

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 11 SEPTEMBER 2018

12 WILLIAM STREET, CARNOUSTIE

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 in garden ground, application No 18/00178/PPPL, at 12 William Street, Carnoustie.

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.

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

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 18/00178/PPPL

APPLICANT- MR & MRS C SANGSTER

**ERECTION OF DWELLINGHOUSE IN GARDEN GROUND AT 12 WILLIAM STREET
CARNOUSTIE DD7 6DH**

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Angus Council

Application Number:	18/00178/PPPL
Description of Development:	Erection of a Dwellinghouse in Garden Ground
Site Address:	12 William Street Carnoustie DD7 6DH
Grid Ref:	356685 : 734753
Applicant Name:	Mr & Mrs C Sangster

Report of Handling**Site Description**

The application site lies within the development boundary of Carnoustie and consists of the front garden area of the existing residential property at number 12 William Street. The existing public road bounds the site to the south and the existing residential property at number 14 William Street bounds the site to the east. An existing vehicular access bounds the site to the west (serving number 12 William Street and 3 other properties located further to the north). Other residential properties are located further to the west. Boundary treatments consist of a stone wall / fencing / hedging on the south and west boundaries. There is no defined boundary to the north and a mix of hedging / fencing provides the boundary treatment to the east.

Proposal

The proposal is for planning permission in principle for the erection of a single dwelling house and the indicative layout provided shows this dwelling being located just to the north of the front building line of the property at number 14 William Street. Vehicular access and parking is shown to be taken from the existing access to the west which is indicated on the plans as being within the applicants control. The proposals are to connect the proposed dwellinghouse to the public drainage network and public water supply, with SUDS also being provided (as indicated on application form).

Amended drawing 'Proposed Site Plan' (dwg no.5605_PL_303 Rev C submitted on 15/05/18) supersedes the previous plan. This plan had been provided to show the location of the existing window on number 14 William Street and to show accurate visibility splay requirements.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 20 April 2018 as development contrary to the development plan.

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

Planning History

The proposal to erect a house on this site was subject of pre-application consultation. At that time the Planning Service raised concern regarding the proposal and its compatibility with relevant development plan policy and indicated that this is not a form of development that it would seek to promote.

Applicant's Case

A Planning Statement and Supporting Letter have been submitted and these documents can be

summarised as follows:

Planning Statement:

- o Provides a site description and indicates that 12 William Street comprises of a large L shaped plot with an area of circa 1230sqm;
- o Vehicle access to the site is taken from William Street by way of a private access road that also serves three neighbouring properties;
- o Indicates that the proposed plot has an area of 305sqm;
- o Refers to site history and pre app enquiry 17/00644/PREAPP;
- o Indicates that Policies DS1, DS3, DS4, TC2 of the ALDP and Advice Notes 6 and 14 are relevant;
- o Indicates why the agent considers the proposals complies with these policies;
- o Suggests that the proposal satisfies the requirements of the Angus Local Development Plan. It is further suggested that the proposed development would maintain the character and appearance of the William Street streetscape with the amenity of neighbouring houses as well as the original house being unaffected.

Supporting Letter dated 17/04/18- (submitted to address concerns raised by the Planning Authority):

- o Suggests that Advice Note 14 minimum plot sizes of 400sqm and 350sqm are a general guide only;
- o Highlighted that the plot size proposed is commensurate with plot sizes in the surrounding area and prepared a table showing plot sizes in the area;
- o Noted concerns regarding the west facing window of 14 William Street and highlighted that the window is a secondary source of light serving a bedroom window and provided a revised layout plan to overcome these concerns (setting the house back 2m from the front building line of 12 William Street) whilst maintaining the appearance of the streetscape;
- o Applicant is agreeable to the design being controlled by conditions and that this could be restricted to single storey with no windows on east elevation.

Consultations

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

Angus Council - Roads - No objections and requested a plan be provided showing visibility sightlines of 2.0m x 43m each side of the existing access and a plan to show the swept path of a family car accessing and egressing the proposed parking spaces in forward gear. The applicant provided an amended plan and the Roads Service confirmed that the visibility splays shown and the swept path for the vehicles shown are satisfactory.

Scottish Water - No objections but has indicated that surface water will not normally be accepted into the combined sewer system.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

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

TAYplan Strategic Development Plan

The proposal is not of strategic significance and TAYplan policies are not referenced.

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

Assessment

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

The application site is located within a development boundary and is not allocated or identified for development in the Angus Local Development Plan (ALDP). Policy DS1 of the ALDP states that proposal 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.

Policy TC2 deals with all residential development proposals. Within development boundaries it indicates that development proposals for new residential development will be supported 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 addition, all proposals for new residential development must be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

The application site is not allocated or protected for another use. The area is predominantly residential in character and the provision of a further house would be compatible with existing land uses. A proposal for a single house would not result in any significant impact on the built and natural environment; it would not result in any unacceptable impacts on infrastructure; and it does not give rise to any affordable housing requirement in terms of Policy TC3.

In relation to access, it is indicated that the existing track would be utilised with a parking area located in the northwest section of the plot. This would result in intensification of use of the track. The applicant has provided a drawing that shows provision of visibility splays in association with the existing track at its junction with William Street. The splay to the east would be located within the application site but the splay to the west would encroach into the curtilage of the neighbouring property at 5 William Place. Whilst the boundary wall at that property currently does not interfere with the required visibility splay, the applicant would not be in a position to ensure maintenance of that splay and the owner of the neighbouring property could undertake planting or other operations that would potentially interfere with the visibility. Notwithstanding this, the Roads Service has not offered objection to the application.

The key issues in relation to this proposal relate to the acceptability of the proposal in terms of the existing character and pattern of development in the area; the impact of the development on the amenity of occupants of existing property; and the quality of the residential amenity to be created. Those matters are interrelated and are discussed together.

Policy DS3 deals specifically with design quality and amongst other things indicates development proposals should deliver high design standard and draw upon those aspects of townscape that contribute positively to the character and sense of place of the area. Policy DS4 deals with amenity and amongst other things requires proposals to have full regard to opportunities for maintaining and improving environmental quality. It also indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or environment or amenity of existing or future occupiers of adjoining or nearby properties.

In terms of character and pattern of development, the area is fairly mixed comprising large villa properties and smaller cottages. The area to the immediate west of the application site comprises a small cul-de-sac which appears to date from the late 1970's or early 1980's. Houses to the north of William Street generally have principal elevations that face south towards the street. They are located at varying distances from the street with some cottages sitting hard on the heel of the footway and others sitting some distance from the footway with garden areas between the house and the street. These undeveloped garden areas with trees and hedges provide spaciousness and greenery in the street which adds to its

character and attractiveness. The houses to the south of William Street are again of varying size and have principal elevations facing south; as a consequence they generally have rear elevations with little by way of soft landscaping facing the street. Plot sizes vary considerably with a number of very small plots associated with small cottage properties and sizeable gardens associated with large villas.

The council has produced guidance in the form of Advice Note 14 that deals with 'Small Housing Sites'. Amongst other things it provides guidance on plot size and distance between buildings. It states that '*As a general guide only, a MINIMUM plot area of 400sqm is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350sqm may be acceptable, dependent upon any unduly adverse effect that the proposal may have upon neighbours.*' It also provides guidance on distance between buildings and between windows in buildings.

The council's Advice Note 6 deals with backland housing sites and amongst other things indicates that windows between habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of approximately 20m between the windows of both dwellings.

In this case the proposed plot bears some affinity in terms of size with other small plots in the area. However, at a little over 300sqm in area it is considerably smaller than the minimum 400sqm plot size requirement identified in Advice Note 14 and similarly does not meet the reduced minimum standard of 350sqm that the Advice Note indicates may be acceptable in high density areas. The plot size is small and does not comply with Advice Note minimum requirements. The existing house to the north sits around 7.5m from the north boundary of the application site and contains a number of windows. The neighbouring property to the east has a window in its west gable that faces the application site at a distance of around 2m from the boundary. The limited size of the application site means that any new house on the site would be close to windows in neighbouring property. The indicative footprint shows a house located around 1m from the eastern plot boundary and consequently around 3m from the window in the gable of the existing house to the east, albeit slightly offset. It is understood that the affected window is a secondary window that may serve a room currently used as a bedroom. The indicative house position shown on the plan provides for around 18m separation distance between the north elevation of the proposed house and the south facing principal elevation of the existing dwelling to the north. That distance is less than the 20m separation distance advocated by Advice Note 6. The precise position of any house could be controlled in a subsequent application for approval of necessary details. However, moving the house back on the site to minimise impact on the property to the east would reduce separation distance to the property to the north, and conversely moving the proposed house forward on the site to increase separation distance to the property to the north would impinge on the window in the existing house to the east. Neither option would allow full compliance with relevant design guidance that seeks to safeguard the amenity of occupants of existing housing and this is largely a consequence of the restricted plot size. In addition, the provision of a house on the site would result in the loss of an undeveloped green space between the properties to the east and west and the loss of the existing foliage to provide the required visibility splay to the east. This would reduce the general appearance of spaciousness that is a characteristic of the northern section of William Street and would result in a cramped development pattern that would detract from the overall quality of the area.

The proposal does not give rise to other significant issues in terms of development plan policy. However, for the reasons detailed above relating to adverse impact on the townscape and character of the area, and adverse impact on the amenity of occupants of neighbouring property the proposal does not comply with development plan policy.

In terms of material considerations, the council's Advice Notes are relevant. As indicated above the proposed plot does not meet the required minimum plot size of 400sqm (or the reduced minimum of 350sqm for high density areas). There are other small plots in the area but those are generally associated with older properties. The council has produced its Advice Note guidance in order to establish modern standards. Whilst these can be applied flexibly in appropriate circumstances, the restricted plot size at this site would appear cramped and a house would not comply with required separation distances between buildings/windows.

It is also relevant to note that there are other garden areas located to the north of William Street. Those undeveloped garden areas contribute positively to the character and amenity of the area. Approval of this

application could lead to proposals for subdivision of those garden areas. Such development would be difficult to resist if this application was approved and would seriously erode the character and amenity of the area.

The council has generally sought to resist proposals of this nature and similar applications, assessed against the same policies and giving rise to similar issues at Birkhill (Report 419/17) and Brechin (Report 109/18) have been refused by the Development Management Review Committee. Whilst those sites are some distance from the current application site it is important that proposals that give rise to similar policy issues are dealt with in a similar manner.

In summary, the proposal represents an undesirable form of development by creating a very small house plot that does not comply with the council plot size guidance. A house on the site would appear cramped and squeezed-in, it would detract from the other spacious nature of development in the street and would adversely affect the amenity currently enjoyed by occupants of neighbouring property. The proposal does not comply with relevant council design guidance for housing sites of this nature and is contrary to relevant development plan policy. There are no material considerations that justify approval of planning permission contrary to the development plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the application is contrary to Policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan 2016 as the erection of a house on a small plot would result in a form of development that would detract from rather than contribute positively to the townscape and character of the area, and as it would have an unacceptable adverse impact on existing residential amenity.

Notes:

Case Officer: James Wright
Date: 28 May 2018

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact

on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

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

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

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

Further information and guidance on the detailed application of the policy on new residential development

in countryside locations will be provided in supplementary planning guidance, and will address:

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

16th March 2018

Angus Council
County Buildings
Market Street
Forfar.
DD8 3LG



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

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

Dear Sir/Madam

SITE: DD7 Carnoustie William Street 12
PLANNING REF: 18/00178/PPPL
OUR REF: 758517
PROPOSAL: Erection of a Dwellinghouse in Garden Ground

Please quote our reference in all future correspondence

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

Water

- There is currently sufficient capacity in the **Clatto** Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the **Hatton PFI** Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

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

Surface Water

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

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

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

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

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

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

Yours sincerely

Lisa Lennox

Development Operations Analyst

Lisa.lennox2@scottishwater.co.uk

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

18/00178/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

16	03	18
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WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



Memorandum

Place Directorate
Infrastructure – Roads & Transport

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 27 APRIL 2018

SUBJECT: **PLANNING APPLICATION REF. NO. 18/00178/PPPL – PROPOSED ERECTION OF NEW DWELLING IN GARDEN GROUND OF 12 WILLIAM STREET, CARNOUSTIE FOR MR & MRS C SANGSTER**

I refer to the above planning application.

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.

The site is located within the front garden ground of 12 William Street which would create a backland plot for the existing house.

Access

Access will be taken from the existing access leading to the original house. The sightlines at the junction of the existing access are sub-standard in terms of the Council's road standards. Whilst improvements to the sightline to the east could be made it is doubtful that sightlines to the required standards for new development can be achieved.

Parking

In order to maintain the free flow of traffic on the existing public road, car parking should be provided within the site in accordance with the Council's standards. The planning statement suggests that the new house would have 3 bedrooms and 2 no. parking spaces have been indicated on the submitted plan. Whilst the proposed provision would meet the required standard I have concerns regarding the physical ability to access the parking spaces due to the narrowness of the existing access.

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 principle of new housing on the site but would request that further information be provided prior to the determination of the application. The further information should include:

- A plan showing visibility sightlines of 2.0 x 43 metres on each side of the existing access;
- A plan showing the swept path of a family car accessing and egressing the proposed parking spaces to enter the public road in a forward gear.

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'.

From:GwynneAG
Sent:16 May 2018 09:00:21 +0100
To:WrightJ
Subject:RE: 18/00178/PPPL - 12 William Street, Carnoustie

James

The splays are acceptable

Regards

Adrian

From: WrightJ
Sent: 16 May 2018 07:43
To: GwynneAG
Subject: FW: 18/00178/PPPL - 12 William Street, Carnoustie

Adrian,

Can you let me know your comments on the revised visibility splay and if this is correct?

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House
: Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 473244

From: Douglas [<mailto:Douglas@jfarchitect.co.uk>]
Sent: 15 May 2018 11:09

To: WrightJ
Cc: Jon Frullani
Subject: RE: 18/00178/PPPL - 12 William Street, Carnoustie

Good morning James,

Please find attached a copy of the revised site plan showing the proposed visibility splays for the access at 12 William Street, Carnoustie.

Should you require any further information, please do not hesitate to contact the office.

Regards,

Douglas

Douglas Sturrock ARB

Architect

Jon Frullani Architect Ltd
Unit 5,
District 10,
Greenmarket.
Dundee
DD1 4QB
E: douglas@jfarchitect.co.uk
W: www.jfarchitect.co.uk
T: 01382224828

From: Douglas
Sent: 11 May 2018 09:57
To: WrightJ <WrightJ@angus.gov.uk>; Jon Frullani <Jon@jfarchitect.co.uk>
Subject: RE: 18/00178/PPPL - 12 William Street, Carnoustie

Hi James,

Please find attached a copy of the signed Processing Agreement.

We'll endeavour to return the updated roads information at the start of next week.

Regards,

Douglas

Douglas Sturrock ARB

Architect

Jon Frullani Architect Ltd
Unit 5,
District 10,
Greenmarket.
Dundee
DD1 4QB
E: douglas@jfarchitect.co.uk
W: www.jfarchitect.co.uk
T: 01382224828

From: WrightJ <WrightJ@angus.gov.uk>
Sent: 10 May 2018 14:43
To: Jon Frullani <Jon@jfarchitect.co.uk>
Cc: Douglas <Douglas@jfarchitect.co.uk>
Subject: FW: 18/00178/PPPL - 12 William Street, Carnoustie

Mr Frullani,

I refer to our telephone conversation today. As discussed, I have received the below comments from the Roads Service.

Whilst we have some concerns with the proposals, you indicated that you wanted to provide an additional plan to show accurate splays to address roads comments. I am happy to allow you time to

have submit this and have attached a processing agreement for your information. Please complete (typed and return).

If visibility splays go over adjacent property can you confirm that you are able to provide these?

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House
: Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 473244

From: GwynneAG
Sent: 09 May 2018 13:50
To: WrightJ
Subject: RE: 18/00178/PPPL - 12 William Street, Carnoustie

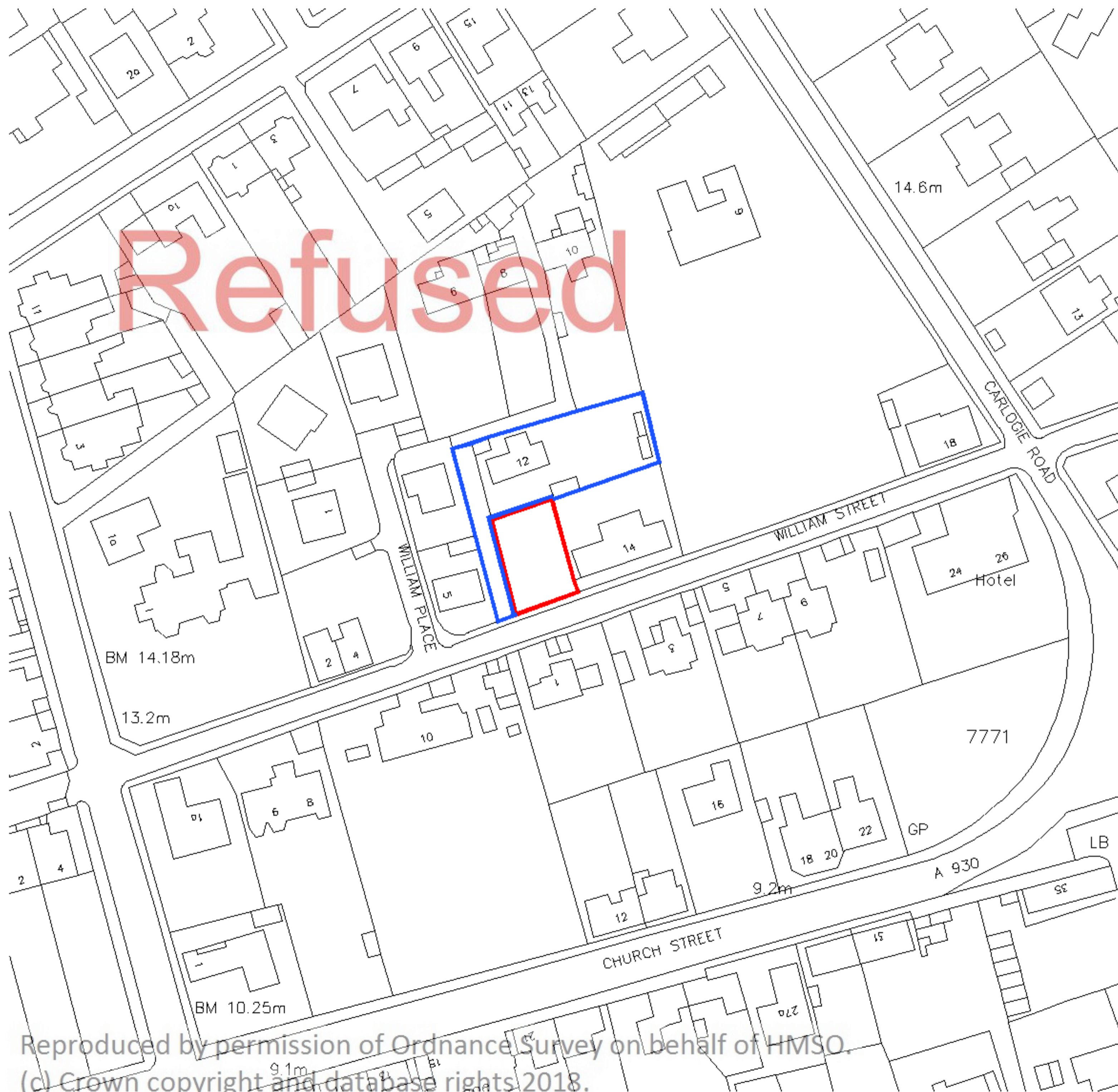
James

The swept path for the vehicles is satisfactory, however it should be noted that these splays are drafted incorrectly and would result in a vehicle exiting the access having to edge out into the carriageway of the road to see approaching traffic.

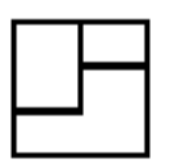
Visibility sightlines should be compiled by forming an envelope of visibility tangential to the adjacent kerb line on the main road and should have an 'x' distance of 2.4 metres (in this case 43m). A

Regards

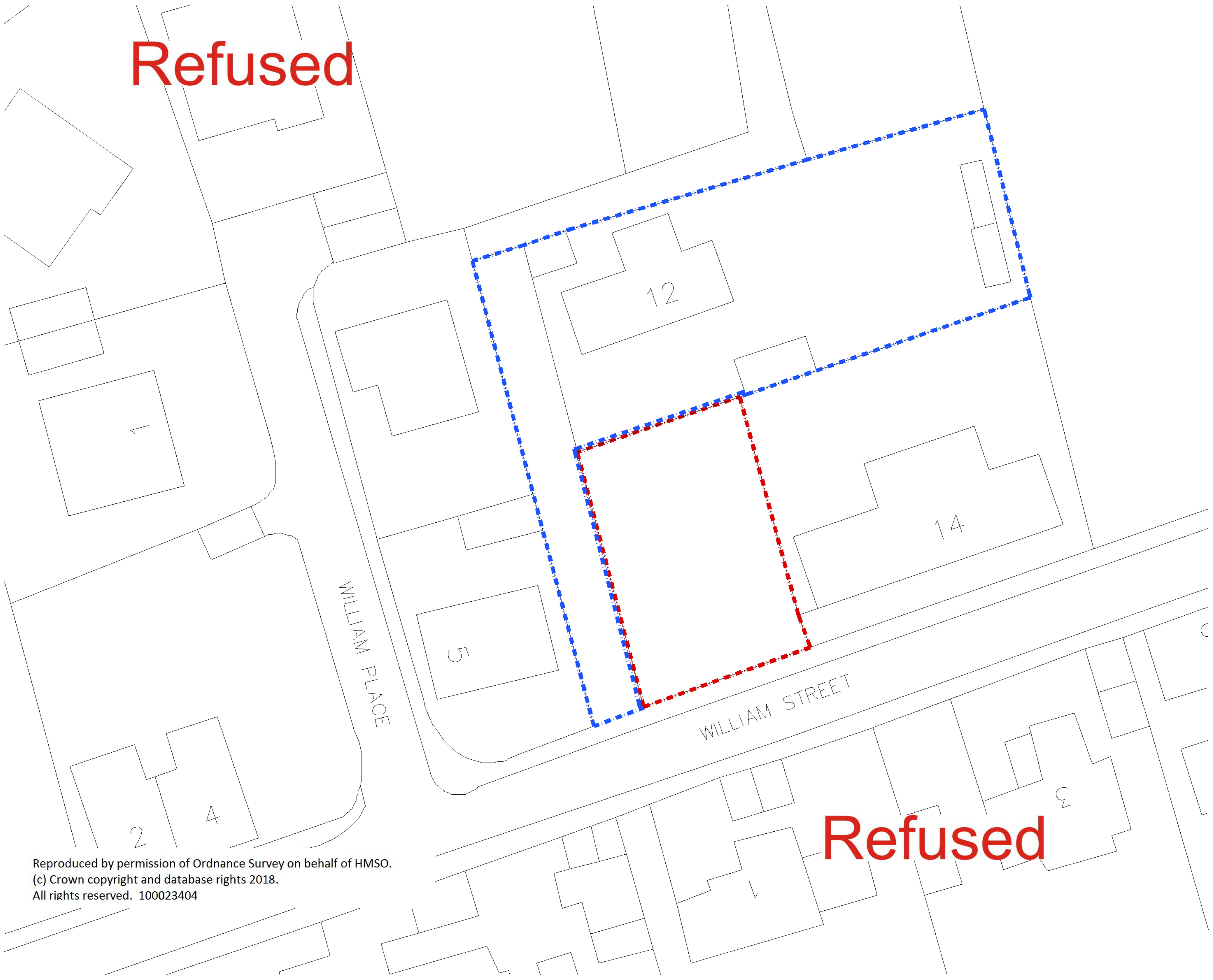
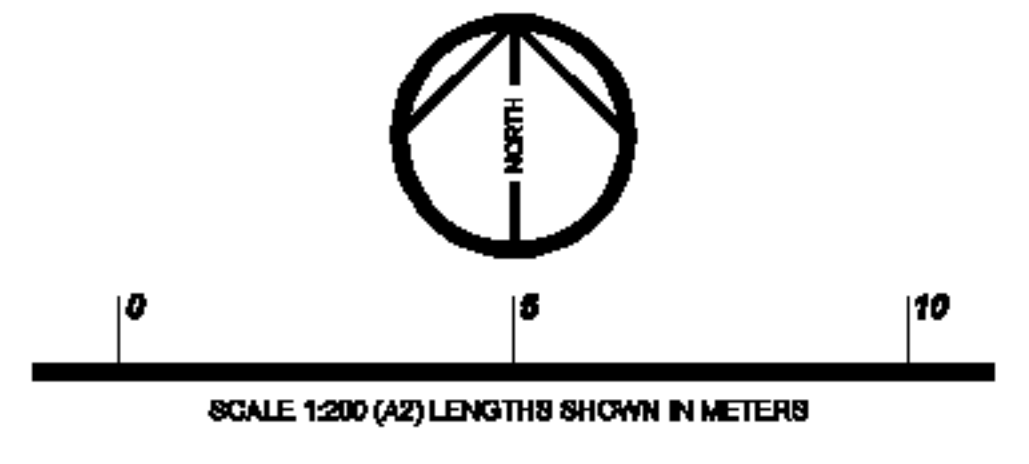
Adrian



Notes :
n/a
Revisions :
n/a


Project New build dwelling		 JON FRULLANI ARCHITECT	
Client n/a			
Address 12 William Street		Drawing Title Location plan	
Carouseid DD7 6DH		Issue Status Planning	Drawing No. 5805_PL_301
Designer -	Date Dec 17	Scale 1:1250	Revision -
<small> t: 01382 224886 m: 07808 728308 e: jon@jfrharchitect.co.uk w: jfrharchitect.co.uk f: facebook.com/jfrharchitect ac unit 5, district 10, greenmarket, dunelm, dd1 4qs this drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose without getting prior written permission from the author and/or architect. </small>			

Refused

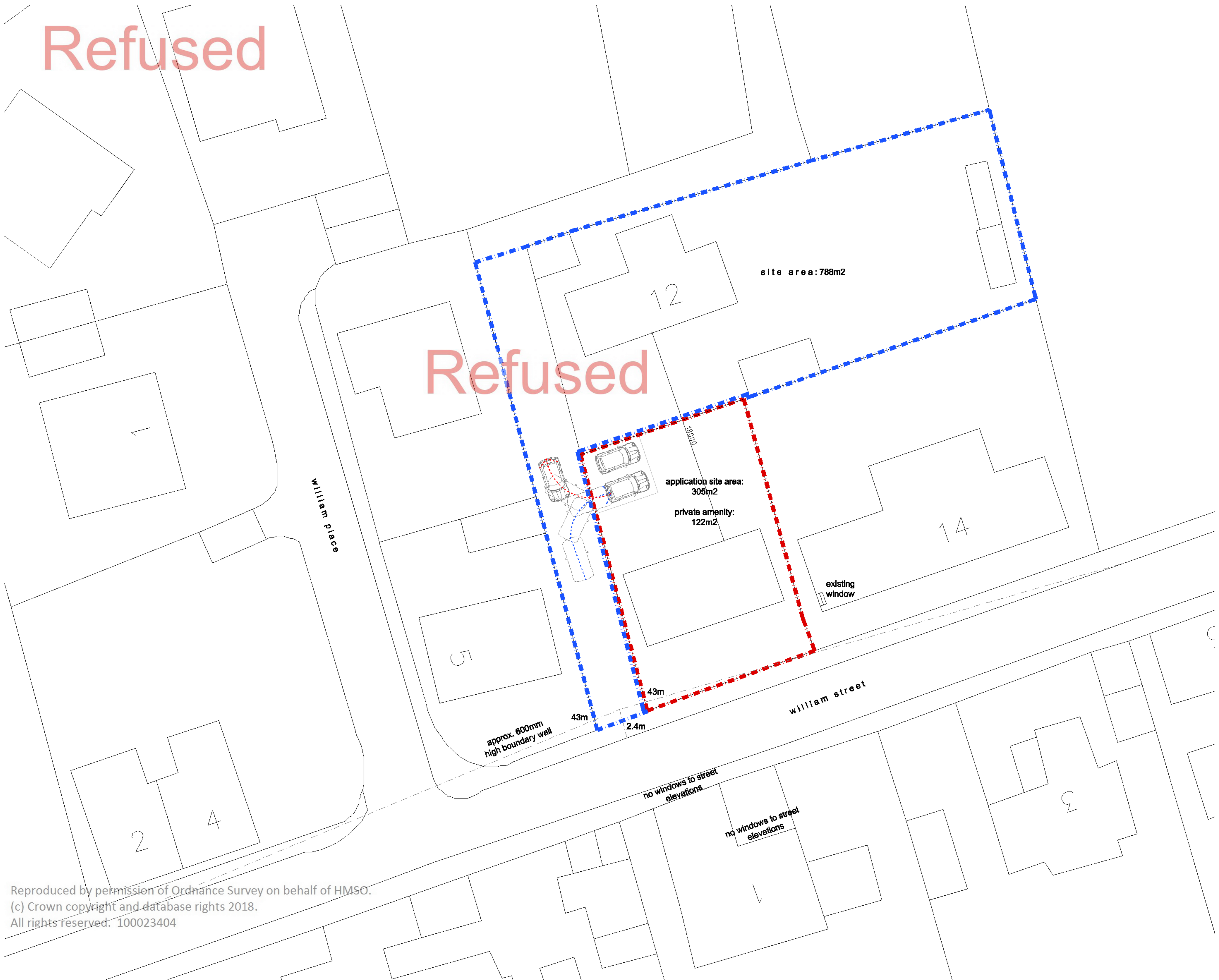
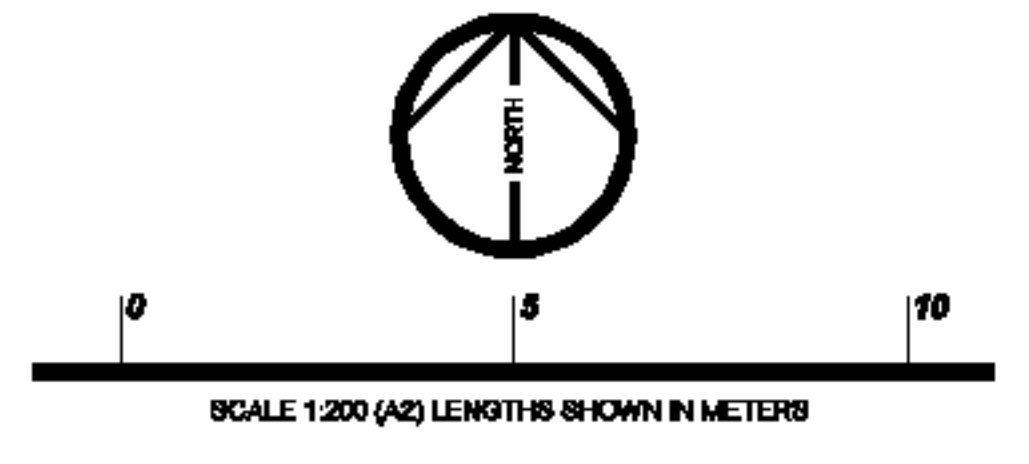


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Notes :
 n/a
 Revisions :
 n/a

Project New build dwelling		 JON FRULLANI ARCHITECT	
Client n/a		Drawing title Siting site plan	
Address 12 William Street		Issue status Planning	Drawing no. 0006_PL_002
Carrouelle DD7 6CH		Designer -	Revision -
Date Dec 17	Scale 1:200	<small> 1/10/18 20:08 01 2708 787001 © Jon Frullani Architect Ltd. All rights reserved. No part of this drawing may be reproduced without the prior written permission of Jon Frullani Architect. </small>	


Refused



Refused

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Notes :
 n/a
Revisions :
 a 17.04.18
 b 30.04.18 additional information as requested by Roads Dept.
 c 15.06.18 additional information as requested by Roads Dept

Project New build dwelling		 JON FRULLANI ARCHITECT	
Client n/a			
Address 12 William Street		Drawing Title Proposed site plan	
Commence DD7 6JH		Issue Status Planning	Drawing No. 6005_PL_203
Designer -	Date Dec 17	Scale 1:200	Revision c

AC6

01/01/2006

AC6

A photograph of a residential backyard. In the foreground, there is a gravel area on the left and a green lawn on the right. A metal clothesline stands on the left side of the lawn, with a green folding chair underneath it. A wooden fence runs along the back of the lawn. In the background, there is a large, multi-story house with a grey roof and several chimneys. The sky is overcast. The text 'AC6' is overlaid in large, bold, black letters in the upper center of the image.

01/01/2006

AC6

01/01/2006

AC6

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01/01/2006

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AC6

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01/01/2006

AC6

01/01/2006

A photograph of a stone house with solar panels on the roof. The house has a chimney on the left side and a purple trash bin in the foreground. The date '01/01/2006' is printed in yellow in the bottom right corner. The text 'AC6' is overlaid in large black letters in the upper center of the image.

AC6

01/01/2006

AC6

01/01/2006

AC6



01/01/2006

AC6



01/01/2006

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 : 18/00178/PPPL

To **Mr & Mrs C Sangster**
c/o Jon Frullani
Unit 5
District 10
Greenmarket
Dundee
DD1 4QB

With reference to your application dated 14 March 2018 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of a Dwellinghouse in Garden Ground at 12 William Street Carnoustie DD7 6DH for Mr & Mrs C Sangster

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

The reasons for the Council's decision are:-

- 1 That the application is contrary to Policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan 2016 as the erection of a house on a small plot would result in a form of development that would detract from rather than contribute positively to the townscape and character of the area, and as it would have an unacceptable adverse impact on existing residential amenity.

Amendments:

1. Amended drawing 'Proposed Site Plan' (dwg no.5605_PL_303 Rev C submitted on 15/05/18) supersedes the previous plan. This plan had been provided to show the location of the existing window on number 14 William Street and to show accurate visibility splay requirements.

Dated this **31 May 2018**

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Place
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

Telephone 01307 473212 / 473207 / 473335
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
 - a) to refuse permission for the proposed development;
 - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PLANNING

Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION:

Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

Q.9 Were you the:-

Applicant	<input type="checkbox"/>	Agent	<input type="checkbox"/>	Third Party objector who made a representation	<input type="checkbox"/>
-----------	--------------------------	-------	--------------------------	--	--------------------------

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

From:WrightJ
Sent:12 Apr 2018 14:27:09 +0100
To:Jon Frullani
Subject:18/00178/PPPL

Erection of a Dwellinghouse in Garden Ground at 12 William Street Carnoustie, DD7 6DH

Mr Frullani,

I refer to the above application. I have now visited the site, reviewed all of the information and would comment as follows.

In terms of the proposed plot, the size of the proposed plot is approximately 305sqm and this in general terms would not comply with the minimum plot size in Advice Note 14. The current proposed plot does therefore not meet the 400sqm minimum suggested in the Advice Notes or the reduced minimum of 350sqm in built up areas.

Policies TC2 and DS4 apply to the proposal and indicate that proposals for residential development should not result in an unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure. Policy DS4 relates to residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

I note that you have sited the house (indicative position) in line with the existing property at number 14 William Street, to match the building line. However having visited the site I have noted that there is a window on the western gable of number 14 and from the plans provided this appears to be approximately 2.6 metres from the location of proposed house. Advice note 14 gives minimum distances from habitable room windows to blank walls (10 metres) and the proposal would not meet this. I appreciate that the application is only for planning permission in principle at this stage. However given the limited size of the plot and existing layout I do not consider a suitable layout could be achieved which would retain existing amenity of the neighbouring property whilst also providing a form of development which would be consistent with the character and pattern of development in the surrounding area. Moving the house back within the site to try to resolve this issue would also potentially create further issues with other windows on the northern elevation of the cottage at number 14 William Street and reduce distances between the proposed house and the existing dwellinghouse to the north.

Unfortunately I do not consider that a house could be accommodated on this limited plot whilst retaining existing residential amenity and being consistent with the character and pattern of development in the surrounding area.

On this basis it is not considered that we can support the application and unfortunately it will receive a recommendation for refusal on this basis. In order to progress the application it will need to be advertised as contrary to the development plan and this will be advertised on the next available date (20/04/18). As you are aware there would be an additional £100 fee for this advert. If you want to withdraw the application prior to this please let me know before 18/04/18 (date the advert request will be sent). The application will be determined on the expiry of the advert.

I trust this clarifies.

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House
: Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 473244



JON FRULLANI
ARCHITECT

Job 5605

12 William Street,
Carnoustie,
DD7 6DH.

Planning Statement

Revision n/a

Site Description

The property at 12 William Street comprises of a large L shaped plot with an area of circa 1230sqm. There is a single storey dwellinghouse located in the north western corner of the site that is served by extensive areas of garden ground to the south and east. Vehicle access to the site is taken from William Street by way of a private access road that also serves three neighbouring properties. There is a vehicle access to the site midway along the western boundary of the property with a driveway and turning area providing off street parking to the immediate south of the dwellinghouse.

The site is enclosed by stone walls of varying heights which are supplemented by shrubs and trees.

The existing house is stone built with a hipped roof finished in slate.

Surrounding the site William Street comprises of houses fronting the street with houses behind them and accessed from private roads/ shared driveways as demonstrated by the site location plan. The houses and plots surrounding the site are also of varying size although predominantly single storey with plot areas of 300-400sqm within the immediate vicinity of the site.

Proposal

This application seeks planning permission in principle to erect a house in the area of garden ground to the immediate south of the driveway and parking area serving the existing dwellinghouse at 12 William Street.

The proposed plot shall have an area of 305sqm. The site layout plan accompanying this application proposes the erection of a house in the southern sector of the site fronting on to William Street. The proposed house shall be set back from William Street to maintain the building line established by the houses flanking the application site to the east and west with a pedestrian access formed in the boundary wall enclosing the site to the south.

The proposed house shall be served by two off street parking spaces created in the north western corner of the site and accessed from the private road serving the original property at 12 William Street bounding the site to the west.

The remainder of the site will be given over to private garden ground with an area exceeding 100sqm.

Site History

We have engaged in pre-application discussions with the Council regarding the submission of an application for planning permission in principle for the erection of a house in the garden ground of 12 William Street (pre-app enquiry ref: 17/00644/PREAPP refers). The advice received confirms compliance with the relevant Local



JON FRULLANI
ARCHITECT

Job 5605

Development Plan policies but highlights that access and the principle of backland development shall be taken into account in the assessment of a formal application for planning permission.

Policy Framework

Town and Country Planning(Scotland) Act 1997, as amended

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

Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Dundee Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states “By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Planning Advice Notes

Planning Advice Note 6: Backland Development

Planning Advice Note 14: Small Housing Sites

Evaluation

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 on sites not allocated but within development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALPD.

The site is within a residential area of Carnoustie, with neighbouring buildings of a similar design and scale as the proposed development. The addition of a house in garden ground at 12 William Street would be compatible in terms of land use and would not result in an unacceptable impact on the built and natural environment. This is evidenced further in the assessment below.

In terms of the requirements of Policies TC2 and DS4, the application site is located in a mainly residential area. The proposed residential use is therefore generally compatible with surrounding land uses. The proposed plot at 305sqm and the resulting plot at 12 William Street at 828sqm are comparable with other plot sizes in the area



JON FRULLANI
ARCHITECT

Job 5605

and align with the terms of the guidance provided by Advice Notes 6 and 14. The proposed plot and the resulting plot will also provide in excess of 100sqm of private garden ground to serve the respective existing and proposed houses. This is also in compliance with the guidance offered by Advice Notes 6 and 14.

The proposed house shall be positioned on site to align with those to the east and west of the site fronting onto the north side of William Street. As demonstrated by the site layout plan the plot area, provision of private garden ground and proposed house shall be of a scale commensurate with those surrounding.

Policy DS3 requires development proposals to deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place in which they are to be located. The original house at 12 William Street is positioned some 30m from William Street and is accessed from a private road from William Street to the west of the site. Vehicular access to the proposed plot shall be taken from the private road as shown on the site layout plan. By locating the proposed house to the south of the original house at 12 William Street the appearance of the existing streetscape and the pattern of development in the surrounding area shall be maintained. In addition to this the original house will retain vehicle access and curtilage parking facilities as well as a plot area of 828sqm. Taking account of the existing level of development (dwellinghouse, garage and outbuildings) at 12 William Street the resulting plot shall have a development coverage of 18%. Therefore, the proposed development shall maintain the density of development in the surrounding area while ensuring that the high quality amenity of the original house is not diminished by the proposed subdivision of its curtilage and erection of a house in its garden ground. The position of the proposed house to the south of the original dwelling shall replicate the existing street pattern of houses fronting on to William Street with houses to the rear. This reflects the character and development pattern of the existing street and therefore aligns with the requirements of Policy DS3.

In terms of the maintenance of neighbouring residential amenity and privacy the proposed dwelling shall be positioned no less than 20 metres from the original house at 12 William Street and 19m from the windows of houses on the southern side of William Street. The distances proposed are in compliance with the guidance contained in Advice Note 14 in relation to minimum guideline window to window distances and are commensurate with the character of this older higher density area of Carnoustie.

The proposed house shall have 3 bedrooms and as such an off street car parking and turning area for 2 vehicles is proposed in the north western corner of the application site. The parking and turning area shall be accessed from the private road providing access to 4 other neighbouring properties. Discussions with the Council's Roads Service have confirmed that the proposed development shall not generate any significant issues of road or pedestrian safety.

By maintaining the building line of the houses to the east and west of the site, the proposed house has been purposefully positioned to minimise any impact on neighbouring dwellings in terms of overlooking, overshadowing and physical impact. To minimise any perceived impact on amenity the applicant is agreeable to the proposed house being restricted by condition to one and half storeys in height (it is envisaged that the proposed house will be of a traditional single storey design with pitched roof dormers to the front providing accommodation in the roof space).

To ensure that the area of garden ground to the rear of the proposed house is private a 1.8m high timber boundary fence shall be erected to separate the application site from the original property at 12 William Street.

Policy PV15 relates to 'Drainage Infrastructure'. It is proposed to connect the proposed development to Scottish Water's public water supply and foul drainage networks. SUDS arrangements in the form of permeable paving on areas of hard surfacing and soakaways shall treat surface water generated by the proposed development.



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For the reasons outlined above we believe that the proposal does not give rise to any significant issues in terms of the relevant policies of the Local Development Plan and is of a scale and nature appropriate to the location. On this basis the proposal satisfies Policy DS1 of the adopted Angus Local Development Plan.

Conclusion

The proposal has been demonstrated to satisfy the requirements of the Angus Local Development Plan. It has been demonstrated and evidenced above that the proposed development shall maintain the character and appearance of the William Street streetscape while the amenity of neighbouring houses as well as the original house shall be unaffected. As such we believe there to be no barrier to the approval of planning permission in principle.



Dear James,

Planning Application Ref: 18/00178/PPPL

Erection of Dwellinghouse in Garden Ground at 12 William Street, Carnoustie

Thank you for your email dated 12 April 2018.

In your correspondence you have raised concern in relation to:

- Plot Area
- Loss of Light to Window

In terms of plot area, Advice Note 14 Small Housing Sites states:

The plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments THAT DO NOT RESPECT THE CHARACTER OF THE AREA, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or "squeezed in".

As a general guide only, a MINIMUM plot area of 400 square metres is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350 square metres may be acceptable, dependent upon any unduly adverse effect that the proposal may have upon neighbours. Conversely, in low density areas, a minimum considerably in excess of 400 square metres will be required. 400 square metres will probably be too small to provide sufficiently useable garden space where awkward shaped sites are involved. Similarly, where existing trees have to be retained or new planting is required as part of a planning consent, a larger plot area will be necessary.

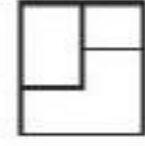
Our interpretation of Advice Note 14 does not stipulate that a minimum plot area of 400sqm or 350sqm in built up areas is required in order to obtain planning permission. The wording specifically states that the proposed plot must respect the character of the area so as not to look out of place and that as a general guide only, a minimum plot area of 400sqm or 350sqm in built up areas is suggested. Therefore, providing it can be demonstrated that the proposed plot respects the character of the area surrounding the application site there is no policy requirement to provide a plot area of 400sqm or 350sqm.

The table in Figure 1 below demonstrates that the proposed plot by virtue of area, footprint of development and private usable garden ground provision is similar to those surrounding the application site and therefore maintains the character of William Street. In this regard, the table demonstrates that a plot area of 305sqm is commensurate with plot sizes in the surrounding area and that the density of development on the proposed plot is similar to that of surrounding plots if not of a lower density. This further evidences that the proposed development shall maintain the character of the area.

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Address	Plot Area	Footprint of Development	Private Garden Ground	Development Density
Proposed Plot	305sqm	75sqm	122sqm	1:4.0
Resulting Plot at 12 William Street	788sqm	130sqm	374sqm	1:4.0
1 William Place	465sqm	114sqm	132sqm	1:4.0
2 William Place	597sqm	132sqm	330sqm	1:4.5
3 William Place	430sqm	118sqm	156sqm	1:3.6
4 William Place	305sqm	81sqm	96sqm	1:3.7
5 William Street	257sqm	93sqm	75sqm	1:2.76
14 William Street	534sqm	169sqm	237sqm	1:3.1

Your email identifies that the neighbouring house at 14 William Street has a west facing window overlooking the application site. This window is a secondary source of light serving a bedroom in the property at 14 William Street. There is a large primary window serving this room on the principal southern elevation of the property. Nevertheless, to overcome the concerns raised and to align with the guidance within Advice Note 14 a revised site layout plan is attached showing the proposed house set back 2m from the front building line of 14 William Street. The proposed house would continue to benefit from private usable garden ground exceeding 120sqm, 2 off-street parking spaces and there would be a distance of 18 m between the north elevation of the proposed house and southern elevation of the existing house at 12 William Street. The front building line of the proposed house as shown on the revised site layout plan aligns with the front building line of the house at 5 William Place and therefore maintains the appearance of the streetscape while also minimising any impact on the west facing bedroom window of the house at 14 William Street.

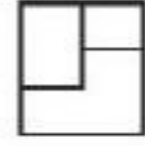
As detailed in the planning statement accompanying this application, the applicant is agreeable to the design of the proposed house being controlled by conditions to be adhered to in the submission of an application for matters specified in conditions. As such the proposed house could be restricted to single storey with no window openings in the eastern elevation. This would prevent any issues of overshadowing or overlooking from arising.

Taking the above reasoning into account we believe the proposed development as detailed on the revised indicative site layout plan maintains the residential amenity of neighbouring properties and is consistent with the character and pattern of development in the surrounding area.

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We respectfully request that you consider the information contained within this letter prior to the determination of planning application ref: 18/00178/PPL and confirm to us its acceptability.

Regards



Jon Frullani

Jon Frullani Architect Ltd

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DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

ERECTION OF DWELLINGHOUSE IN GARDEN GROUND AT 12 WILLIAM STREET, CARNOUSTIE

APPLICATION NO 18/00178/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Statement of Appeal
ITEM 3	Application for Planning Permission in Principle
ITEM 4	Planning Statement
ITEM 5	Indicative Floor Plan, Existing Site Plan, Location Plan and Proposed Site Plan
ITEM 6	Supporting Letter
ITEM 7	Report of Handling
ITEM 8	Decision Notice



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 100087156-003

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: JON FRULLANI ARCHITECT

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="C"/>	Building Number:	<input type="text" value="12"/>
Last Name: *	<input type="text" value="Sangster"/>	Address 1 (Street): *	<input type="text" value="William Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Carnoustie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD7 6DH"/>
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="12 WILLIAM STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="CARNOUSTIE"/>
Post Code:	<input type="text" value="DD7 6DH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="734777"/>	Easting	<input type="text" value="356683"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Erection of a dwelling house.

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.

The appellant disagrees with the Case Officer's Decision and respectfully requests that the appeal is considered in light of the information detailed within the attached appeal statement which we believe to justify approval of the proposal having regard to the requirements of Section 25 of the Act.

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)

Appeal Statement, Application Form, Existing Site Plan, Location Plan, Planning Statement, Proposed Site Plan, Supporting Letter, Report of Handling, Decision Notice, Indicative Floor Plan of Proposed House

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00178/PPPL

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

13/03/2018

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

31/05/2018

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 JON FRULLANI

Declaration Date: 19/07/2018



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ERECTION OF A DWELLINGHOUSE IN GARDEN GROUND AT 12 WILLIAM STREET, CARNOUSTIE

APPEAL STATEMENT

Town and Country Planning(Scotland) Act 1997 as amended Planning Application Ref: 18/00178/PPPL

Appellant: Mr and Mrs C. Sangster

Date: June 2017

Contents

1.0 Introduction

2.0 Application Site and Context

3.0 Proposed Development

4.0 Development Plan

5.0 Evaluation of Proposed Development

6.0 Evaluation of Council's Assessment of Application Ref: 18/00178/PPPL

7.0 Conclusion

Appeal Documents

Document 1 Planning Application Ref: 18/00178/PPPL

Document 2 Case Officers Report of Handling

Document 3 Planning Application Decision Notice

Document 4 Indicative Floor Plan of Proposed House



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1.0 INTRODUCTION

This Planning Appeal has been submitted on behalf of the applicants, Mr and Mrs C. Sangster and relates to a Planning Application for the erection of a dwellinghouse in the garden ground of 12 William Street, Carnoustie.

Angus Council registered the application on 21 November 2017 under planning application reference: 18/00178/PPPL.

The planning application was validated on 13 March 2018 and determined on 31 May 2018. The Planning Decision Notice cites the following reason for refusal of planning permission:

That the application is contrary to Policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan 2016 as the erection of a house on a small plot would result in a form of development that would detract from rather than contribute positively to the townscape and character of the area, and as it would have an unacceptable adverse impact on existing residential amenity.

In determining the planning application, the Planning Authority is required, under Section 25 of the Town and Country Planning (Scotland) Act, 1997 (as amended) (the "Act") to determine the application in accordance with the Development Plan unless material considerations indicate otherwise.

The appellant disagrees with the Case Officer's Decision and respectfully requests that the appeal is considered in light of the information detailed within this statement which we believe to justify approval of the proposal having regard to the requirements of Section 25 of the Act.

It is respectfully requested that this appeal is supported and planning permission granted for the reasons provided in this statement.

2.0 APPLICATION SITE AND CONTEXT

The property at 12 William Street comprises of a large L shaped plot with an area of circa 1230sqm. There is a single storey dwellinghouse located in the north western corner of the site that is served by extensive areas of garden ground to the south and east. Vehicle access to the site is taken from William Street by way of a private access road that also serves three neighbouring properties. There is a vehicle access to the site midway along the western boundary of the property with a driveway and turning area providing off street parking to the immediate south of the dwellinghouse.

The site is enclosed by stone walls of varying heights which are supplemented by shrubs and trees. The existing house is stone built with a hipped roof finished in slate.



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Surrounding the site William Street comprises of houses fronting the street with houses behind them and accessed from private roads/shared driveways as demonstrated by the aerial photograph in Figure 1. The houses and plots surrounding the site are also of varying size although predominantly single storey with plot areas of 300-400sqm within the immediate vicinity of the site.

Figure 1: Aerial Photograph Showing The Application Site in Context



The aerial photograph in Figure 1 shows the application property outlined in red in relation to the wider townscape. The historic and current maps of William Street in Figures 2 and 3 demonstrates how the pattern of housing development in William Street has evolved with many of the houses shown in Figure 1 being houses in garden ground or the result of the removal of historic dwellings and the redevelopment of their plots.

3.0 PROPOSED DEVELOPMENT

Planning application ref: 18/00178/PPPL sought planning permission in principle for the erection of a house in the garden grounds of 12 William Street, Carnoustie.



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The proposed plot shall have an area of 305sqm. The revised indicative site layout plan submitted in support of this application proposes the erection of a house in the southern sector of the site fronting on to William Street. The proposed house shall be set back from William Street to maintain the building line established by the houses flanking the application site to the west and to prevent the proposed house from shadowing the west facing window of the neighbouring property at 14 William Street. A pedestrian access shall be formed in the boundary wall enclosing the site to the south.

Figure 2: Historic and Current Maps of William Street, Carnoustie



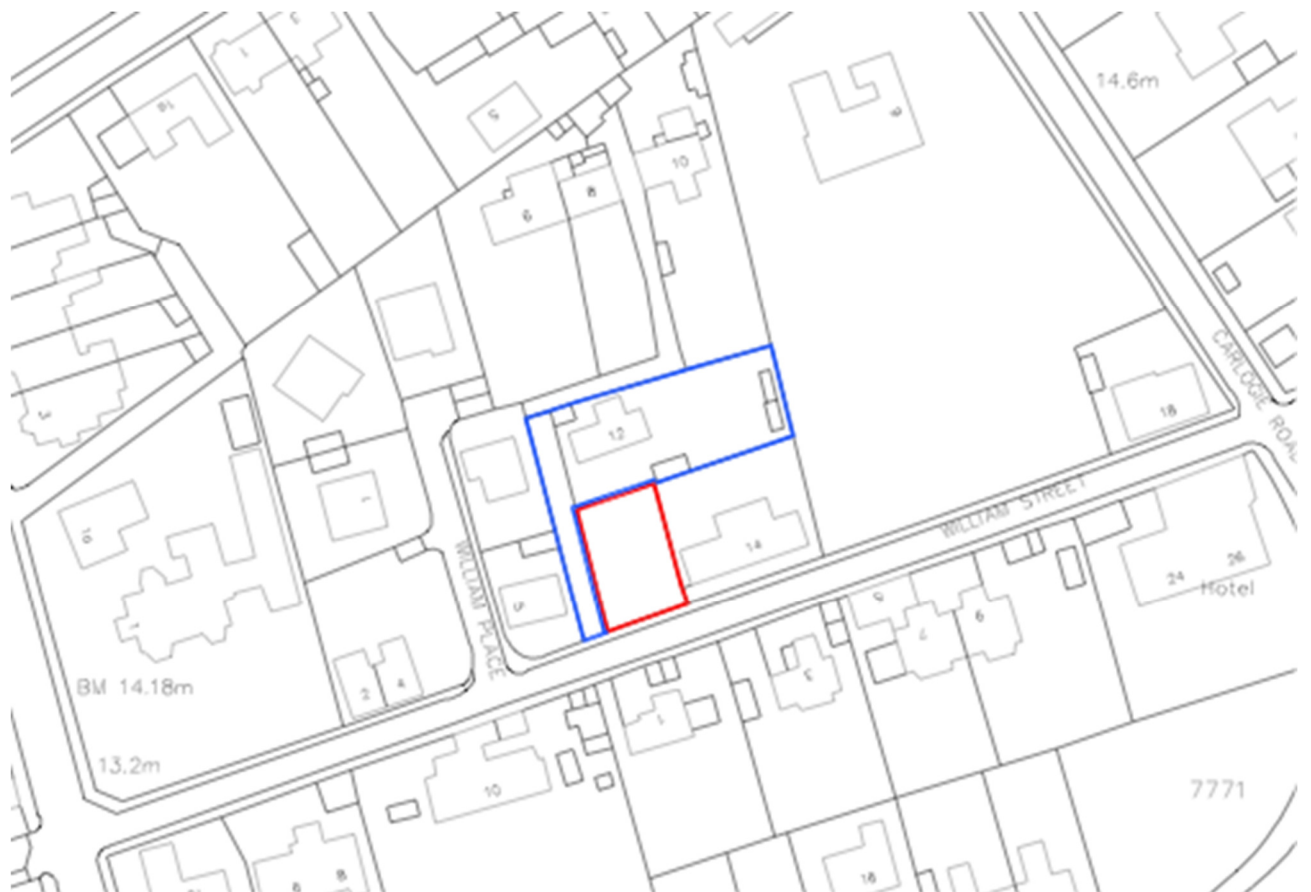
Map Extract from 1909 Peter Sinclair Plan of Carnoustie



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Figure 3 Site Location Plan Extract from Ordinance Survey 2018



The proposed house shall have 2 bedrooms. It shall be served by two off street parking spaces created in the north western corner of the site and accessed from the private road serving the original property at 12 William Street bounding the site to the west.

The remainder of the site will be given over to private garden ground with an area exceeding 122sqm.

The remaining house at 12 William Street shall be served by a plot no less than 925sqm with car parking for up to 4 vehicles.



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4.0 POLICY FRAMEWORK

Town and Country Planning(Scotland) Act 1997, as amended

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

Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Dundee Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2032

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states “By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities Policy

DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV15: Drainage and Infrastructure

Planning Advice Notes

Planning Advice Note 6: Backland Development

Planning Advice Note 14: Small Housing Sites

5.0 EVALUATION

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 on sites not allocated but



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within development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALPD.

The site is within a residential area of Carnoustie, with neighbouring buildings of a similar design and scale as the proposed development. The addition of a house in garden ground at 12 William Street would be compatible in terms of land use and would not result in an unacceptable impact on the built and natural environment. This is evidenced further in the assessment below.

In terms of the requirements of Policies TC2 and DS4, the application site is located in a mainly residential area. The proposed residential use is therefore generally compatible with surrounding land uses. The proposed plot at 305sqm and the resulting plot at 12 William Street at 925sqm are comparable with other plot sizes in the area as demonstrated by Figure 4 and align with the terms of the guidance provided by Advice Notes 6 and 14. This is because Advice Note 6 states:

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

While Advice Note 14 states:

The plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments THAT DO NOT RESPECT THE CHARACTER OF THE AREA, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or “squeezed in”. As a general guide only, a MINIMUM plot area of 400 square metres is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350 square metres may be acceptable.

The wording of Advice Notes 6 and 14 emphasises that the creation of housing plots of a size that respects the character of the surrounding area shall be supported rather than house plots of a specific area. The table in Figure 4 demonstrates how the proposed plot and indicative site layout plan accompanying this appeal compare with the plot areas, plot coverage and density of development of neighbouring properties. Figure 4 demonstrates that the proposed plot respects the character of the surrounding area by virtue of plot area, coverage and density and therefore aligns with the guidance in Advice Note 6 and 14.



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Figure 4: Development Density

Address	Plot Area	Footprint of Development	Private Garden Ground	Development Density
Proposed Plot	305sqm	75sqm	122sqm	1:4.0
Resulting Plot 12 William Street	925sqm	140sqm	574sqm	1:6.6
14 William Street	534sqm	169sqm	237sqm	1:3.1
1 William Place	465sqm	114sqm	132sqm	1:4.0
2 William Place	597sqm	132sqm	330sqm	1:4.5
3 William Place	430sqm	118sqm	156sqm	1:3.6
4 William Place	305sqm	81sqm	96sqm	1:3.7
5 William Place	257sqm	93sqm	75sqm	1:2.7

The proposed plot and the resulting plot will also provide in excess of 100sqm of private garden ground to serve the respective existing and proposed houses. This is also in compliance with the guidance offered by Advice Notes 14 which states:

To meet this requirement for modern day living, the Council will require a MINIMUM area of 100 SQUARE METRES to be allocated for PRIVATE amenity space. Where a good case can be made out, e.g. in character with the surrounding area, this may be reduced to 70 SQUARE METRES or in the difficult case of a corner plot with two road frontages, a reduction to 50 SQUARE METRES might be acceptable. These standards will require to be met where appropriate (e.g. subdivision of an existing house curtilage) by the existing house also.

The proposed house shall be positioned on site to align with those to the east and west of the site fronting onto the north side of William Street. As demonstrated by Figure 4 and the Indicative Site Layout Plan the plot area, provision of private garden ground and proposed house shall be of a scale commensurate with those surrounding.

Policy DS3 requires development proposals to deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place in which they are to be located. The original house at 12 William Street is positioned some 30m from William Street and is accessed from a private road from William Street to the west of the site. Vehicular access to the proposed plot shall be



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taken from the private road as shown on the site layout plan. By locating the proposed house to the south of the original house at 12 William Street the appearance of the existing streetscape and the pattern of development in the surrounding area shall be maintained. In addition to this the original house will retain vehicle access and curtilage parking facilities as well as a plot area of 925sqm. Taking account of the existing level of development (dwellinghouse, garage and outbuildings) at 12 William Street the resulting plot shall have a development coverage of 18%. Therefore, the proposed development shall maintain the density of development in the surrounding area while ensuring that the high quality amenity of the original house is not diminished by the proposed subdivision of its curtilage and erection of a house in its garden ground. The position of the proposed house to the south of the original dwelling shall replicate the existing street pattern of houses fronting on to William Street with houses to the rear. This reflects the character and development pattern of the existing streets evidenced by Figures 1, 2 and 3 and therefore aligns with the requirements of Policy DS3.

In terms of the maintenance of neighbouring residential amenity and privacy the proposed dwelling shall be positioned no less than 18 metres from the original house at 12 William Street and 21m from the windows of houses on the southern side of William Street. Advice Note 6 in reference to the distance between buildings and facing windows states:

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

Similarly Advice Note 14 states:

The distances regarded by residents as being most critical are where windows are involved, therefore, the following guideline MINIMUM distances are based on windows. While these guideline figures should ensure a reasonable degree of amenity and privacy, there will be instances where they may not be acceptable for townscape reasons e.g. out of character with the surrounding area, the presence of trees, etc. and conversely, in higher density, older areas, it may even be possible to reduce some of the distances specified.

Main Living Room Window to:-

Main Living Room Window - 20 metres

Other Habitable Room window - 15 metres

Non-Habitable Room - 12 metres

Window Blank Wall - 12 metres



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Other Habitable Room Window to:-

Other Habitable Room Window - 12 metres

Non-Habitable Room - 10 metres

Window Blank Wall - 10 metres

Non-Habitable Room Window to:-

Non-Habitable Room Window - 4 metres

Blank Wall - 4 metres

Blank Wall to Blank Wall - 2 metres

As demonstrated by the extracts from Advice Notes 6 and 14 above as well as the proposed site layout plan and indicative floor plan (Appeal Document 4) showing room layout and window positions of the proposed house, the distances between the proposed house and neighbouring houses are in compliance with the guidance contained in Advice Notes 6 and 14. It should be noted that this proposal seeks planning permission in principle. As demonstrated by the indicative floor plan of the proposed house accompanying this appeal the windows serving habitable and non-habitable rooms can be positioned on the proposed dwelling so as to be sufficiently distanced from neighbouring properties. This matter can be controlled by condition for assessment as part of a matters specified in conditions application should planning permission in principle be granted.

The proposed house shall have 2 bedrooms and as such an off street car parking and turning area for 2 vehicles is proposed in the north western corner of the application site. The parking and turning area shall be accessed from the private road providing access to 4 other neighbouring properties. Discussions with the Council's Roads Service have confirmed that the proposed development shall not generate any significant issues of road or pedestrian safety. This is demonstrated by their consultation response to application ref: 18/00178/PPPL.

By generally maintaining the building line of the houses to the east and west of the site, the proposed house has been purposefully positioned to minimise any impact on neighbouring dwellings in terms of overlooking, overshadowing and physical impact. To minimise any perceived impact on amenity the applicant is agreeable to the proposed house being restricted by condition to single storey (it is envisaged that the proposed house will be of a traditional single storey pitched roof design).

To ensure that the area of garden ground to the rear of the proposed house is private a 1.8m high timber boundary fence shall be erected to separate the application site from the original property at 12 William Street.



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Policy PV15 relates to 'Drainage Infrastructure'. It is proposed to connect the proposed development to Scottish Water's public water supply and foul drainage networks. SUDS arrangements in the form of permeable paving on areas of hard surfacing and soakaways shall treat surface water generated by the proposed development.

For the reasons outlined above we believe that the proposal does not give rise to any significant issues in terms of the relevant policies of the Local Development Plan and is of a scale and nature appropriate to the location. On this basis the proposal satisfies Policy DS1 of the adopted Angus Local Development Plan.

Material Considerations- National Policy and Guidance

The Scottish Government sets out the national planning context in both National Planning Framework 3 and in Scottish Planning Policy (SPP) 2014.

The National Planning Framework outlines the long-term strategy for Scotland and provides a spatial representation of the Government's economic strategy, and plans for delivery of infrastructure.

SPP sets out Scottish Government policy on how nationally important land use planning matters should be addressed across the country.

Together the application of the National Planning Framework and Scottish Planning Policy at the national, strategic and local levels will enable the planning system to deliver the Scottish Government's vision and outcomes for Scotland that include:

- A successful, sustainable place;
- A low carbon place;
- A natural, resilient place;
- A connected place.

SPP sets out the principal overarching policies on Sustainability and Placemaking and reaffirms that these policies should be applied to all development.

- As well as the National Planning Framework and SPP the following Scottish Government planning policy documents are also relevant to the proposed development:
Creating Places, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;



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- Designing Streets, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance.

The location of the application site accords with the broad approach of the above national policy and guidance statements to direct new development to settlements, together with supporting the creation of sustainable communities and economic growth. Therefore, the proposed development is considered to positively contribute to placemaking objectives and will provide for new housing of a high-quality design in a location that is appropriate for housing provision.

6.0 EVALUATION OF COUNCIL'S ASSESSMENT OF PLANNING APPLICATION REF: 18/00178/PPPL

In assessing planning application ref: 18/00178/PPPL the Planning Case Officer has refused planning permission for the following reason:

That the application is contrary to Policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan 2016 as the erection of a house on a small plot would result in a form of development that would detract from rather than contribute positively to the townscape and character of the area, and as it would have an unacceptable adverse impact on existing residential amenity.

For the reasons outlined in the assessment of the proposed development against the requirements of the Development Plan in Section 5 of this statement it has been demonstrated that contrary to the Case Officer's assertions the proposed development is of a high quality design that shall maintain the environmental quality and amenity of neighbouring properties and the surrounding area. In this regard contrary to the Case Officer's report of handling the proposal has been demonstrated to satisfy the requirements of Policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan.

The Case Officer highlights that the key issues influencing the refusal of planning permission relate to the acceptability of the proposal in terms of the existing character and pattern of development in the area; the impact of the development on the amenity of occupants of existing property; and the quality of the residential amenity to be created.

In terms of character and pattern of development, the Planning Case Officers report of handling summarises that the area is fairly mixed comprising large villa properties and smaller cottages. The area to the immediate west of the application site comprises a small cul-de-sac which appears to date from the late 1970's or early 1980's. Houses to the north of William Street generally have principal elevations that face south towards the



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street. They are located at varying distances from the street with some cottages sitting hard on the heel of the footway and others sitting some distance from the footway with garden areas between the house and the street. The Case Officer considers that these undeveloped garden areas with trees and hedges provide spaciousness and greenery in the street which adds to its character and attractiveness.

The Case Officer goes on to state in the report of handling:

the provision of a house on the site would result in the loss of an undeveloped green space between the properties to the east and west and the loss of the existing foliage to provide the required visibility splay to the east. This would reduce the general appearance of spaciousness that is a characteristic of the northern section of William Street and would result in a cramped development pattern that would detract from the overall quality of the area.

The green space referred to by the Case Officer is unprotected private garden ground. There are no restrictions that would prevent the application site being developed for domestic purposes such as a hard standing or garden building. The site is positioned in an area of William Street that is wide and afforded generous space which disproves the Case Officer's claims of a high density and cramped streetscape. Therefore, the loss of this area of garden ground to housing would not adversely impact on the amenity of the streetscape as alluded to by the Case Officer. Furthermore, the application site is situated in an urban area where the Council promotes development (through Policy DS1 and in alignment with SPP).

While we agree that development should not adversely impact on the character and amenity of the surrounding area it is unclear why the Case Officer has attributed such weight to the retention of this area of garden ground. This is in part due to the level of garden ground that shall be retained by the original house at 12 William Street and there being clear evidence that there shall remain an abundance of undeveloped green space surrounding the application site as shown in Figure 1. Taking this into account when the proposal is considered against the historic and modern street maps in Figures 2 and 3, the proposal represents the logical evolution of the William Street streetscape and development pattern. Indeed the proposal maintains the appearance of the streetscape rather than form a traditional backland development (the proposed house is located on an area of garden ground fronting the street rather than behind the existing house).

The remainder of the Case Officer's report focuses on matters already addressed in Section 5 of this statement with specific concern raised in relation to the proposed plot area. The Case Officer places unconditional emphasis on the quantitative requirements of Advice Notes 6 and 14 in terms of plot area without taking cognisance of the emphasis on flexibility of plot areas within the Advice Notes where such proposals respect the character of the surrounding area.



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The Report of Handling ignores the content of Figure 4 which formed part of the planning application supporting information and instead combines plot area and distance between the proposed and existing buildings to conclude that the proposed development would lead to the creation of a cramped housing plot where the proposed house would adversely impact on the amenity of neighbouring properties as well as the appearance of the William Street streetscape. However, in reaching these conclusions the Case Officer has assumed that the windows on the north elevation of the proposed house shall serve habitable rooms. The indicative floor plan and indicative site layout plan submitted in support of this appeal demonstrate that the proposed house can be positioned on the site with south facing windows serving habitable rooms and north facing windows serving non-habitable rooms in compliance with the window to window distances specified in Advice Notes 6 and 14.

Reference is made in the Case Officers Report of Handling to the impact of the proposed house on the west facing window in the property at 14 William Street. However, as the proposed house shall be restricted to single storey, the proposed house shall have no east facing windows and shall be located north of the west facing window at 14 William Street there shall not be an adverse impact on this property's amenity by virtue of overlooking, overshadowing or physical impact.

Having addressed the Case Officer's concerns relating to distance between the proposed house and neighbouring properties the only matter remaining relates to plot area. However, the content of Figure 4 in Section 5 of this statement clearly and accurately evidences that the proposed plot, house and development density is commensurate with the surrounding area. In this regard the proposed development by virtue of plot area while less than 350sqm is of a size that shall not adversely impact on the character of the surrounding area.

Therefore, we believe the indicative site layout plan and floor plan submitted in support of this appeal as well as the table in Figure 4 and the aerial photograph in Figure 1 demonstrates that the proposal respects the pattern of development in the surrounding area and as such complies in full with the relevant policies of the Angus Local Development Plan as well as Advice Notes 6 and 14.

The appellant is agreeable to the location, height and window positions of the proposed house being restricted by conditions should this appeal be successful and planning permission in principle approved.

7.0 CONCLUSION

The purpose of this statement has been to demonstrate that the proposal aligns with the aspirations of the Development Plan and satisfies the specific requirements of the adopted Angus Local Development Plan.

The information contained within this statement combined with the application submission evidences the proposed development's compliance with the Development Plan.



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Taking these matters into consideration it is respectfully requested that, having regard to the requirements of Section 25 and 37 of the Town and Country Planning (Scotland) Act, 1997, as amended, this appeal is supported and planning permission granted.



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 100087156-001

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

Type of Application

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

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

Description of Proposal

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

Proposed new dwelling

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	UNIT 5, DISTRICT 10,
Last Name: *	FRULLANI	Building Number:	
Telephone Number: *	0138224828	Address 1 (Street): *	25 GREENMARKET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	DUNDEE
Fax Number:		Country: *	UNITED KINGDOM
		Postcode: *	DD1 4QB
Email Address: *	jon@jfarchitect.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	C	Building Number:	12
Last Name: *	Sangster	Address 1 (Street): *	William Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Carnoustie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD7 6DH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

12 WILLIAM STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

CARNOUSTIE

Post Code:

DD7 6DH

Please identify/describe the location of the site or sites

Northing

734777

Easting

356683

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Please refer to planning statement

Title:

Mr

Other title:

First Name:

Ruari

Last Name:

Kelly

Correspondence Reference Number:

Date (dd/mm/yyyy):

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

Site Area

Please state the site area:

305.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Garden ground

Access and Parking

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

Yes No

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

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

Yes No

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

Water Supply and Drainage Arrangements

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

Yes No

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

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: JON FRULLANI

On behalf of: Mr & Mrs C Sangster

Date: 12/03/2018

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr JON FRULLANI

Declaration Date: 12/03/2018

Payment Details

Cheque: MR C W R SANGSTER & MRS G L SANGSTER, 000850

Created: 12/03/2018 13:10



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12 William Street,
Carnoustie,
DD7 6DH.

Planning Statement

Revision n/a

Site Description

The property at 12 William Street comprises of a large L shaped plot with an area of circa 1230sqm. There is a single storey dwellinghouse located in the north western corner of the site that is served by extensive areas of garden ground to the south and east. Vehicle access to the site is taken from William Street by way of a private access road that also serves three neighbouring properties. There is a vehicle access to the site midway along the western boundary of the property with a driveway and turning area providing off street parking to the immediate south of the dwellinghouse.

The site is enclosed by stone walls of varying heights which are supplemented by shrubs and trees.

The existing house is stone built with a hipped roof finished in slate.

Surrounding the site William Street comprises of houses fronting the street with houses behind them and accessed from private roads/ shared driveways as demonstrated by the site location plan. The houses and plots surrounding the site are also of varying size although predominantly single storey with plot areas of 300-400sqm within the immediate vicinity of the site.

Proposal

This application seeks planning permission in principle to erect a house in the area of garden ground to the immediate south of the driveway and parking area serving the existing dwellinghouse at 12 William Street.

The proposed plot shall have an area of 305sqm. The site layout plan accompanying this application proposes the erection of a house in the southern sector of the site fronting on to William Street. The proposed house shall be set back from William Street to maintain the building line established by the houses flanking the application site to the east and west with a pedestrian access formed in the boundary wall enclosing the site to the south.

The proposed house shall be served by two off street parking spaces created in the north western corner of the site and accessed from the private road serving the original property at 12 William Street bounding the site to the west.

The remainder of the site will be given over to private garden ground with an area exceeding 100sqm.

Site History

We have engaged in pre-application discussions with the Council regarding the submission of an application for planning permission in principle for the erection of a house in the garden ground of 12 William Street (pre-app enquiry ref: 17/00644/PREAPP refers). The advice received confirms compliance with the relevant Local



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Development Plan policies but highlights that access and the principle of backland development shall be taken into account in the assessment of a formal application for planning permission.

Policy Framework

Town and Country Planning(Scotland) Act 1997, as amended

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

Development Plan

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Dundee Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states “By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Planning Advice Notes

Planning Advice Note 6: Backland Development

Planning Advice Note 14: Small Housing Sites

Evaluation

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 on sites not allocated but within development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALPD.

The site is within a residential area of Carnoustie, with neighbouring buildings of a similar design and scale as the proposed development. The addition of a house in garden ground at 12 William Street would be compatible in terms of land use and would not result in an unacceptable impact on the built and natural environment. This is evidenced further in the assessment below.

In terms of the requirements of Policies TC2 and DS4, the application site is located in a mainly residential area. The proposed residential use is therefore generally compatible with surrounding land uses. The proposed plot at 305sqm and the resulting plot at 12 William Street at 828sqm are comparable with other plot sizes in the area



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and align with the terms of the guidance provided by Advice Notes 6 and 14. The proposed plot and the resulting plot will also provide in excess of 100sqm of private garden ground to serve the respective existing and proposed houses. This is also in compliance with the guidance offered by Advice Notes 6 and 14.

The proposed house shall be positioned on site to align with those to the east and west of the site fronting onto the north side of William Street. As demonstrated by the site layout plan the plot area, provision of private garden ground and proposed house shall be of a scale commensurate with those surrounding.

Policy DS3 requires development proposals to deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place in which they are to be located. The original house at 12 William Street is positioned some 30m from William Street and is accessed from a private road from William Street to the west of the site. Vehicular access to the proposed plot shall be taken from the private road as shown on the site layout plan. By locating the proposed house to the south of the original house at 12 William Street the appearance of the existing streetscape and the pattern of development in the surrounding area shall be maintained. In addition to this the original house will retain vehicle access and curtilage parking facilities as well as a plot area of 828sqm. Taking account of the existing level of development (dwellinghouse, garage and outbuildings) at 12 William Street the resulting plot shall have a development coverage of 18%. Therefore, the proposed development shall maintain the density of development in the surrounding area while ensuring that the high quality amenity of the original house is not diminished by the proposed subdivision of its curtilage and erection of a house in its garden ground. The position of the proposed house to the south of the original dwelling shall replicate the existing street pattern of houses fronting on to William Street with houses to the rear. This reflects the character and development pattern of the existing street and therefore aligns with the requirements of Policy DS3.

In terms of the maintenance of neighbouring residential amenity and privacy the proposed dwelling shall be positioned no less than 20 metres from the original house at 12 William Street and 19m from the windows of houses on the southern side of William Street. The distances proposed are in compliance with the guidance contained in Advice Note 14 in relation to minimum guideline window to window distances and are commensurate with the character of this older higher density area of Carnoustie.

The proposed house shall have 3 bedrooms and as such an off street car parking and turning area for 2 vehicles is proposed in the north western corner of the application site. The parking and turning area shall be accessed from the private road providing access to 4 other neighbouring properties. Discussions with the Council's Roads Service have confirmed that the proposed development shall not generate any significant issues of road or pedestrian safety.

By maintaining the building line of the houses to the east and west of the site, the proposed house has been purposefully positioned to minimise any impact on neighbouring dwellings in terms of overlooking, overshadowing and physical impact. To minimise any perceived impact on amenity the applicant is agreeable to the proposed house being restricted by condition to one and half storeys in height (it is envisaged that the proposed house will be of a traditional single storey design with pitched roof dormers to the front providing accommodation in the roof space).

To ensure that the area of garden ground to the rear of the proposed house is private a 1.8m high timber boundary fence shall be erected to separate the application site from the original property at 12 William Street.

Policy PV15 relates to 'Drainage Infrastructure'. It is proposed to connect the proposed development to Scottish Water's public water supply and foul drainage networks. SUDS arrangements in the form of permeable paving on areas of hard surfacing and soakaways shall treat surface water generated by the proposed development.



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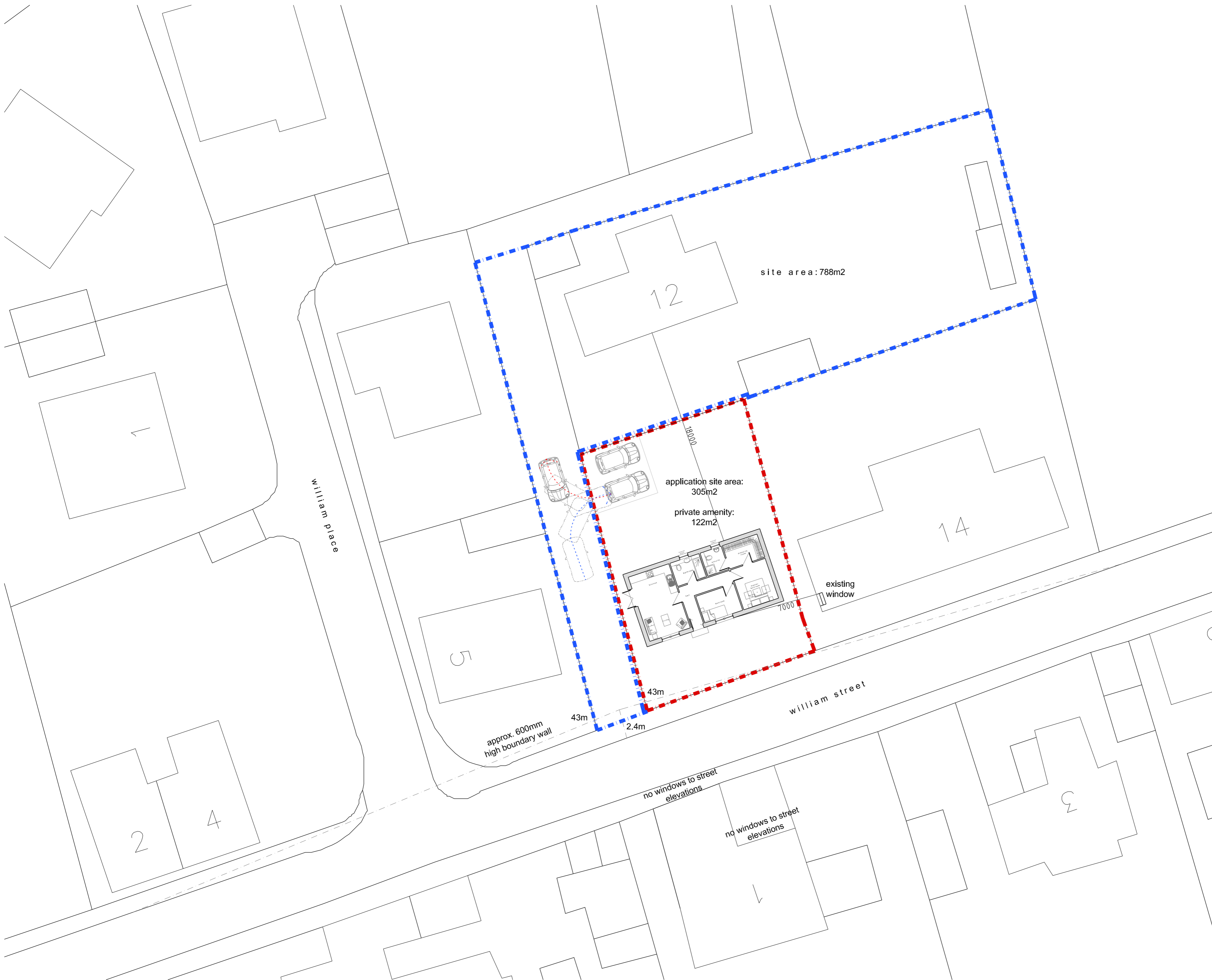
For the reasons outlined above we believe that the proposal does not give rise to any significant issues in terms of the relevant policies of the Local Development Plan and is of a scale and nature appropriate to the location. On this basis the proposal satisfies Policy DS1 of the adopted Angus Local Development Plan.

Conclusion

The proposal has been demonstrated to satisfy the requirements of the Angus Local Development Plan. It has been demonstrated and evidenced above that the proposed development shall maintain the character and appearance of the William Street streetscape while the amenity of neighbouring houses as well as the original house shall be unaffected. As such we believe there to be no barrier to the approval of planning permission in principle.

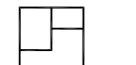


SCALE 1:200 (A2) LENGTHS SHOWN IN METERS



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n/a

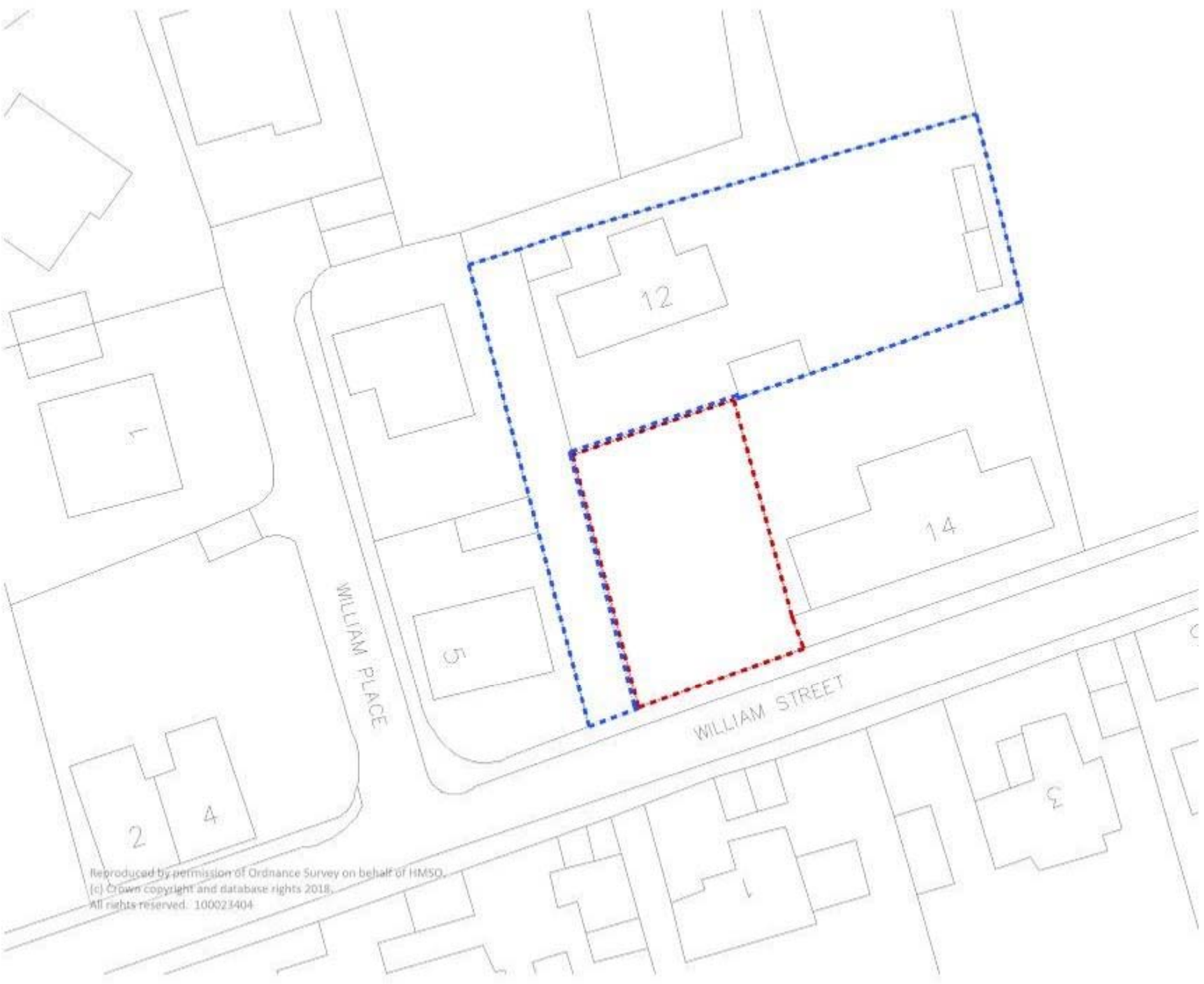
Revisions :
a 17.04.18
b 30.04.18 additional information as requested by Roads Dept.
c 15.05.18 additional information as requested by Roads Dept
d 28.06.18 floor plan of proposal added

Project New build dwelling		 JON FRULLANI ARCHITECT	
Client n/a			
Address 12 William Street		Drawing Title Proposed site plan	
Camouflage DD7 6DH		Issue Status Planning	Drawing No. 5605_PL_303
Designer TR	Date June 17	Scale 1:200	Revision e

t 01382 224828 m 07938 726799
 e jon@frullani.co.uk w frullani.co.uk f facebook.com/frullani
 c unit 5, starrs 10, greenmountain, cambs, cb1 4dp
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ITEM 5(b)



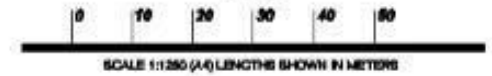
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Title: 100023404		Drawing No: 100023404	
Author: Jon Prillani		Date: 2018	
Client: HMSO		Scale: 1:1000	
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
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ITEM 5(c)



Refused

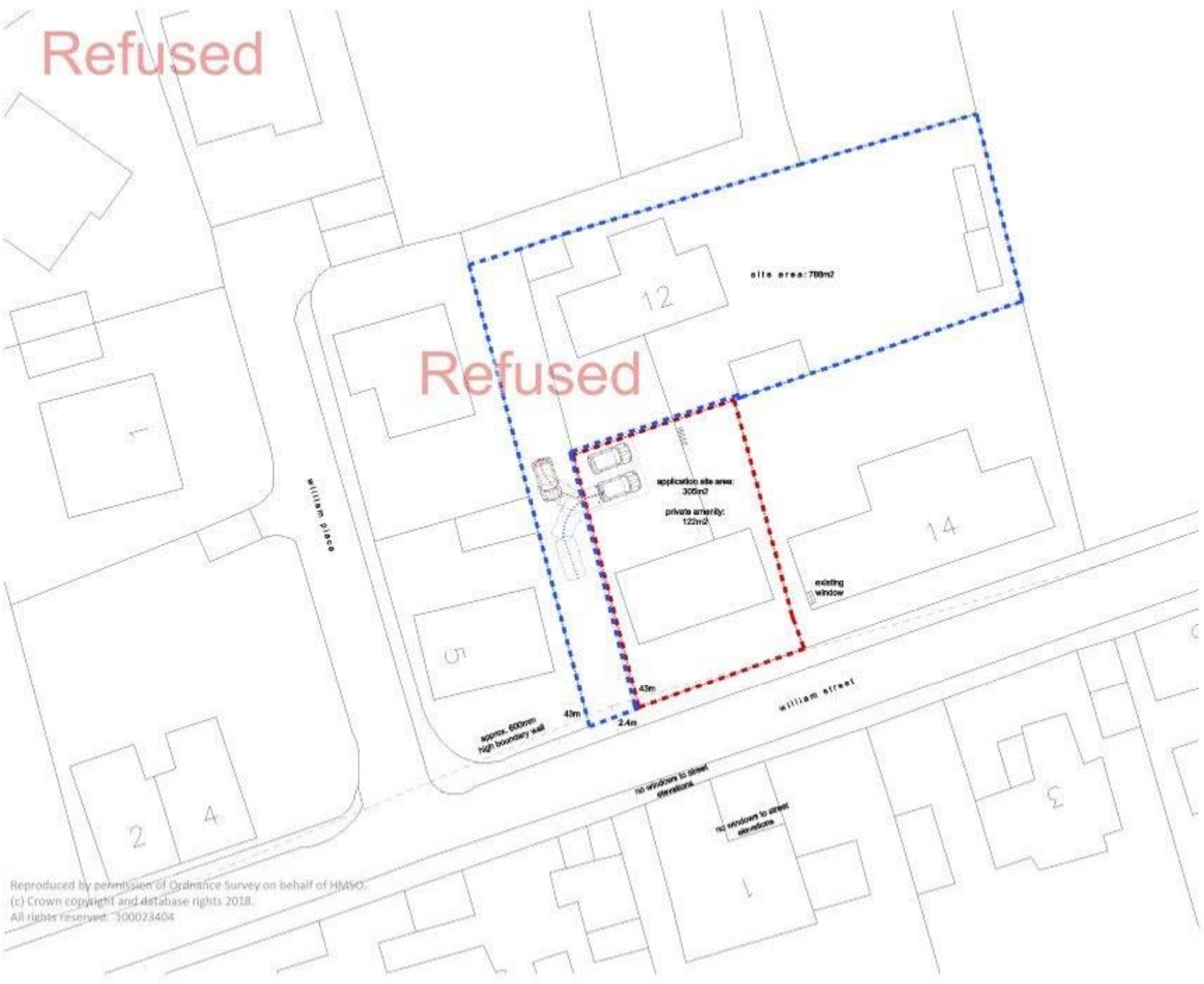
Notes :
n/a
Revisions :
n/a

Project New build dwelling		 JON FRULLANI ARCHITECT	
Client n/a			
Address 12 William Street		Drawing Title Location plan	
Case number DD7 50H		Issue Date Planning	Drawing No. 6000_PL_361
Design -	Date Dec 17	Scale 1:1250	Revision -
<small>© 0190 23404 and 0700 72008 e: jon@jonfrullani.co.uk v: jon@jonfrullani.co.uk t: jonfrullani.com/jonfrullani 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 No drawing is protected by copyright. It may not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from the copyright owner.</small>			

Refused



ITEM 5(d)



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Name: _____
Job: _____
Reference: _____

17 Jun 18
© 2018 18 additional information as required by Public Order Act 2013. Additional information as required by Public Order Act 2013.

Jon Prillani	
17 Jun 18	
Client Name	Project Name
Contract	Drawn By
City Ref	Planning
Scale	1:500
Sheet	1



JON FRULLANI
ARCHITECT

Dear James,

Planning Application Ref: 18/00178/PPPL

Erection of Dwellinghouse in Garden Ground at 12 William Street, Carnoustie

Thank you for your email dated 12 April 2018.

In your correspondence you have raised concern in relation to:

- Plot Area
- Loss of Light to Window

In terms of plot area, Advice Note 14 Small Housing Sites states:

The plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments THAT DO NOT RESPECT THE CHARACTER OF THE AREA, for instance the insertion of a small house plot in a medium density area, if that development is likely to look out of place or "squeezed in".

As a general guide only, a MINIMUM plot area of 400 square metres is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350 square metres may be acceptable, dependent upon any unduly adverse effect that the proposal may have upon neighbours. Conversely, in low density areas, a minimum considerably in excess of 400 square metres will be required. 400 square metres will probably be too small to provide sufficiently useable garden space where awkward shaped sites are involved. Similarly, where existing trees have to be retained or new planting is required as part of a planning consent, a larger plot area will be necessary.

Our interpretation of Advice Note 14 does not stipulate that a minimum plot area of 400sqm or 350sqm in built up areas is required in order to obtain planning permission. The wording specifically states that the proposed plot must respect the character of the area so as not to look out of place and that as a general guide only, a minimum plot area of 400sqm or 350sqm in built up areas is suggested. Therefore, providing it can be demonstrated that the proposed plot respects the character of the area surrounding the application site there is no policy requirement to provide a plot area of 400sqm or 350sqm.

The table in Figure 1 below demonstrates that the proposed plot by virtue of area, footprint of development and private usable garden ground provision is similar to those surrounding the application site and therefore maintains the character of William Street. In this regard, the table demonstrates that a plot area of 305sqm is commensurate with plot sizes in the surrounding area and that the density of development on the proposed plot is similar to that of surrounding plots if not of a lower density. This further evidences that the proposed development shall maintain the character of the area.

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a: unit 5, district 10, greenmarket, dundee, dd1 4qb

Angus Council

Application Number:	18/00178/PPPL
Description of Development:	Erection of a Dwellinghouse in Garden Ground
Site Address:	12 William Street Carnoustie DD7 6DH
Grid Ref:	356685 : 734753
Applicant Name:	Mr & Mrs C Sangster

Report of Handling**Site Description**

The application site lies within the development boundary of Carnoustie and consists of the front garden area of the existing residential property at number 12 William Street. The existing public road bounds the site to the south and the existing residential property at number 14 William Street bounds the site to the east. An existing vehicular access bounds the site to the west (serving number 12 William Street and 3 other properties located further to the north). Other residential properties are located further to the west. Boundary treatments consist of a stone wall / fencing / hedging on the south and west boundaries. There is no defined boundary to the north and a mix of hedging / fencing provides the boundary treatment to the east.

Proposal

The proposal is for planning permission in principle for the erection of a single dwelling house and the indicative layout provided shows this dwelling being located just to the north of the front building line of the property at number 14 William Street. Vehicular access and parking is shown to be taken from the existing access to the west which is indicated on the plans as being within the applicants control. The proposals are to connect the proposed dwellinghouse to the public drainage network and public water supply, with SUDS also being provided (as indicated on application form).

Amended drawing 'Proposed Site Plan' (dwg no.5605_PL_303 Rev C submitted on 15/05/18) supersedes the previous plan. This plan had been provided to show the location of the existing window on number 14 William Street and to show accurate visibility splay requirements.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 20 April 2018 as development contrary to the development plan.

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

Planning History

The proposal to erect a house on this site was subject of pre-application consultation. At that time the Planning Service raised concern regarding the proposal and its compatibility with relevant development plan policy and indicated that this is not a form of development that it would seek to promote.

Applicant's Case

A Planning Statement and Supporting Letter have been submitted and these documents can be

summarised as follows:

Planning Statement:

- o Provides a site description and indicates that 12 William Street comprises of a large L shaped plot with an area of circa 1230sqm;
- o Vehicle access to the site is taken from William Street by way of a private access road that also serves three neighbouring properties;
- o Indicates that the proposed plot has an area of 305sqm;
- o Refers to site history and pre app enquiry 17/00644/PREAPP;
- o Indicates that Policies DS1, DS3, DS4, TC2 of the ALDP and Advice Notes 6 and 14 are relevant;
- o Indicates why the agent considers the proposals complies with these policies;
- o Suggests that the proposal satisfies the requirements of the Angus Local Development Plan. It is further suggested that the proposed development would maintain the character and appearance of the William Street streetscape with the amenity of neighbouring houses as well as the original house being unaffected.

Supporting Letter dated 17/04/18- (submitted to address concerns raised by the Planning Authority):

- o Suggests that Advice Note 14 minimum plot sizes of 400sqm and 350sqm are a general guide only;
- o Highlighted that the plot size proposed is commensurate with plot sizes in the surrounding area and prepared a table showing plot sizes in the area;
- o Noted concerns regarding the west facing window of 14 William Street and highlighted that the window is a secondary source of light serving a bedroom window and provided a revised layout plan to overcome these concerns (setting the house back 2m from the front building line of 12 William Street) whilst maintaining the appearance of the streetscape;
- o Applicant is agreeable to the design being controlled by conditions and that this could be restricted to single storey with no windows on east elevation.

Consultations

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

Angus Council - Roads - No objections and requested a plan be provided showing visibility sightlines of 2.0m x 43m each side of the existing access and a plan to show the swept path of a family car accessing and egressing the proposed parking spaces in forward gear. The applicant provided an amended plan and the Roads Service confirmed that the visibility splays shown and the swept path for the vehicles shown are satisfactory.

Scottish Water - No objections but has indicated that surface water will not normally be accepted into the combined sewer system.

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

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

TAYplan Strategic Development Plan

The proposal is not of strategic significance and TAYplan policies are not referenced.

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

Assessment

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

The application site is located within a development boundary and is not allocated or identified for development in the Angus Local Development Plan (ALDP). Policy DS1 of the ALDP states that proposal 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.

Policy TC2 deals with all residential development proposals. Within development boundaries it indicates that development proposals for new residential development will be supported 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 addition, all proposals for new residential development must be compatible in terms of land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

The application site is not allocated or protected for another use. The area is predominantly residential in character and the provision of a further house would be compatible with existing land uses. A proposal for a single house would not result in any significant impact on the built and natural environment; it would not result in any unacceptable impacts on infrastructure; and it does not give rise to any affordable housing requirement in terms of Policy TC3.

In relation to access, it is indicated that the existing track would be utilised with a parking area located in the northwest section of the plot. This would result in intensification of use of the track. The applicant has provided a drawing that shows provision of visibility splays in association with the existing track at its junction with William Street. The splay to the east would be located within the application site but the splay to the west would encroach into the curtilage of the neighbouring property at 5 William Place. Whilst the boundary wall at that property currently does not interfere with the required visibility splay, the applicant would not be in a position to ensure maintenance of that splay and the owner of the neighbouring property could undertake planting or other operations that would potentially interfere with the visibility. Notwithstanding this, the Roads Service has not offered objection to the application.

The key issues in relation to this proposal relate to the acceptability of the proposal in terms of the existing character and pattern of development in the area; the impact of the development on the amenity of occupants of existing property; and the quality of the residential amenity to be created. Those matters are interrelated and are discussed together.

Policy DS3 deals specifically with design quality and amongst other things indicates development proposals should deliver high design standard and draw upon those aspects of townscape that contribute positively to the character and sense of place of the area. Policy DS4 deals with amenity and amongst other things requires proposals to have full regard to opportunities for maintaining and improving environmental quality. It also indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or environment or amenity of existing or future occupiers of adjoining or nearby properties.

In terms of character and pattern of development, the area is fairly mixed comprising large villa properties and smaller cottages. The area to the immediate west of the application site comprises a small cul-de-sac which appears to date from the late 1970's or early 1980's. Houses to the north of William Street generally have principal elevations that face south towards the street. They are located at varying distances from the street with some cottages sitting hard on the heel of the footway and others sitting some distance from the footway with garden areas between the house and the street. These undeveloped garden areas with trees and hedges provide spaciousness and greenery in the street which adds to its

character and attractiveness. The houses to the south of William Street are again of varying size and have principal elevations facing south; as a consequence they generally have rear elevations with little by way of soft landscaping facing the street. Plot sizes vary considerably with a number of very small plots associated with small cottage properties and sizeable gardens associated with large villas.

The council has produced guidance in the form of Advice Note 14 that deals with 'Small Housing Sites'. Amongst other things it provides guidance on plot size and distance between buildings. It states that '*As a general guide only, a MINIMUM plot area of 400sqm is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower MINIMUM of 350sqm may be acceptable, dependent upon any unduly adverse effect that the proposal may have upon neighbours.*' It also provides guidance on distance between buildings and between windows in buildings.

The council's Advice Note 6 deals with backland housing sites and amongst other things indicates that windows between habitable rooms should not be positioned directly opposite or inclined horizontally to those of habitable rooms in existing neighbouring houses unless there is a distance of approximately 20m between the windows of both dwellings.

In this case the proposed plot bears some affinity in terms of size with other small plots in the area. However, at a little over 300sqm in area it is considerably smaller than the minimum 400sqm plot size requirement identified in Advice Note 14 and similarly does not meet the reduced minimum standard of 350sqm that the Advice Note indicates may be acceptable in high density areas. The plot size is small and does not comply with Advice Note minimum requirements. The existing house to the north sits around 7.5m from the north boundary of the application site and contains a number of windows. The neighbouring property to the east has a window in its west gable that faces the application site at a distance of around 2m from the boundary. The limited size of the application site means that any new house on the site would be close to windows in neighbouring property. The indicative footprint shows a house located around 1m from the eastern plot boundary and consequently around 3m from the window in the gable of the existing house to the east, albeit slightly offset. It is understood that the affected window is a secondary window that may serve a room currently used as a bedroom. The indicative house position shown on the plan provides for around 18m separation distance between the north elevation of the proposed house and the south facing principal elevation of the existing dwelling to the north. That distance is less than the 20m separation distance advocated by Advice Note 6. The precise position of any house could be controlled in a subsequent application for approval of necessary details. However, moving the house back on the site to minimise impact on the property to the east would reduce separation distance to the property to the north, and conversely moving the proposed house forward on the site to increase separation distance to the property to the north would impinge on the window in the existing house to the east. Neither option would allow full compliance with relevant design guidance that seeks to safeguard the amenity of occupants of existing housing and this is largely a consequence of the restricted plot size. In addition, the provision of a house on the site would result in the loss of an undeveloped green space between the properties to the east and west and the loss of the existing foliage to provide the required visibility splay to the east. This would reduce the general appearance of spaciousness that is a characteristic of the northern section of William Street and would result in a cramped development pattern that would detract from the overall quality of the area.

The proposal does not give rise to other significant issues in terms of development plan policy. However, for the reasons detailed above relating to adverse impact on the townscape and character of the area, and adverse impact on the amenity of occupants of neighbouring property the proposal does not comply with development plan policy.

In terms of material considerations, the council's Advice Notes are relevant. As indicated above the proposed plot does not meet the required minimum plot size of 400sqm (or the reduced minimum of 350sqm for high density areas). There are other small plots in the area but those are generally associated with older properties. The council has produced its Advice Note guidance in order to establish modern standards. Whilst these can be applied flexibly in appropriate circumstances, the restricted plot size at this site would appear cramped and a house would not comply with required separation distances between buildings/windows.

It is also relevant to note that there are other garden areas located to the north of William Street. Those undeveloped garden areas contribute positively to the character and amenity of the area. Approval of this

application could lead to proposals for subdivision of those garden areas. Such development would be difficult to resist if this application was approved and would seriously erode the character and amenity of the area.

The council has generally sought to resist proposals of this nature and similar applications, assessed against the same policies and giving rise to similar issues at Birkhill (Report 419/17) and Brechin (Report 109/18) have been refused by the Development Management Review Committee. Whilst those sites are some distance from the current application site it is important that proposals that give rise to similar policy issues are dealt with in a similar manner.

In summary, the proposal represents an undesirable form of development by creating a very small house plot that does not comply with the council plot size guidance. A house on the site would appear cramped and squeezed-in, it would detract from the other spacious nature of development in the street and would adversely affect the amenity currently enjoyed by occupants of neighbouring property. The proposal does not comply with relevant council design guidance for housing sites of this nature and is contrary to relevant development plan policy. There are no material considerations that justify approval of planning permission contrary to the development plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. That the application is contrary to Policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan 2016 as the erection of a house on a small plot would result in a form of development that would detract from rather than contribute positively to the townscape and character of the area, and as it would have an unacceptable adverse impact on existing residential amenity.

Notes:

Case Officer: James Wright
Date: 28 May 2018

Appendix 1 - Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact

on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

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

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

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

Further information and guidance on the detailed application of the policy on new residential development

in countryside locations will be provided in supplementary planning guidance, and will address:

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

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 : 18/00178/PPPL

To **Mr & Mrs C Sangster**
c/o Jon Frullani
Unit 5
District 10
Greenmarket
Dundee
DD1 4QB

With reference to your application dated 14 March 2018 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of a Dwellinghouse in Garden Ground at 12 William Street Carnoustie DD7 6DH for Mr & Mrs C Sangster

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

The reasons for the Council's decision are:-

- 1 That the application is contrary to Policies DS1, DS3, DS4 and TC2 of the Angus Local Development Plan 2016 as the erection of a house on a small plot would result in a form of development that would detract from rather than contribute positively to the townscape and character of the area, and as it would have an unacceptable adverse impact on existing residential amenity.

Amendments:

1. Amended drawing 'Proposed Site Plan' (dwg no.5605_PL_303 Rev C submitted on 15/05/18) supersedes the previous plan. This plan had been provided to show the location of the existing window on number 14 William Street and to show accurate visibility splay requirements.

Dated this **31 May 2018**

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
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"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

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