30 metres to the west of the current application site boundary. Accordingly, the boundary of that house as approved by the relevant planning permission lies around 30 metres to the west of the current application site. Notwithstanding that, an area of ground appears to have been incorporated into the curtilage of that dwelling and a fence has been erected to enclose that area. That fence lies a short distance to the west of the current application site. No planning permission has been granted for that fence or to allow use of the area of additional land as garden ground. An area of land lies between that fence and the application site. That area of ground is laid out in part as a rockery but it does not form part of the curtilage approved for the neighbouring house in 2005 and there has been no grant of planning permission to allow it to be used as garden ground and incorporated into the curtilage of that house. The eastern boundary of the site tapers to a point where it meets the field and the public road. The western boundary of the site abuts an undefined area of former woodland that has been felled; it does not meet the boundary of the approved curtilage of the existing house to the west. The eastern extent of the site tapers to a boundary with the field and the public road. The site does not sit between the curtilage of an existing house and a metalled road. This is not a gap site as defined by policy.

The proposal does not meet any of the circumstances where a new house would be permitted by Policy TC2 and the application is therefore contrary to the Council's policy that deals with housing in the countryside.

As the proposal does not comply with Policy TC2 it is unnecessary to consider it in relation to the Countryside Housing Supplementary Guidance. However, it should be noted that approval of this application would result in the formation of a gap site between the curtilage of the new house and the approved curtilage of the existing dwelling to the west. That is contrary to criterion (a) of Appendix 3 of the Countryside Housing criteria identified in the Supplementary Guidance. The proposal does not give rise to significant issues in terms of the remaining criteria but it is contrary to Policy TC2.

The Roads Service has indicated no objection in relation to access on the understanding that the public road to the south is widened to provide a passing place, that required visibility splays are provided and that adequate car parking is provided within the application site. There is little doubt that adequate car parking and turning space could be provided within the site. It has not been demonstrated that the applicant can comply with the road widening/passing place or visibility splay requirements and this has not been pursued with the applicant given the fundamental conflict with development plan policy. However, this matter could be addressed by a negative suspensive planning condition.

The Roads Service has indicated that the small ditch along the northern edge of the application site may

pose a risk of flooding. In this respect the Roads Service has indicated that a topographic survey would be required in order to allow this matter to be fully considered. The applicant has not been asked to provide this information as the principle of a house on this site is contrary to development plan policy and the provision of information in relation to flood risk would not alter the decision to refuse planning permission. However, the absence of information to demonstrate that the site is not at unacceptable risk of flooding and that development of the site would not increase flood risk elsewhere renders the proposal contrary to PV12 of the ALDP.

The proposal does not give rise to any other significant issues in terms of development plan policy that could not be addressed by planning condition. However, the principle of a house on the site is contrary to Policy TC2 of the ALDP. It is also contrary to criterion (a) of Schedule 3 of the Countryside Housing Supplementary Guidance as the proposal would result in the formation of a gap site between the application site and the approved curtilage of the existing dwelling to the west. The proposal is also contrary to Policy PV12 of the ALDP as it has not been demonstrated that development of the site would not materially increase the probability of flooding to existing or planned development. As the proposal does not comply with policies TC2 and PV12 it is contrary to Policy DS1.

The letters of representation have been taken into account in the determination of this application. Whilst no details of the house design have been provided at this stage this is an application for planning permission in principle and a condition of any permission could require appropriate details to be provided in a subsequent matters specified application. The representations note that there are only two existing houses in the area and therefore there is no building group as defined by Council policy. This supports the conclusion in this report that the proposal is contrary to development plan policy. The applicant has clarified that water would be taken from the public mains supply. The Roads Service has raised concern regarding possible flood risk associated with the adjacent ditch and this is addressed in the discussion above.

In conclusion, the proposal is contrary to Policy TC2 of the ALDP as it does not meet any of the circumstances where a new house is permitted in a Category 1 Rural Settlement Unit. In addition, development of the site would result in the formation of a gap site between the new house and the approved curtilage of the dwelling to the west which is contrary to criterion (a) of the Council's approved Countryside Housing Supplementary Guidance. No information has been provided to demonstrate that the development would not materially increase the probability of flooding to existing or planned development and for that reason the proposal is also contrary to Policy PV12. As the proposal is contrary to those policies it is also contrary to Policy DS1. The letters of objection support the conclusion of this report that the proposal is contrary to policy. There are no material considerations that justify the grant 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 development of the site would create a gap site between the new house and the approved curtilage of the existing house to the west.
2. That the application is contrary to Policy PV12 of the Angus Local Development Plan 2016 as it has not been demonstrated that development of the site would not materially increase the probability of flooding to existing and planned development.
3. That the application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of that Plan, namely Policies TC2 and PV12.

Case Officer: Neil Duthie

Date: 12 December 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 PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- o that flood risk can be adequately managed both within and outwith the site;
- o that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- o access and egress to the site can be provided that is free of flood risk; and
- o where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In

areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

ANGUS COUNCIL

COMMUNITIES PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

17/00834/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

18	10	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

From:CorriganJ
Sent:Thu, 2 Nov 2017 16:18:59 +0000
To:DuthieNG;PLNProcessing
Subject:17/00834/PPPL

17/00834/PPPL

ERECTION OF DWELLINGHOUSE AND GARAGE

AT LAND EAST OF WOODEND VILLA

ALDBAR

BRECHIN

Dear Neil,

I refer to the above application and have the following comments :-

There is a small ditch along the northern edge of the proposal site which may pose a risk of flooding to development at this site. This ditch appears to be in culvert in the garden ground of the adjacent property changing to open cut through the site in question. Consideration of the photographs and topography information appear to indicate that the ground level of the proposal site is higher than the field on the opposite side of the ditch however this needs to be confirmed.

In this instance I would recommend that due to the size of the plot and the proximity of the ditch, the applicant is required to provide a topographic survey of the site to allow full consideration of flood risk issues as part of the approval in principle for this site. The applicant should also be aware of the responsibilities of riparian ownership of the ditch and ensure that these are highlighted to any future house purchaser should development be approved.

Please do not hesitate to contact me should you require further assistance.

Kind Regards,

Janice

Janice Corrigan

Senior Engineer

Roads

Communities

County Buildings

Forfar

DD8 3WR

Tel 01307 473287

E mail : CorriganJ@Angus.gov.uk



Please consider the environment before printing this email.



Memorandum

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

TO: SERVICE MANAGER, PLANNING

FROM: INTERIM SERVICE MANAGER, ROADS

YOUR REF:

OUR REF: GH/AG/ TD1.3

DATE: 28 NOVEMBER 2017

SUBJECT: **PLANNING APPLICATION REF. NO. 17/00834/PPPL – PROPOSED ERECTION OF MODERN LOW ENERGY DWELLING AND GARAGE AT WOODEND VILLA, ALDBAR, BRECHIN FOR MS C DAWSON**

I refer to the above planning application.

The site is located on the north side of the unclassified Powsoddie Road (C43 - C44) on vacant land to the east of Woodend Villa, Albar, Brechin.

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.

Access

The public road is narrow at the site location being only approximately 4.0 metres wide. The narrowness of the road means that opposing vehicles must overrun the road verge to pass, causing damage in the process. A passing place at least 12 metres long should be provided adjacent to the site.

In order to provide safe and satisfactory access to the site from the public road, minimum visibility sightlines of 2.4 x 215 metres to the east and 2.4 x 90 metres to the west should be provided at the junction of the proposed access with the public road. The new access should be designed in a way to prevent the flow of surface water onto the public road.

Parking

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

Summary

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, I do not object to the application but would recommend that any consent granted shall be subject to the following conditions:

1 That, prior to the commencement of development, a scheme of improvements to the public road [Powsoddie Road (C43 - C44)] shall be submitted for the consideration of the planning authority. The scheme of improvements shall include:

- (a) widening of the carriageway to at least 5.5 metres to provide a passing place at least 12 metres long, and
- (b) the provision of a new, 2.0 metres wide road verge over the entire length of the site. The verge shall be topsoiled, levelled and grass seeded.

The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the public road shall thereafter be completed prior to the occupation of any dwelling house hereby approved.

Reason: for the convenience and safety of road users and to prevent damage to the public road verges.

2 That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with Powsoddie Road (C43 - C44) giving a minimum sight distance of 215 metres in an easterly direction and 90 metres in a westerly direction, each at a point 2.4 metres from the nearside channel line of Powsoddie Road (C43 - C44).

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

3 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 channel level.

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

4 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.

5 That, the access shall be designed so as to prevent the discharge of surface water onto the public road.

Reason: in the interests of road safety.

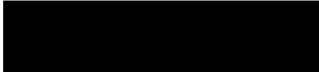
- 6 That, prior to the occupation or use of the dwelling house, the minimum number of car parking spaces shall be provided within the site curtilage in accordance with the National Roads Development Guide (SCOTS).
Reason: to maintain the free flow of traffic on the adjacent road.

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

A handwritten signature in black ink, appearing to be 'pp'.



Wood of Aldbar Cottage
By BRECHIN
Angus
DD9 6SZ



F.A.O. Planning Department
Angus Council
County buildings
Market Street
Forfar
DD8 3WR

Date : 22nd October 2017
Our ref. :
Your ref. : 17/00834/PPPL

RECEIVED

24 OCT 2017

PLANNING & PLACE
COUNTY BUILDINGS

MR

Dear Sirs,

Planning application 17/00834/PPPL

Erection of a dwelling house and garage at land east of Woodend Villa, Aldbar, by Brechin.

We are the owners and occupants of Wood of Aldbar Cottage, which is situated to the west of the subject planning application site, and were advised of same by Aberlemno Community Council on the evening of 21st October 2017.

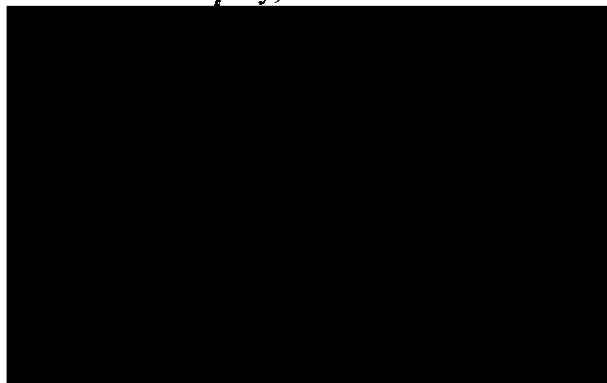
Whilst we have our reservations regarding the suitability of the plot for a second dwelling, we are in principle not opposed to an application, however would like to make the following more specific observations and comments.

1. Earlier in 2017, we were advised by the applicants that they were intending to build an eco friendly 'long-house' at the proposed site. Having now had sight of said application, it is unclear what type of building is involved, what its main building materials and colour will be and, most importantly, its impact on the rural and traditional surroundings.
2. Regarding visual impact, it is stated in the 'design statement' [sic] that '*the forest will give a good backdrop to the proposal, minimising the visual impact within the surrounding site*'. On or about 19th October 2017, the firm Euroforest Ltd have commenced felling trees on behalf of the Forestry Commission to the immediate south of the proposed plan. Consequently, its visual impact in the immediate and long term future has now become unclear.
3. The claim in the design statement that the adjacent houses & outbuildings provide '*more than*' 3 buildings, requires explanation, as there are only two dwellings and one garage within the immediate surroundings.
4. On page 4 of the application form, it is stated that a private water supply will be used, although the works required to provide such a supply do not seem to be shown on the plans.
5. Finally but perhaps most importantly, there is a ditch situated on the north side of the proposed area, carrying rain and surface water generally from west to east. This is an extension of a ditch and underground pipe which runs to the west of the C44 Brechin to Pitkenney road, from Wood of Aldbar Farm towards and past Wood of Aldbar Cottage. Whilst all these ditches are instrumental to the prevention of flooding of Wood of Aldbar Cottage, it is unclear if the ditch at the proposed site will remain in its original layout or if any alterations are proposed.



We look forward to hearing from you in this regard.

Yours faithfully,



Mark & Lorna Hooghiemstra

CC. Aberlemno Community Council



Comments for Planning Application 17/00834/PPPL

Application Summary

Application Number: 17/00834/PPPL

Address: Land East Of Woodend Villa Aldbar Brechin

Proposal: Erection of Dwellinghouse and Garage

Case Officer: Neil Duthie

Customer Details

Name: Mr Mark & Lorna Hooghiemstra

Address: Wood of Aldbar Cottage DD9 6SZ BRECHIN

Comment Details

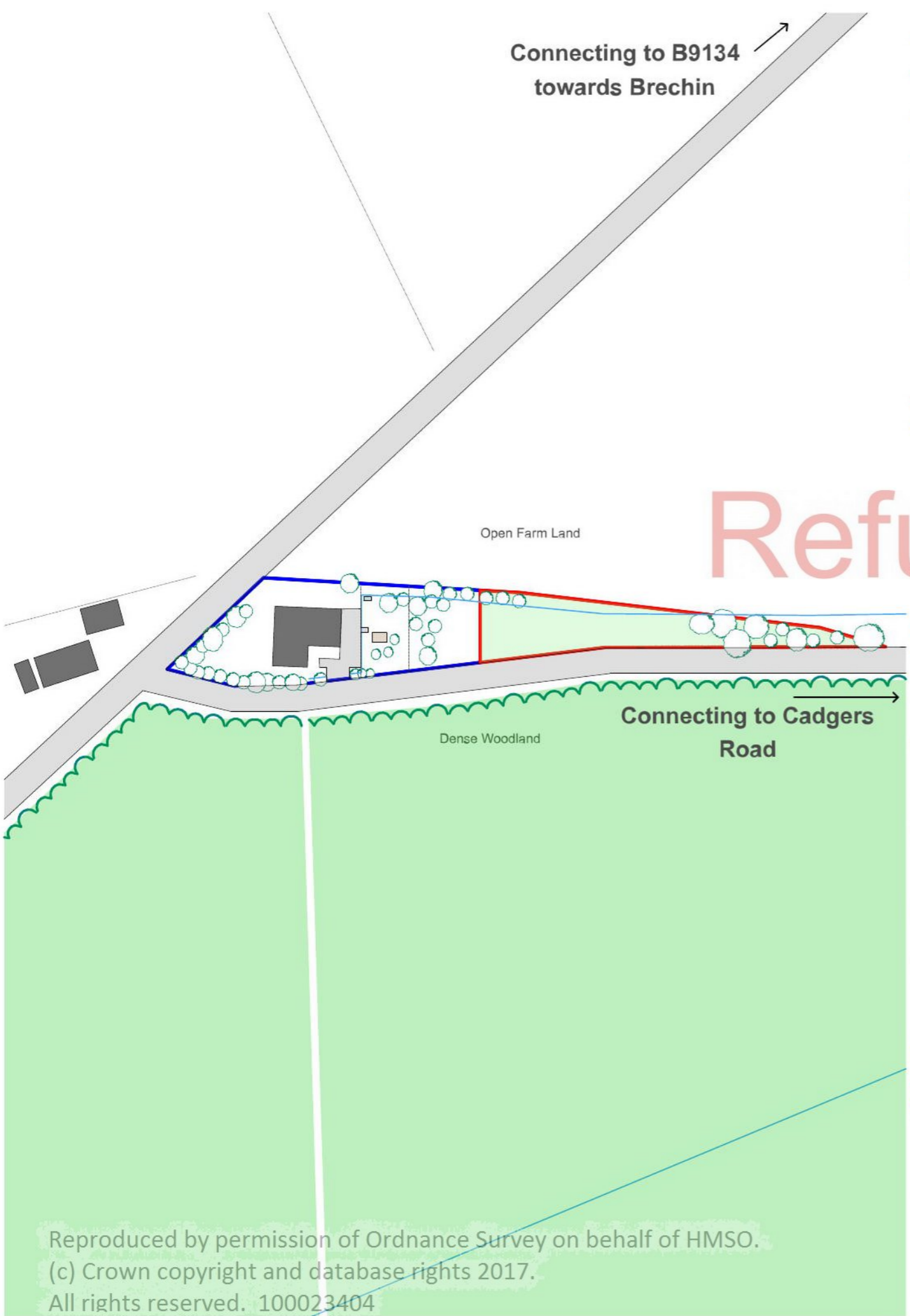
Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

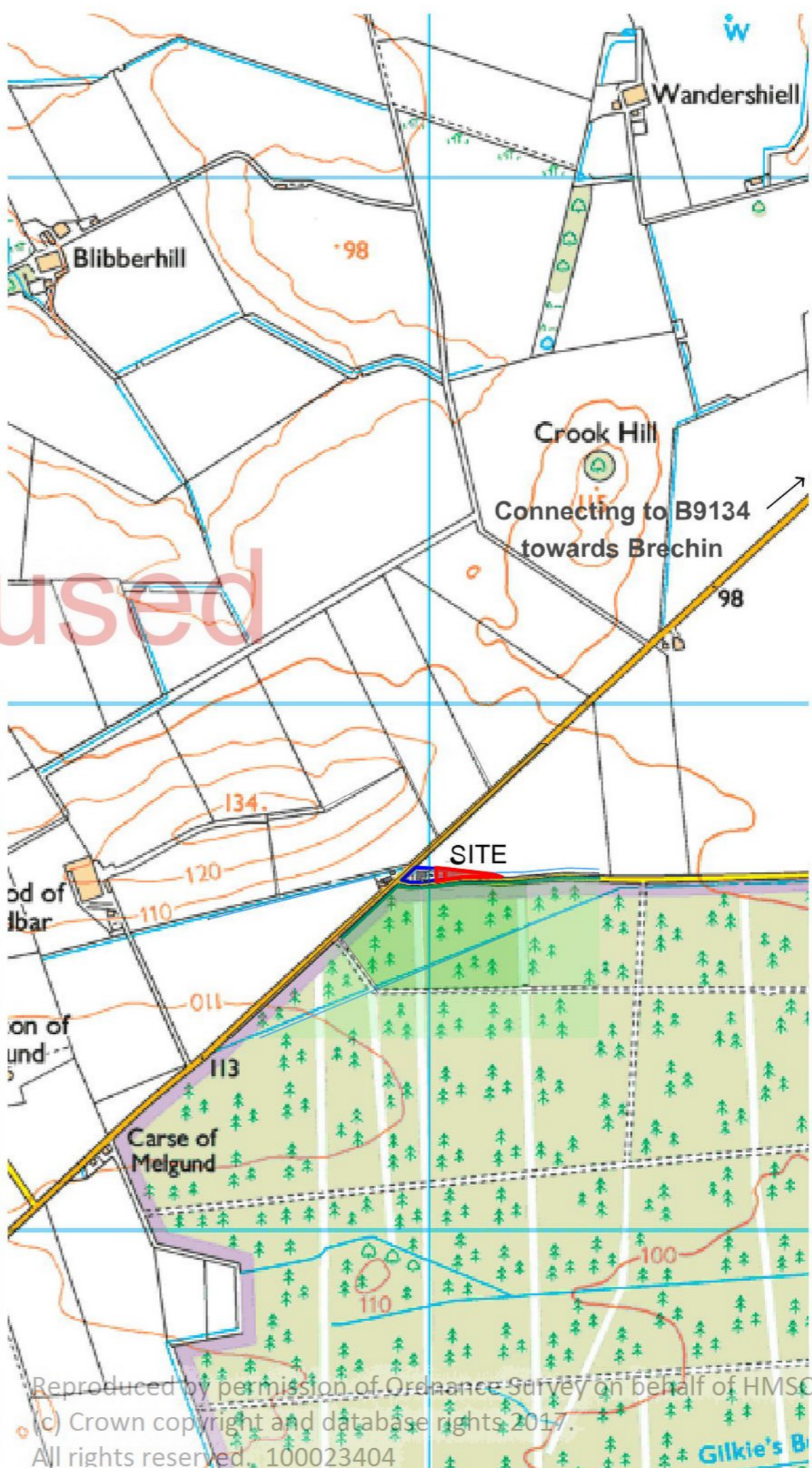
Comment: WE would like to make the following specific observations and comments.

1. Earlier in 2017, we were advised by the applicants that they were intending to build an eco friendly 'long-house' at the proposed site. Having now had sight of said application, it is unclear what type of building is involved, what its main building materials and colour will be and, most importantly, its impact on the rural and traditional surroundings.
2. Regarding visual impact, it is stated in the 'design statement' [sic] that 'the forest will give a good backdrop to the proposal, minimising the visual impact within the surrounding site'. On or about 19th October 2017, the firm Euroforest Ltd have commenced felling trees on behalf of the Forestry Commission to the immediate south of the proposed plan. Consequently, its visual impact in the immediate and long term future has now become unclear.
3. The claim in the design statement that the adjacent houses & outbuildings provide 'more than' 3 buildings, requires explanation, as there are only two dwellings and one garage within the immediate surroundings.
4. On page 4 of the application form, it is stated that a private water supply will be used, although the works required to provide such a supply do not seem to be shown on the plans.
5. There is a ditch situated on the north side of the proposed area, carrying rain and surface water generally from west to east. This is an extension of a ditch and underground pipe which runs to the west of the C44 Brechin to Pitkenney road, from Wood of Aldbar Farm towards and past Wood of Aldbar Cottage. It is unclear if the ditch at the proposed site will remain in its original layout or if any alterations are proposed. This is important.



0.	Site Plan Existing
1:1250	

1:1250



0.	Location Plan
1:10000	

1:10000



Notes
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Revision History

Project
Carol Dawson & William Mackenzie
Woodend Villa, Aldbar, Angus,
Scotland, UK

Drawing Name
Location Plans

Drawing Status
Planning

Modified by _____ Date 18/09/2017

Checked by _____

Drawing Scale
1:10000, 1:1250

Drawing Number 1340-02-02 Revision -

ARCHITECO
SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS
43 Argyll Street, Dunoon PA23 7HG
info@architeco.co.uk 01367 701 988 www.architeco.co.uk

Refused

Connecting to B9134
towards Brechin

Open Farm Land

Connecting to Cadgers
Road

Dense Woodland

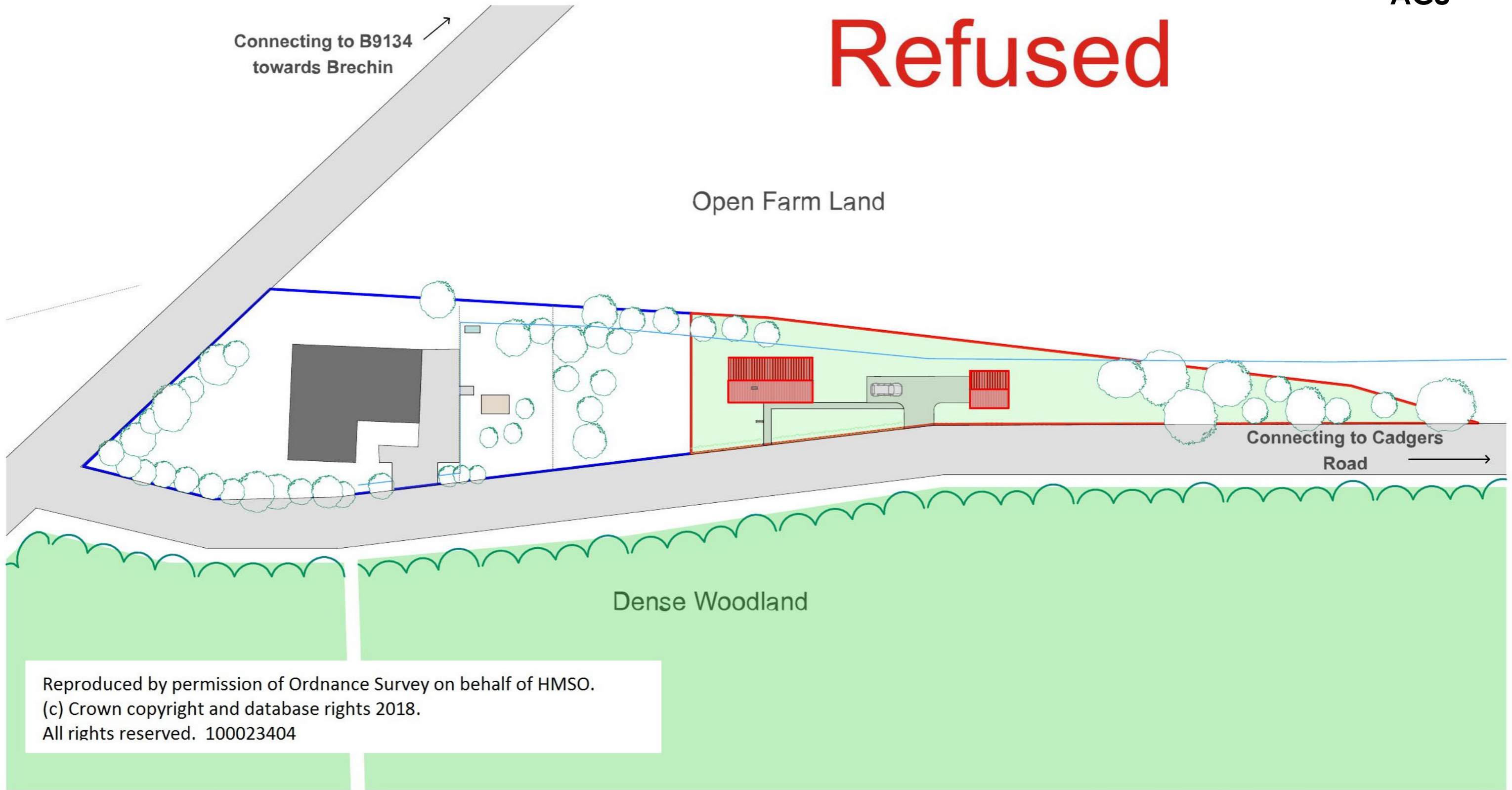
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0.	Site Plan Existing
1:500	



Notes Copyright ARCHITECO 2017 Do not scale construction dimensions from this drawing. All dimensions are to be verified prior to construction. Mapping contents (c) Crown copyright and database rights 2017 Ordnance Survey 100035207	Revision History	Project Carol Dawson & William Mackenzie Woodend Villa, Aldbar, Angus, Scotland, UK	Drawing Name Site Plan As Existing	Modified by D.W.H Checked by	Date 18/09/2017	Drawing Scale 1:500
			Drawing Status Planning		Drawing Number 1340-02-03	Revision -
ARCHITECO SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS 43 Argyll Street, Dunoon PA23 7HG info@architeco.co.uk 01367 701 988 www.architeco.co.uk						

Refused



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0.	Site Plan Proposed
1:500	



Notes Copyright ARCHITECO 2017 Do not scale construction dimensions from this drawing. All dimensions are to be verified prior to construction. Mapping contents (c) Crown copyright and database rights 2017 Ordnance Survey 100035207	Revision History	Project Carol Dawson & William Mackenzie Woodend Villa, Aldbar, Angus, Scotland, UK	Drawing Name Site Plan as Proposed	Modified by D.W.H Checked by	Date 18/09/2017	Drawing Scale 1:500
			Drawing Status Planning		Drawing Number 1340-02-04	Revision -
ARCHITECO SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS 43 Argyll Street, Dunoon PA23 7HG info@architeco.co.uk 01367 701 988 www.architeco.co.uk						









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 : 17/00834/PPPL

To **Ms Carol Dawson**
c/o Architeco Ltd
Colin Potter
43 Argyll Street
Dunoon
Argyll
PA23 7HG

With reference to your application dated 13 October 2017 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of Dwellinghouse and Garage at Land East Of Woodend Villa Aldbar Brechin for Ms Carol Dawson

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 development of the site would create a gap site between the new house and the approved curtilage of the existing house to the west.
2. That the application is contrary to Policy PV12 of the Angus Local Development Plan 2016 as it has not been demonstrated that development of the site would not materially increase the probability of flooding to existing and planned development.
3. That the application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of that Plan, namely Policies TC2 and PV12.

Amendments:

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

Dated this **13 December 2017**

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.

Background:

The site is currently unused land linked to the dwelling Woodend Villa which has been well kept and maintained. Site measures: 1023.4m²

The site:

Although the site is long and narrow, there is space for one dwelling to finish the corner site. To the West of the site is the existing property of Woodend Villa. South of the site is bound by a road and forest and to the North there is open farmland.

The forest will give a good backdrop to the proposal, minimising the visual impact within the surrounding site.

The Proposal:

The proposal would be for a modern low energy dwelling to be constructed to the East of the existing dwelling Woodend Villa. This would add to the existing community of residential buildings at the site and finish development at this corner site. The proposal would be 1 1/2 story to be in keeping with its rural setting.

A new access from the public road is proposed to serve the new dwelling along with a garage. To the East of the dwelling there will be green garden space with some existing mature trees along the boundary line.

Angus Local Development Plan:

Within the Angus Local Development Plan, Countryside Housing - Supplementary Guidance 3.4 New Houses in the Countryside, it states that a new dwelling relating to a group of 3 or more residential buildings can be permitted.

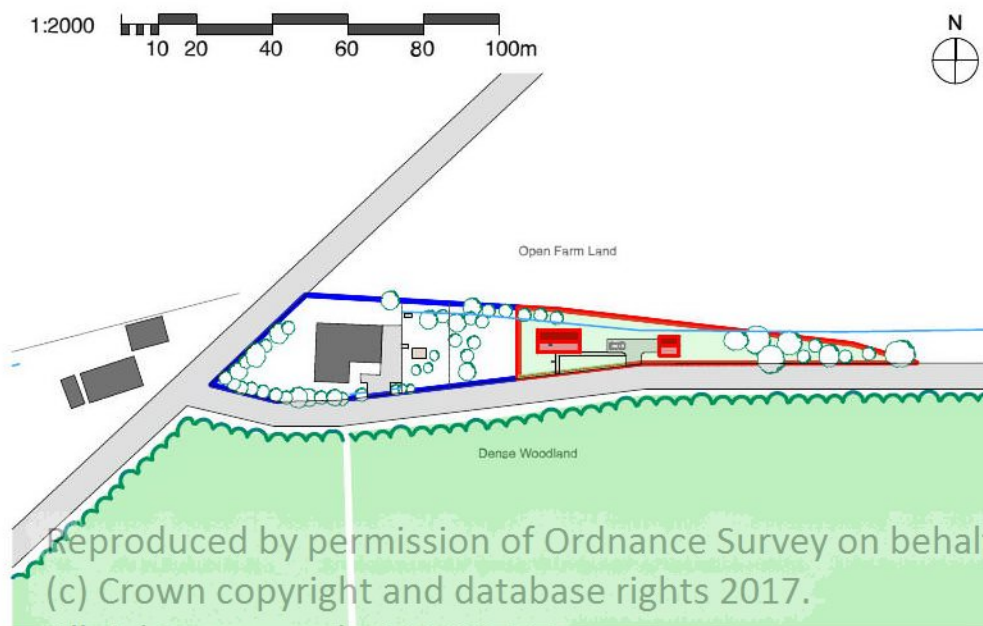
We believe this Application clearly meets this requirement, with the adjacent houses & outbuildings providing more than 3 buildings. The site is bounded by open fields, a road, and mature trees on one side, and a strong backdrop from the forest, providing a sense of containment.

We also believe that this site meets the definition of a gap site, by lying between the curtilage of an existing house a metalled road and can therefore also be viewed as a suitable gap site.

Under these policies, this forms a suitable development site.

Summary:

The new dwelling will have ample amenity space and have a strong backdrop from the forest to minimise its presence. The mature trees to the East of the site offer a good book-end to this area of residential development and this site will complement the existing residences at this location. The dwelling will be of a rural character with low energy and varying needs design incorporated.



Notes	
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Drawing Name	
Design Statement	
Drawn by	Date
D.W.H	03/10/2017
Drawing Scale	
1:2000	
Drawing Number	Revision
1340-02-01	-
ARCHITECO SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS	
43 Argyll Street, Dunoon PA23 7HG 01369 70 1988 info@architeco.co.uk www.architeco.co.uk	

0.	Site Plan Proposed
1:2000	

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF
DWELLINGHOUSE AND GARAGE AT LAND EAST OF WOODEND
VILLA, ALDBAR, BRECHIN**

APPLICATION NO 17/00834/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review	
ITEM 2	Appeal Statement	
ITEM 3	Architects Drawing Package	
ITEM 4	Angus Local Development Plan – Supplementary Guidance	
ITEM 5	SEPA Flood Map	



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 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 100069350-002

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:	<input type="text" value="Architeco Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Colin"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Potter"/>	Building Number:	<input type="text" value="43"/>
Telephone Number: *	<input type="text" value="01369 701988"/>	Address 1 (Street): *	<input type="text" value="Argyll Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dunoon"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Argyll"/>
		Postcode: *	<input type="text" value="PA23 7HG"/>
Email Address: *	<input type="text" value="admin@architeco.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="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Woodend Villa"/>
First Name: *	<input type="text" value="Carol"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Dawson"/>	Address 1 (Street): *	<input type="text" value="Aldbar"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Breachin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD9 6SU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WOODEND VILLA"/>
Address 2:	<input type="text" value="ALDBAR"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BRECHIN"/>
Post Code:	<input type="text" value="DD9 6SZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="755672"/>	Easting	<input type="text" value="355976"/>
----------	-------------------------------------	---------	-------------------------------------

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)

The proposal is for a modern low energy dwelling and garage to be constructed.

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.

1. The proposal meets with the requirements of Policy TC2 in that the site is bounded by a metalled road, and is also within a suitable building group. 2. The proposal is not contrary to Housing in the Courtside Policy as it does not create a gap site. 3. The proposal is not contrary to Policy PV12 as it would not increase the risk of flooding and is outwith the flood risk area. Please also refer to the supporting documents which explains in further detail.

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)

1340-Aldbar Appeal Statment, Architects planning in principle drawing package, Angus Local Development Plan 2016 - Supplementary Guidance, SEPA Flood Map,

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00834/PPPL

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

13/10/2017

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

13/12/2017

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

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: Mr Colin Potter

Declaration Date: 21/02/2018

C Dawson & W Mackenzie, Land East of Woodend Villa Aldbar – 1340**Proposed Low Energy 1 ½ Storey Dwelling & Garage.****Planning in Principle Application Number:****Appeal Statement – 12/02/18**

The Local Review Body is requested to consider this application and approve it for the following reasons each of which are expanded below:

1. The proposal meets with the requirements of Policy TC2 in that the site is bounded by a metalled road, and is also within a suitable building group.
2. The proposal is not contrary to Housing in the Courtside Policy as it does not create a gap site.
3. The proposal is not contrary to Policy PV12 as it would not increase the risk of flooding and is outwith the flood risk area.

The refusal of the application includes three reasons for refusal and we address these in turn below:

Reason 1: The first reason for refusal states that the Application is contrary to Policy TC2 in that it does not meet any of the criteria that would allow construction of a dwelling in a countryside location.

It also states that the proposal is contrary to the Housing in the Countryside Supplementary Guidance in that the development would create a gap site.

Considering Policy TC2 first, the Report of Handling states that “there are only two existing dwellings in the vicinity” and that that Policy TC2 states that “a single new house may be acceptable where it will round of an established building group of 3 or more existing dwellings”. Whilst this is correct in so far as it goes, Policy TC2 goes on to state that supplementary guidance should be referred to and that this provides “more detailed guidance on ... how to achieve the qualities set out”.

When referring to the supplementary guidance in relation to building groups, it states “a single new house may be permitted where development would round of an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use”. It is this guidance that we had noted in our Design Statement that the proposal met, with a cluster of four closely related residential buildings being located adjacent to the site. With the report of handling focussing only on dwellings, it fails to take into account the supplementary guidance relating to this policy.

With the Reporter stating that the proposal does not meet the requirements of Policy TC2 so it is unnecessary to consider this in relation to the Supplementary Guidance, he has completely missed the point of the guidance

as this is to specifically inform the policy in more detail and the assessment has therefore been flawed.

Policy TC2 also allows for a single house between the curtilage of an existing house and a metalled road. The report of handling states that the proposal does not meet this requirement at the same time as noting the Eastern boundary tapers to a point where it meets the field and public road. This road effectively creates the boundary between the existing dwelling and the site boundary. Again, referring to the supplementary guidance, there is no illustration of how a site has to be bounded by a metalled road included, although other forms of gap sites are.

The specified site can certainly be described as sitting between an existing house and a metalled road. With no clearer definition or illustration, the interpretation of this guidance should have allowed further approval of the proposal.

Finally, the first reason for refusal states that the proposal would create a gap site, which would be contrary to policy. This again, is not accurate as the area of ground referred to, is within the curtilage of the existing dwelling, and is where the drainage soakaways are located. The definition of a gap site specifically exclude any areas of ground within the curtilage of a dwelling. Notwithstanding this, the gap site policy would allow for two dwellings to be located at this site due to the frontage of the site being in excess of 100m, however, we have only applied for planning for one dwelling as we feel it is more appropriate at this location.

Reason 2: The second reason for refusal is in relation to Policy PV12. We can quickly assess the proposal against Policy PV12 which requires any development to not materially increase the probability of flooding to existing and planned development. No further information was ever requested to prove that flooding would not be an issue. As stated in the Report of handling this was because “the principle of the house on the site is contrary to development plan policy” This issues has been addressed above and can be seen as the only disagreement over policy.

We have enclosed the SEPA flood map, which shows that the site is outwith the flood risk area. All new development requires to make provision for SUDS, or sustainable drainage, at Building Warrant stage. This was also a Planning in Principle Application, so any drainage information required could have been dealt with by a Planning Condition, which would have been addressed at the Detailed Planning Application stage.

In our view, the proposal does not contravene Policy PV12 and the Planning Officer should have requested information from us should this have been considered a material consideration with this application.

In fact, the consultation with the Council’s flood prevention team merely asked for a topographical survey to deal with this. The Planning Officer didn’t request this, however, as they had considered this to be non-material due to

the assessment under Policy TC2. If this was the case, why was it included in the reason for refusal?

No further information was ever requested to prove that flooding would not be an issue. As stated in the Report of handling this was because “the principle of the house on the site is contrary to development plan policy” This issues has been addressed above and can be seen as the only substantial disagreement over policy. We would anticipate that there would not be any issues with flooding being increased by the proposal and a topographic survey could be produced to follow on from this.

Reason 3 : The final reason, simply put, states that the application does not comply with Policy DS1 because of the previous two noted policies, which we have shown to have been dealt with incorrectly.

Summary

Supplementary Guidance should have been referred to when assessing the Application under Policy TC2. This would allow approval under the criteria relating to building groups.

The site should have been also considered as a suitable gap site, lying between a dwelling and a metalled road.

The Report of Handling incorrectly interprets what is noted as the formation of a gap site, when this is specifically excluded by the policy.

There is no reason for refusal in terms of flood prevention as this was not raised by the Planning Officer during the Planning process and we have provided evidence that the site is outwith the potential flood risk area.

Conclusion

Angus' own strategy sets out that “enshrined in the ALDP is the presumption in favour of sustainable development”. The ALDP further sets out that the Council will take a positive approach when considering development proposals. In this instance, this application has not been afforded such an approach.

With the Planning Officer's incorrect interpretation of Policies, not referring to Supplemental Guidance, and not requesting additional information in relation to flooding, the Application has been unjustly refused.

There are no technical nor policy issues against this development in this location and it is submitted that this proposal should not only be approved, but positively welcomed by Members, despite the misgivings of Officers.

Appendix: 1 – Architects planning in Principle Drawing Package:

Note: Drawings: 1340-02-02, 1340-02-03, 1340-02-04, will require be printed at A3 to be in scale.

Project: New Dwelling at Woodend, Aldbar, Angus.

Background:

The site is currently unused land linked to the dwelling Woodend Villa which has been well kept and maintained. Site measures: 1023.4m²

The site:

Although the site is long and narrow, there is space for one dwelling to finish the corner site. To the West of the site is the existing property of Woodend Villa. South of the site is bound by a road and forest and to the North there is open farmland.

The forest will give a good backdrop to the proposal, minimising the visual impact within the surrounding site.

The Proposal:

The proposal would be for a modern low energy dwelling to be constructed to the East of the existing dwelling Woodend Villa. This would add to the existing community of residential buildings at the site and finish development at this corner site. The proposal would be 1 1/2 story to be in keeping with its rural setting.

A new access from the public road is proposed to serve the new dwelling along with a garage. To the East of the dwelling there will be green garden space with some existing mature trees along the boundary line.

Angus Local Development Plan:

Within the Angus Local Development Plan, Countryside Housing - Supplementary Guidance 3.4 New Houses in the Countryside, it states that a new dwelling relating to a group of 3 or more residential buildings can be permitted.

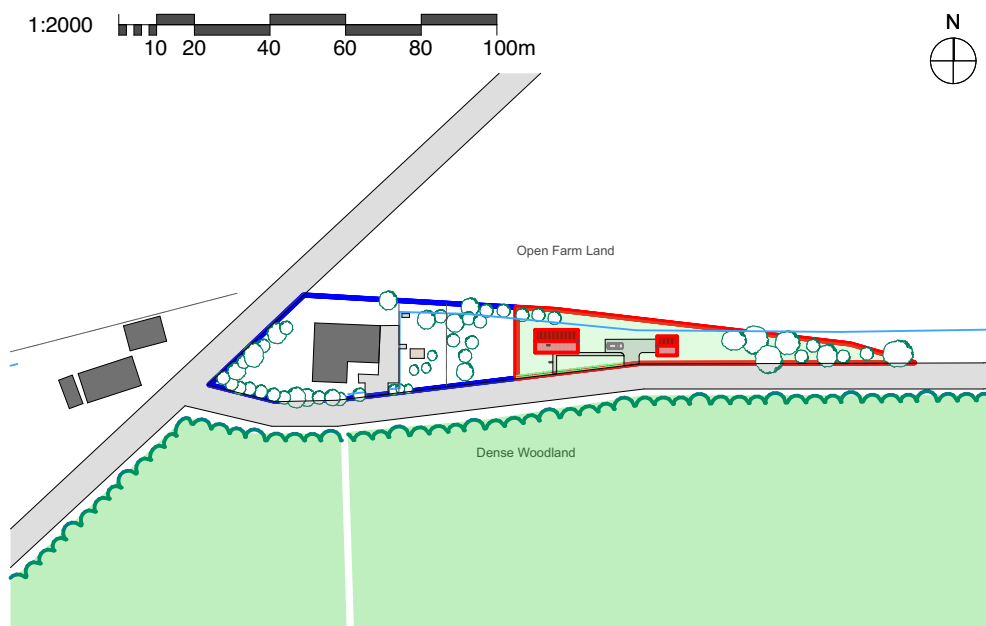
We believe this Application clearly meets this requirement, with the adjacent houses & outbuildings providing more than 3 buildings. The site is bounded by open fields, a road, and mature trees on one side, and a strong backdrop from the forest, providing a sense of containment.

We also believe that this site meets the definition of a gap site, by lying between the curtilage of an existing house a metalled road and can therefore also be viewed as a suitable gap site.

Under these policies, this forms a suitable development site.

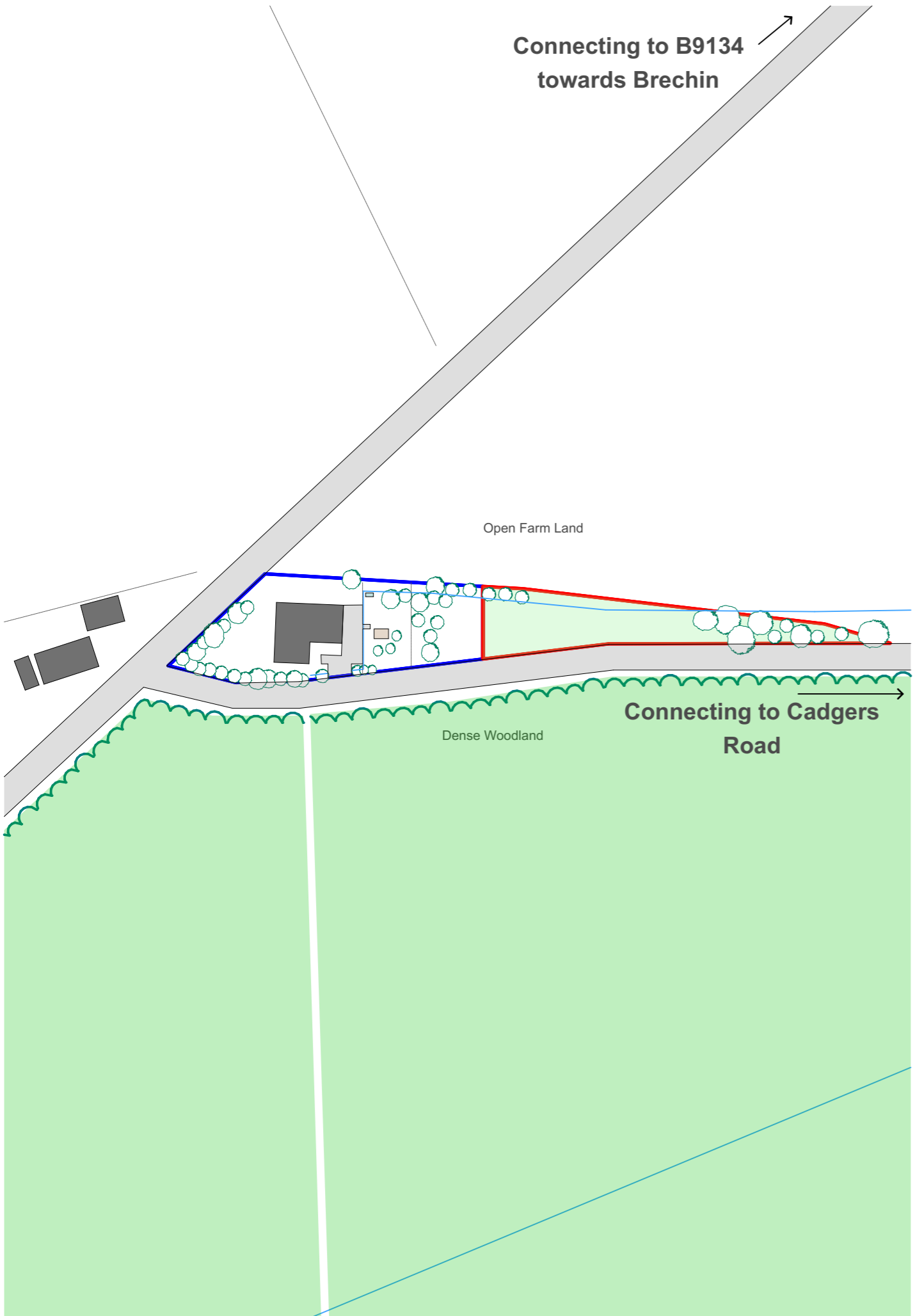
Summary:

The new dwelling will have ample amenity space and have a strong backdrop from the forest to minimise its presence. The mature trees to the East of the site offer a good book-end to this area of residential development and this site will complement the existing residences at this location. The dwelling will be of a rural character with low energy and varying needs design incorporated.

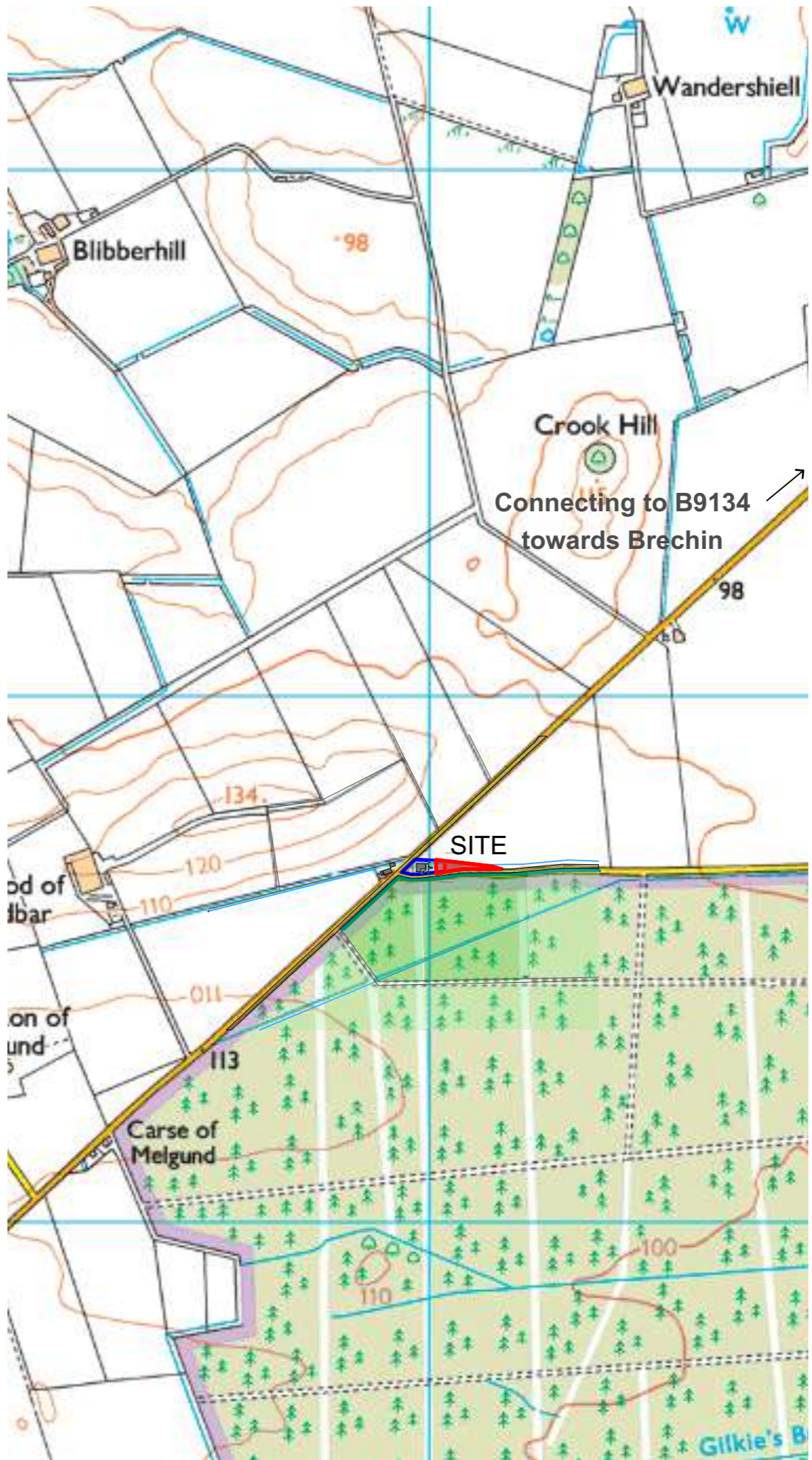
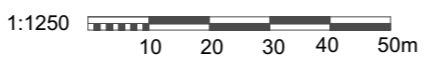


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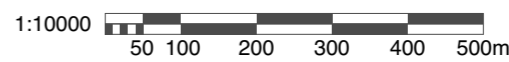
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Drawing Name Design Statement	
Drawn by D.W.H	Date 03/10/2017
Drawing Scale 1:2000	
Drawing Number 1340-02-01	Revision -
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0.	Site Plan Existing
1:1250	



0.	Location Plan
1:10000	



Notes

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Revision History

Project

Carol Dawson & William Mackenzie
Woodend Villa, Aldbar, Angus,
Scotland, UK

Drawing Name

Location Plans

Drawing Status

Planning

Modified by

Date
18/09/2017

Checked by

Drawing Scale

1:10000, 1:1250

Drawing Number

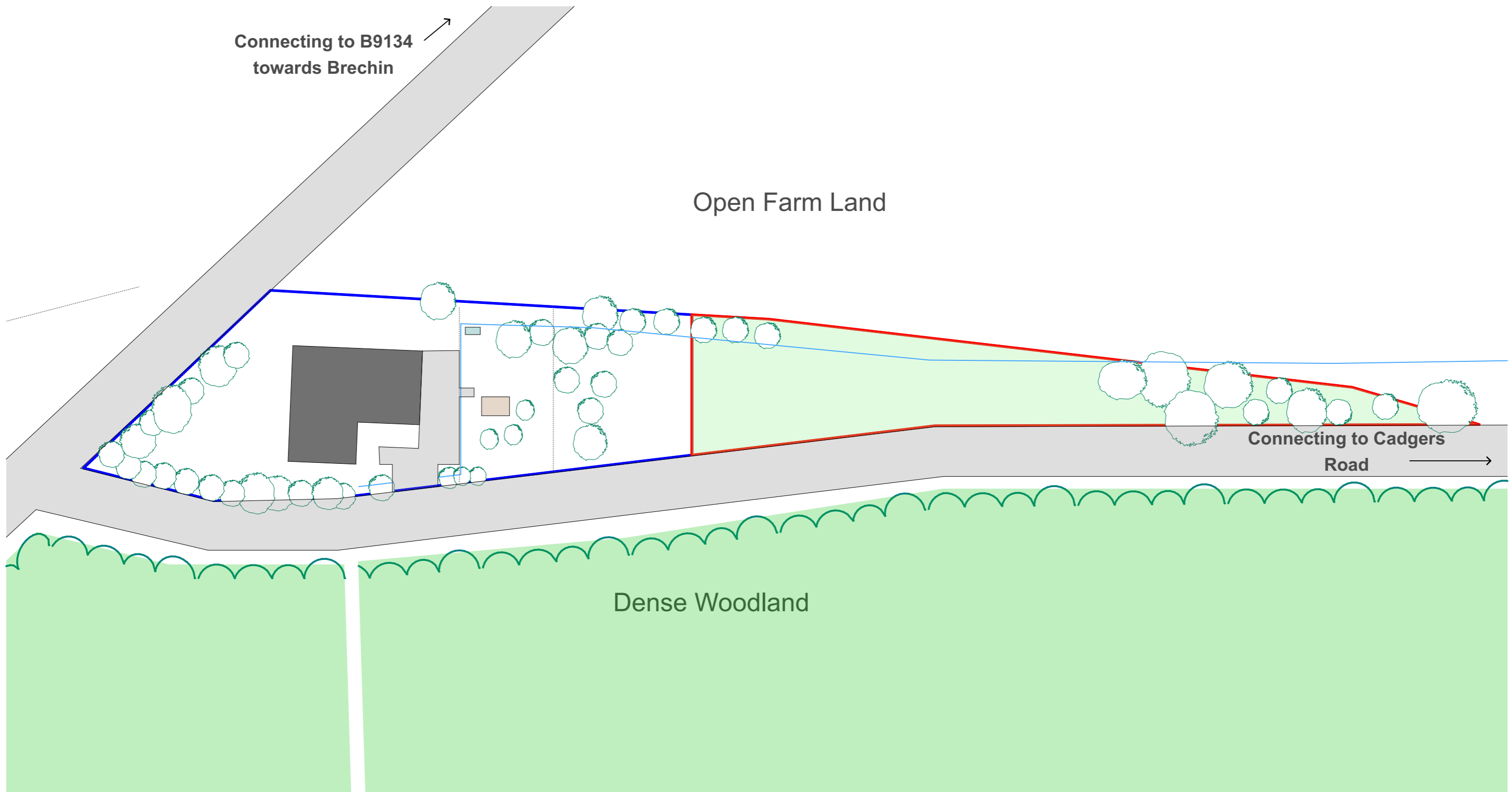
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Revision

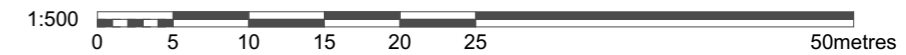
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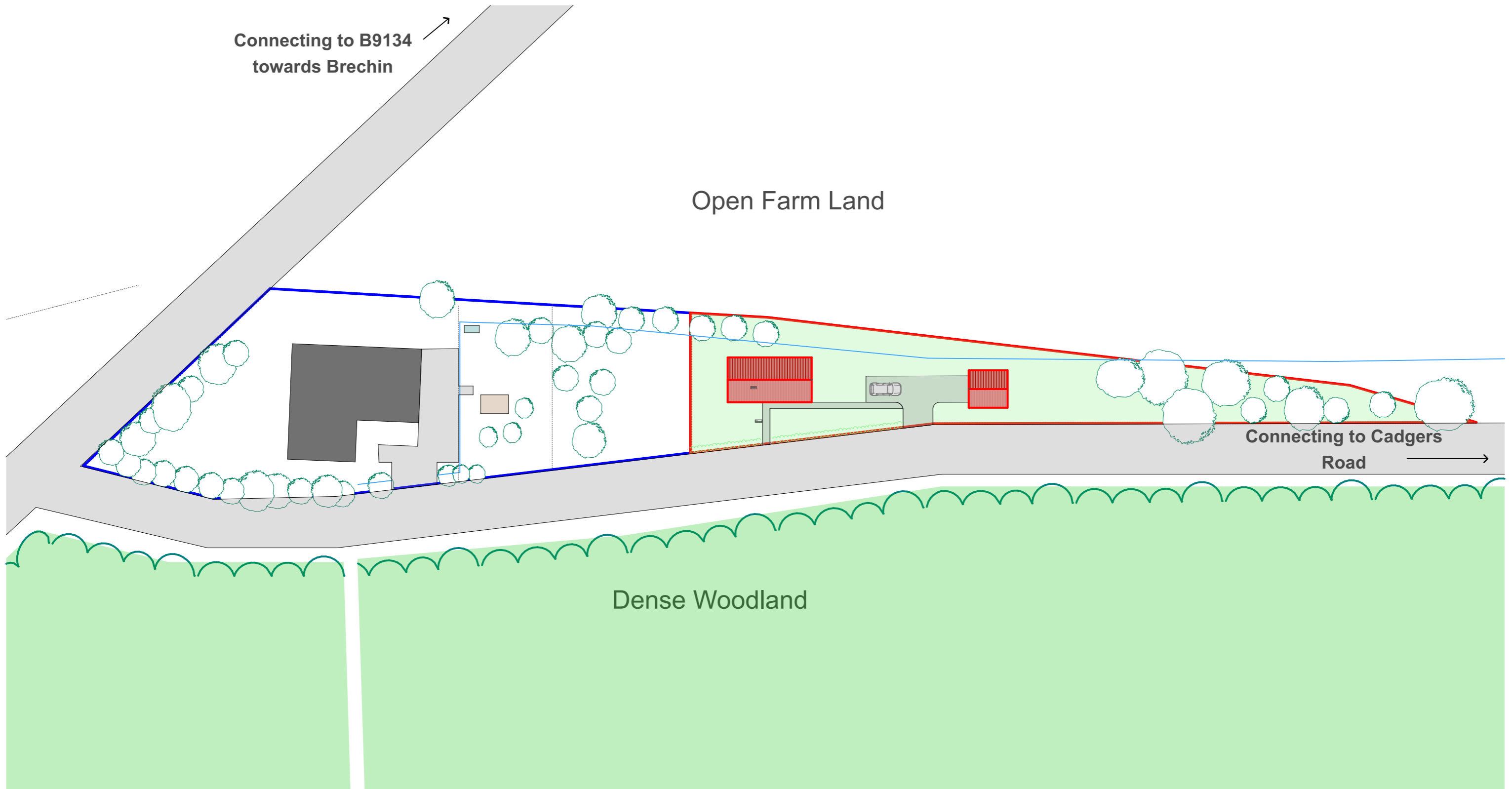
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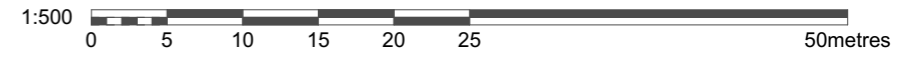
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			Drawing Status Planning		Drawing Number 1340-02-03	Revision -
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0.	Site Plan Proposed
1:500	



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			Drawing Status Planning		Drawing Number 1340-02-04	Revision -
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Appendix: 2 - Augus Local Development Plan 2016 – Supplementary Guidance:



Angus Local Development Plan 2016

COUNTRYSIDE HOUSING SUPPLEMENTARY GUIDANCE

September 2016



Contents

1 Introduction	3
2 Background/Policy Context	4
3 Angus LDP Policy Approach	6
Retention, Renovation or Acceptable Replacement of Existing Houses	6
Conversion of Non-residential Buildings	7
Regeneration or Redevelopment of Brownfield Sites	8
New Houses in the Countryside	10
Building Groups	10
Gap Sites	10
Essential Workers	11
Large Country Houses	12
4 Design Considerations for New Houses in the Countryside	13
Appendix 1:	
Extracts from Angus Local Development Plan	14
Policy DS1 Development Boundaries and Priorities	14
Policy TC2 Residential Development	15
Appendix 2	
Category 1 & 2 Rural Settlement Units	16
Appendix 3	
Detailed Countryside Housing Criteria	17
Glossary	18
Contacts	20

1 Introduction

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

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

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

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

The main objectives of the Supplementary Guidance are to:

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

2 Background/Policy Context

National Planning Context

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

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

Local Development Plan Context

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

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

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

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

Developer Contributions/Planning Obligations

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

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

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

Supporting Information

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

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

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

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

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

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

3 Angus LDP Policy Approach

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

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of appropriate brownfield sites;
- single new houses on sites where development would:
 - round off an established building group of 3 or more existing dwellings; or
 - meet an essential worker requirement; or
 - fill a gap between the curtilages of two houses or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility.

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

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

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

3.1 Retention, Renovation or Acceptable Replacement of Existing Houses

Policy TC2:

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

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

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

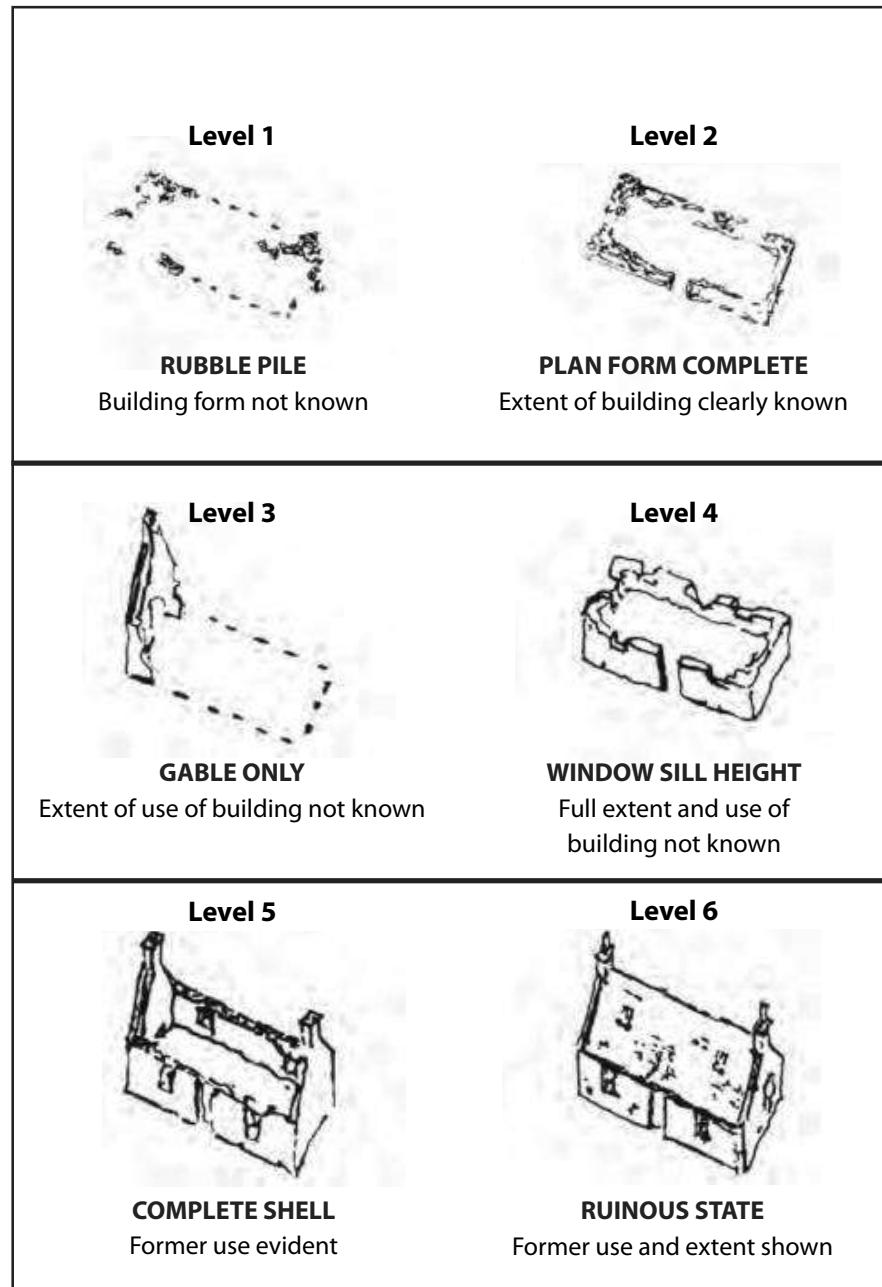
When a house falls significantly beneath this threshold or a structural engineer confirms that renovation of the building is not viable, then reconstruction or replacement on a one-for-one basis will be acceptable to Angus Council.

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

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

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

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



Stages of Building Dereliction.

3.2 Conversion of Non-residential Buildings

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

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

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

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

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

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

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

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

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



Steading conversion – Legaston.

3.3 Regeneration or Redevelopment of Brownfield Sites

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

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

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

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

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

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

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



Rural brownfield site.

3.4 New Houses in the Countryside

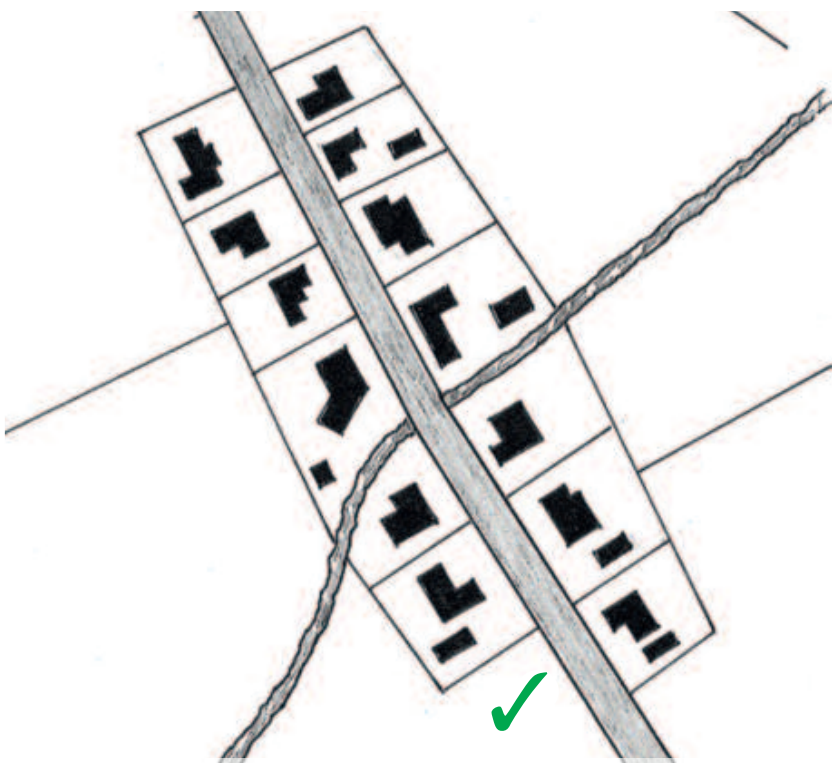
The following guidance is to be used in all instances where housing development proposals involve new build housing outwith settlement development boundaries.

Building Groups

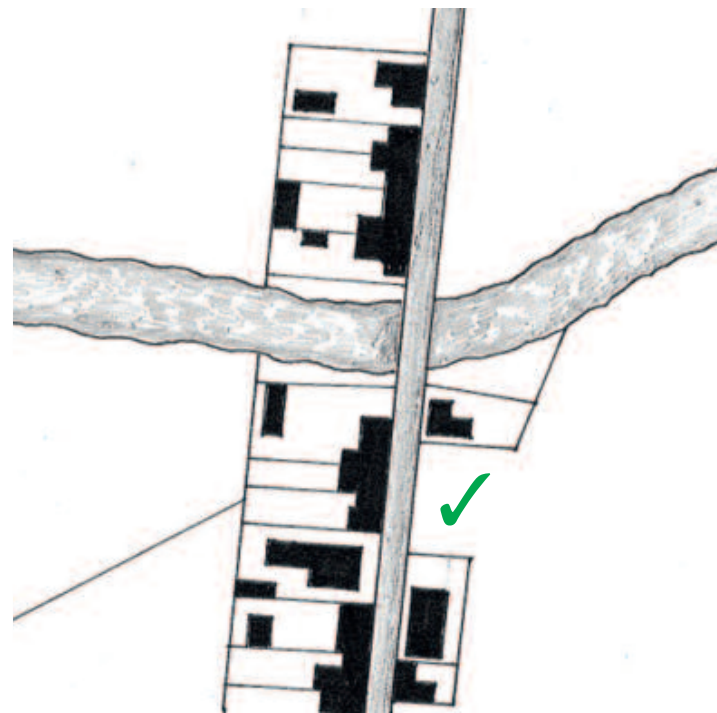
A single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use. This should be sited/located within the building group (i.e. generally located close to other buildings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

Gap Sites

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



Building Group: acceptable rounding off.



Acceptable gap site between two existing houses.

Essential Workers

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

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

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

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

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

Planning applications for essential worker housing should be supported by evidence that there is/will be a functional requirement for the person to live at their place of work (e.g. an essential worker report, which includes some explanation as to why the worker needs to live on the landholding). For applications involving proposed businesses, a business plan should also be submitted, which demonstrates that a professional approach to considering the viability of the business has been adopted.

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

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

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

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

Large Country Houses

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

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

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

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

4 Design Considerations for New Houses in the Countryside

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

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

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

Appendix 1:

Extracts from Angus Local Development Plan

Policy DS1 Development Boundaries and Priorities

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

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

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

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

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

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

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

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

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

Policy TC2 Residential Development

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

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

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

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

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

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

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

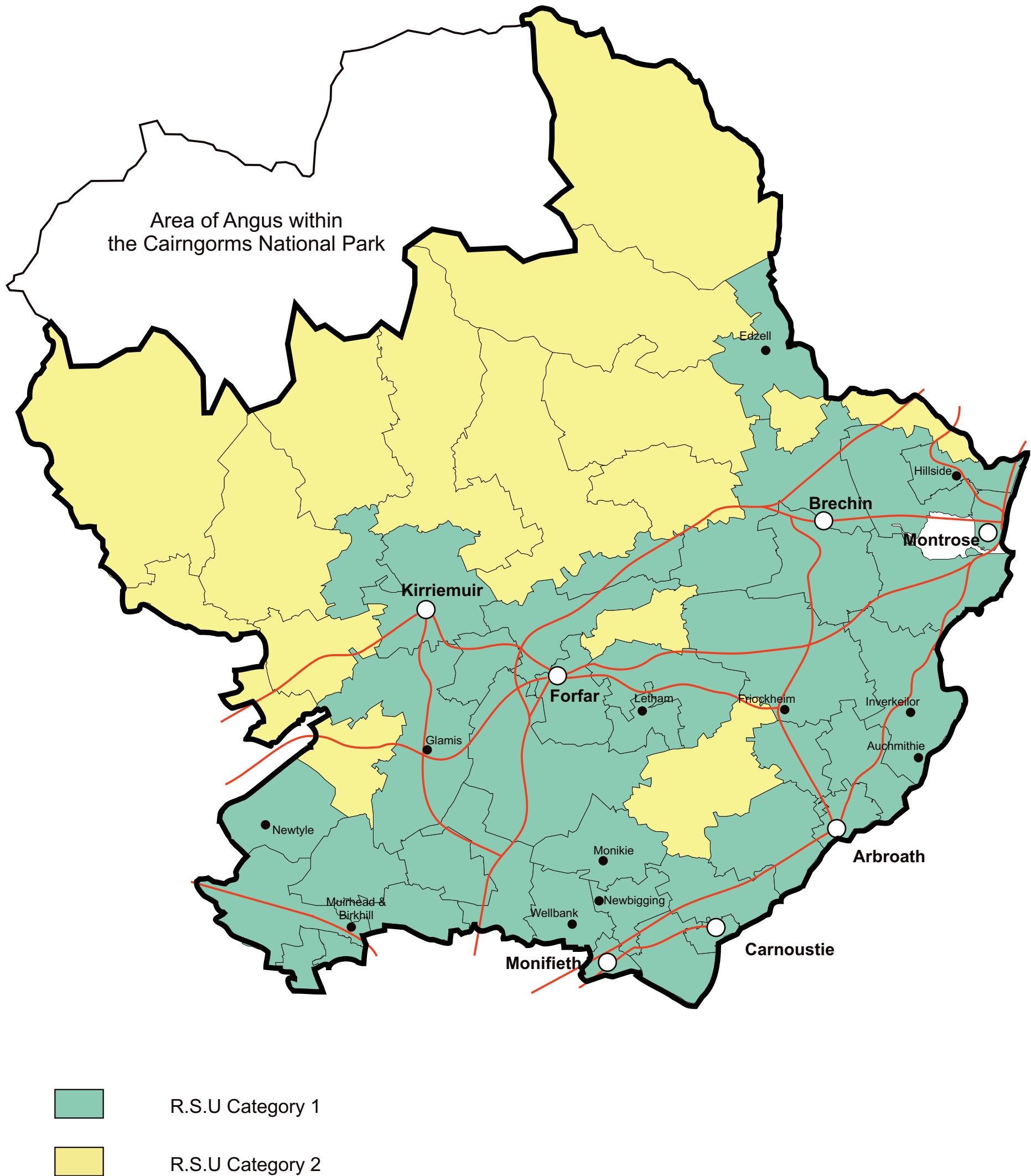
- the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.
- the restoration or replacement of traditional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

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

***Rural Settlement Units are defined in the Glossary.*

Appendix 2:

Category 1 & 2 Rural Settlement Units



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Appendix 3:

Detailed Countryside Housing Criteria

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

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

Glossary

Affordable housing

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

Brownfield site

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

Building Group

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

Contaminated Land:

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

Countryside

The area outwith any defined development boundaries.

Contiguous

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

Development Boundary

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

Essential worker

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

Flood risk

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

Gap site

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

Greenfield site

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

Infrastructure

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

Prime quality agricultural land

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

Public Interest

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

Removing Dereliction

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

Ribbon Development

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

Rural Area

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

Rural brownfield site

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

Rural service centre

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

Rural Services

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

Rural Settlement Units (RSUs)

Geographical areas loosely based on primary school catchment areas.

Category 1 RSUs

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

Category 2 RSUs

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

Sense of containment

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

Significant Environmental Improvement

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

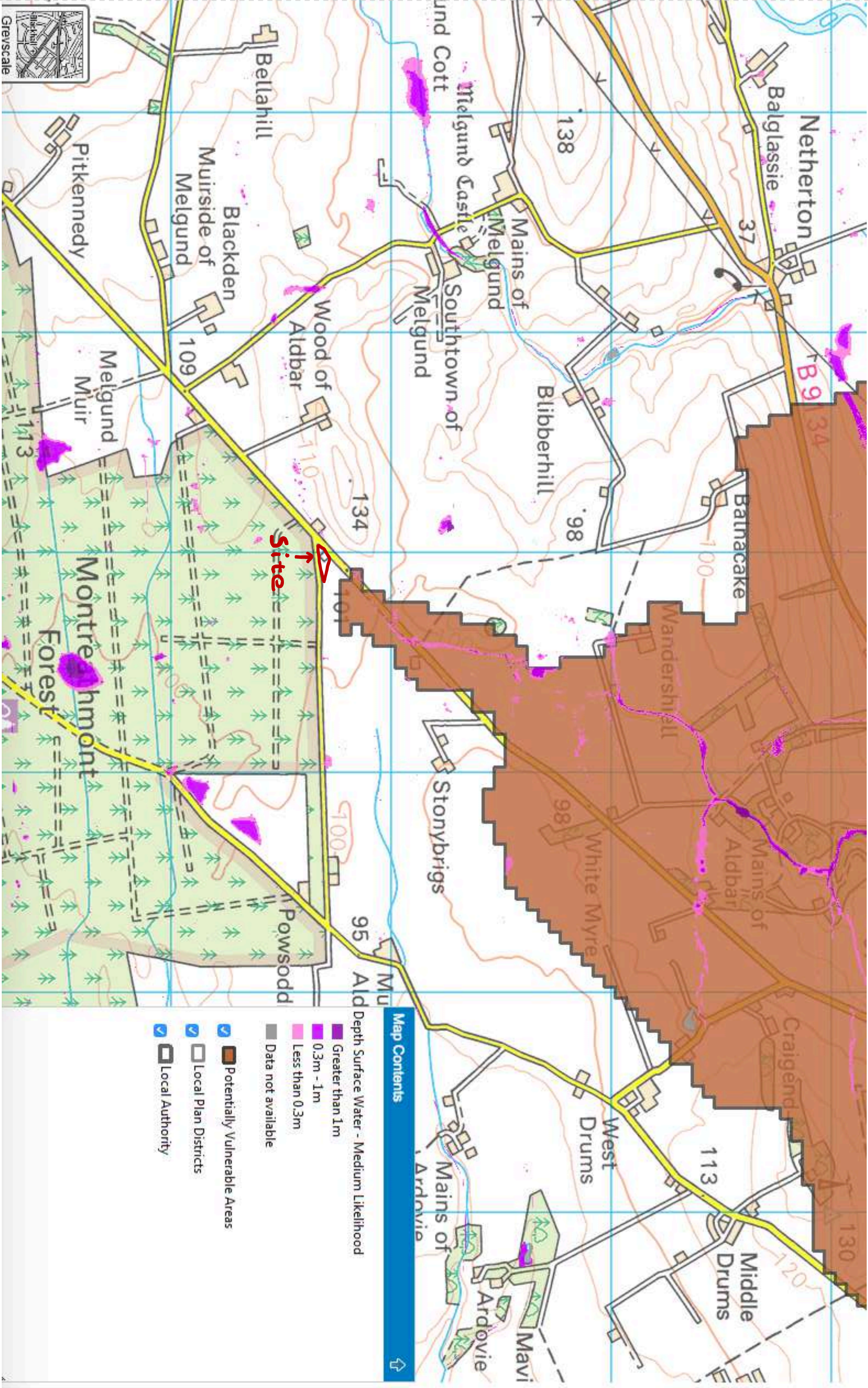
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