

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 14 MAY 2019

FIELD 50M SOUTH OF STRATHVIEW, EAST KEILLOR, COUPAR ANGUS

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of dwellinghouse, formation of a shared access and associated operations, application No 18/00867/FULL, at Field 50m South of Strathview, East Keillor, Coupar Angus.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**); and
- (iii) consider the further lodged representations (**Appendix 3**).

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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List of Appendices:

- Appendix 1 – Submission by Planning Authority
- Appendix 2 – Submission by Applicant
- Appendix 3 – Further Lodged Representations

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 18/00867/FULL

APPLICANT- KINPURNIE ESTATE

PROPOSAL & ADDRESS – ERECTION OF DWELLINGHOUSE, FORMATION OF A SHARED ACCESS AND ASSOCIATED OPERATIONS AT FIELD 50M SOUTH OF STRATHVIEW EAST
KEILLOR COUPAR ANGUS

CONTENTS

AC1	Report of Handling	
	Policy Tests (Angus Local Development Plan 2016)	
	Policy DS1, DS3, DS4, TC2, PV5, PV7 & PV15 – Please click on the link below: - https://www.angus.gov.uk/directories/document_category/development_plan http://www.angus.gov.uk/sites/angus-cms/files/2017-11/Countryside%20Housing%20Supplementary%20Guidance.pdf	
	Consultation Responses	
AC2	Roads (Traffic) – 16.11.18 & 06.12.18	
AC3	Scottish Water – 14.11.18	
AC4	Roads Flooding – 31.12.18	
	Letters of Representations	
AC5	Mr & Mrs McGinnes – 04.12.18	
AC6	Jonathan Berg – 12.12.18	
	Application Drawings	
AC7	Refused Location Plan	

AC8	Refused Drawings	
	Further Information Relevant to Assessment	
AC9	Site Photographs	
AC10	Decision Notice	
AC11	Approved Location Plan for 15/00974/FULL – Referred to in Report of Handling – illustrates approved curtilage of property at Strathview.	
AC12	Officer e-mail to agent 10.12.18	
AC13	Officer e-mail to agent 17.12.18	
	Supporting information from Applicant	
AC14	Letter from Agent – 04.01.19	
AC15	Drainage Statement	
AC16	Planning Statement	
AC17	Drawing Showing Curtilages of Neighbouring Properties	
AC18	Letter from Agent – Response to Planning Officer Points	
AC19	Title Plan for Neighbouring Properties	
AC20	Plan – Building Group	

Angus Council

Application Number:	18/00867/FULL
Description of Development:	Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations
Site Address:	Field 50M South Of Strathview East Keillor Coupar Angus
Grid Ref:	327945 : 740116
Applicant Name:	Kinburnie Estate

Report of Handling**Proposal**

The application site is located between the East Keillor farm complex to the south west and an area of field to the north east, beyond which lies Strathview Cottage. It is contained by the public road to the north west and an area of agricultural land to the south east. The site has a road frontage of 48m.

The proposal is for the erection of a single storey dwelling house and garage. The red line application site identifies the site area being 2735sqm. However the proposed curtilage of the plot is identified as being 1330sqm with an additional area incorporated to include drainage. The existing field access to the south west would be upgraded to provide vehicular access to the proposed house. The proposed dwellinghouse has a simple rectangular form with small rear projection. A detached single storey garage is also proposed. The drawings indicate that the roof would be covered with interlocking tiles and the walls would be finished with a smooth off white render. The proposal would provide a 4 bedroomed dwellinghouse. Details of proposed landscaping are shown on the layout plan. The house would connect to the public water supply, with SUDS for surface water drainage. Private arrangements for foul drainage are proposed in the form of a treatment plant.

Amendments

Amended Existing Site Plan (drawing number 2017.33B.E0 - Rev C); Amended Location Plan (drawing number 2017.33B.E1 - Rev C); submitted on 17/12/18 supersede the drawings previously submitted. These drawings show the location of the core path route and existing trees being retained / removed.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 16 November 2018 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

None.

Applicant's Case

A Drainage Statement, Planning Statement, A Letter in Response to Planning Concerns (submitted 17/12/18) along with Drawings Showing the Curtilages of neighbouring properties / Title Plan for the Neighbouring property, A letter from the Agent (submitted 04/01/19) and Plan showing the Building Group

have all been submitted as supporting information and can be summarised below.

Drainage Statement:

- o All foul water drainage would be laid to falls and the plot would be serviced by a treatment plant and be at least 5m from the boundaries;
- o All effluent discharge and surface water is taken to a soakaway in terms of BRE Digest 365 and SUDS guidelines.

Planning Statement:

- o Describes the site context and confirms that the site is under occasional grazing and forms a residual part of the Kinpurnie Estate and no longer forms part of an agricultural unit;
- o Notes the property to the north at Strathview has planning permission for a small extension;
- o Provides photographs and notes that there is no relevant planning history;
- o Confirms trees will be retained and the submitted layout clearly indicates the extent of the private garden ground;
- o Comments on the house design and states that it is in keeping with the architectural characteristics of neighbouring uses;
- o Comments on access and car parking and water supply / drainage. ;
- o Provides an assessment against policies in the ALDP (DS1, DS3, DS4, TC2);
- o In terms of policy TC2 considers that East Keillor is a small group / cluster of 5 dwellings and that the proposal also involves the infill of a gap between two residential properties.

Letter from Agent (17/12/18) - Response to Planning Officer Points and Drawings Showing Curtilages / Title Plan:

- o Refers to the land to the north. Title plan submitted shows this land belongs to Strathview and therefore is part of the curtilage;
- o The distance of 48.5 metres is between the curtilage of Strathview Cottage and East Keillor House;
- o An existing site plan was updated to show the existing trees on the south west boundary and that two need to be removed as they are weather damaged and significantly overhang the development site;
- o Confirms that natural slate can be suitably sourced;
- o Refers to building groups and comments that the existing building group at East Keillor is comparable with diagrams in supplementary guidance. The site is a plot which would not detract from the sense of containment of the building group and therefore contribute to the defined group;
- o Considers that the development constitutes a gap site and is contained on 3 sides;
- o Drawings - Identifies the curtilages of Strathview Cottage (and title plan) bounding the site to the north east and East Keillor House bounding the site to the south west.

Letter From Agent (04/01/19) - Additional Comments on Policy Interpretation and Plan Showing Building Group:

- o Provides comment on Policy TC2 and consider East Keillor as a small building group;
- o The application site adjacent to the small building grouping at East Keillor represents an opportunity for limited development.
- o Notes that there appears to be a dispute around the precise extent of the curtilage attached to Strathview and East Keillor. However, states that Council and Assessor records are clear that both adjacent residential properties are in residential occupation and use;
- o Notes that curtilage definition is not legally defined;
- o Refers to length of frontage and also that 'rounding off' definition is not defined in the Supplementary Guidance glossary;
- o The provided plan shows the extent of the area the agent considers to be a building group.

Consultations

Angus Council - Flood Prevention - No objections based on information submitted.

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

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

Angus Council - Roads - No objections.

Scottish Water - No objections.

Representations

2 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 2 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- o Concerns with compatibility with policy in the ALDP;
- o Applicant is proposing to build on a greenfield site that belongs to an agricultural unit and suitable brownfield sites should be considered;
- o Comments that the site size does not comply with the 2000sqm maximum in an RSU 1 area;
- o Impacts on amenity concerns. Concerned that the existing property to the north at Strathview will be impacted upon. Concerns that there would be daylight / sunlight impacts. Refers to concerns regarding overlooking and outlook;
- o Refers to advice note 5 and sloping sites. Insufficient information submitted for this;
- o Proposals should not take access through a farm court (Appendix 3 of Supplementary Guidance (j)) and the proposal would take access via the existing courtyard of East Keillor Farm;
- o Cumulative impacts on infrastructure (internet and road traffic);
- o Impacts on open space / recreation resources and that this road is recognised as an important visual route;
- o Design of building not in keeping with older houses.

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 PV5 : Protected Species
Policy PV7 : Woodland, Trees and Hedges
Policy PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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

Assessment

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

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

Policy TC2 applies to all proposals for residential development and supports proposals for single new houses in countryside locations where it falls within at least one of a number of categories including single houses on 'gap sites' and where a house rounds off a building group. Policy TC2 requires proposals for housing in the countryside to be assessed against Angus Council Countryside Housing Supplementary Guidance. In addition, Policy TC2 requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

The site is located within a Category 1 Rural Settlement Unit. Category 1 areas are generally non remote areas with stable or increasing populations or where there are no services or facilities in need of support. The Countryside Housing Supplementary Guidance indicates that in these areas new housing development outwith settlements should be restricted.

The site does not form a gap site because it lies between a farm building complex at East Keillor to the south west and part of a field to the north east. The applicant asserts that the farm complex to the south west is all within the curtilage of East Keillor House but there is no planning history to support that position and the closest buildings to the site appear to be agricultural buildings outwith the walled curtilage of East Keillor House. The land to the north east was (at the time of the site visit) being developed with a new access from the public road in to a paddock area. The applicant asserts that this land is all part of the curtilage of Strathview but the planning history of that site does not support that position with a house extension approved in 2015 (ref: 15/00974/FULL) showing a much smaller curtilage which does not directly abut the application site or include that area of paddock/field. The site does not form a gap site because it does not sit between the curtilage of a house and a house (or other substantial building), or a house and a road – it is contained by a field to the north east and a farm complex to the south west.

A house on the site would not round off an established building group of 3 or more dwellings. There are 2 existing residential properties to the south west of the site (East Keillor House and Netherton Cottage) and 1 property to the north east of the site (Strathview Cottage) but these existing dwellings do not represent a single cohesive group with a single sense of containment and are separated by the field in which the dwelling would be located.

The proposal does not satisfy any of the remaining criteria for a new house in the countryside. No information has been submitted to demonstrate that the proposed house would be required to meet the needs of an essential worker. The site has greenfield characteristics and the development of a house would not involve the redevelopment of redundant rural brownfield site or the conversion of an existing non-residential building. The proposal is therefore contrary to Policy TC2 and the associated Countryside Housing Supplementary Guidance.

For completeness, an assessment against other relevant policies is provided below.

The Countryside Housing Supplementary Guidance contains a number of detailed development criteria at Appendix 3. The proposed plot size is within acceptable limits, would not result in the subdivision of an existing plot and development of the site would not result in the coalescence of building groups or a building group with a settlement. While the site is larger than 2000sqm, the house plot itself is contained within a smaller area.

The proposed dwellinghouse would have a simple rectangular form and features that would fit in with the rural character of the surrounding area a good residential environment for the householder would be created which did not unacceptably impact on the amenity of other housing. Were the proposal otherwise acceptable, there are some detailed aspects of the design that would require improvement such as external wall and roof materials. This and other relevant matters such as site levels could be addressed by planning condition.

The proposal is not of a scale which would require a developer contribution towards infrastructure and it is considered that there is unlikely to be any significant cumulative impact on infrastructure as a result of the proposal. The proposal would not adversely affect or be affected by farming or other rural business activities taking access from a track to the south west. The access would not pass through a farm court and the East Keillor cluster of agricultural structures is located south west of the track. Use of the

existing field access would remove the need to interfere with the stone boundary wall and trees alongside the road boundary of the site and the Roads Service is satisfied that the proposed access and parking arrangements are acceptable.

The application form indicates that private drainage arrangements are proposed and a connection to the public water supply would be utilised which is an acceptable approach outwith a sewered area.

There is a line of trees located alongside the road (north west) boundary of the site. The positioning of the proposed house within the site would allow for these mature trees to be retained. Were the proposal otherwise acceptable, tree protection measures during the development process could be secured by planning condition. Taking account of that, there is no reason to conclude that the development would affect bats or bird species. The site contains no designation for built environment interests and would not result in any direct or indirect impacts on cultural heritage.

The proposal raises no land use compatibility issues; could provide a satisfactory residential environment; would not result in unacceptable impacts on the built and natural environment, surrounding amenity, access and infrastructure; and is not of a scale where provision for affordable housing is required under Policy TC3.

In terms of the letters of objection, most of the points have been addressed above. Impacts on amenity in terms of sunlight and daylight are unlikely to be significant at the distances proposed. It is unlikely that a single house in this location would have such significant impacts on infrastructure that would justify refusal of permission on that basis alone. There is no requirement to provide additional open space for a development of this scale and the proposed house is unlikely to have any significant impact on existing recreational resources.

The proposal for a house on the site is contrary to the development plan because (as asserted in the objections) it does not meet any of the acceptable circumstances for a new house in the countryside provided by Policy TC2 and the associated Countryside Housing Supplementary Guidance. The site is located in a Category 1 Rural Settlement Unit where the local development plan seeks to restrict new housing development outwith settlements. The proposal is contrary to the development plan. There are no material considerations that justify approval of planning permission contrary to the development plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the adopted Countryside Housing Supplementary Guidance because the proposed house would not comply with any of the circumstances that would allow for the construction of a new house in a

countryside location.

2. That the application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely Policy TC2 and the associated Countryside Housing Supplementary Guidance.

Notes:

Case Officer: James Wright
Date: 7 January 2019

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 PV5 : Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

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Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- o protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- o be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- o ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- o ensure new woodland is established in advance of major developments;
- o undertake a Tree Survey where appropriate; and
- o identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

18/00867/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

16	11	18
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



Memorandum

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

TO: HEAD OF PLANNING AND PLACE

FROM: HEAD OF TECHNICAL & PROPERTY SERVICES

YOUR REF:

OUR REF: GH/AG/ TD1.3

DATE: 6 DECEMBER 2018

SUBJECT: **PLANNING APPLICATION REF. NO. 18/00867/FULL – ERECTION OF A DWELLINGHOUSE AT EAST KEILLOR HOUSE, COUPAR ANGUS**

I refer to the above planning application.

The site is located on the south side of the classified Collace to Auchtertyre road at East Keillor, Coupar Angus.

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 have no objections to the proposed development.

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

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

14th November 2018

Angus Council
Angus House
Planning Service
Orchardbank Business Park
Forfar
DD8 1AN



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: PH12 Coupar Strathview Field 50M South Of
PLANNING REF: 18/00867/FULL
OUR REF: 769346
PROPOSAL: Erection of a Dwellinghouse, Formation of a Shared Access and
Associated Operations

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

- This proposed development will be fed from **Lintrathen** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

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

From:Kirts-MathiesonG

Sent:Mon, 31 Dec 2018 14:22:28 +0000

To:WrightJ

Cc:CorriganJ

Subject:Planning Application 18/00867/FULL - Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview East Keillor Coupar Angus

James

Further to your consultation request on 13th November 2018, I have now considered the above planning application and have the following observations with regard to flood risk:

Observations

1. The planning application is for the Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview East Keillor in Coupar Angus.
2. The location of the proposed development site lies out with the medium/high probability flood envelope as given on SEPA's indicative flood map. It is therefore unlikely to be at risk of flooding during an event of this return period.
3. As part of this planning application, a drainage statement by Griffen Design was submitted on 03/09/2018. It states that surface water for the proposed development will be taken to a soakaway, which is designed in accordance with the BRE Digest 365. The proposed soakaway has sufficient storage for the 1 in 30 and 1 in 200 year return period event. The proposed soakaway is to be maintained by the owner of the dwelling house.

Based on the above, I have no objection to this proposed development.

Should you have any further queries please contact me on extension 3367.

Georgia

Georgia Kirtsi-Mathieson, Design Engineer, Engineering & Design Services, Roads Division, Place – Technical & Property, Angus Council, Angus House, Sylvie Way, Forfar DD8 1AN Tel: (01307) 473367



Please consider the environment before printing this e-mail 1 ream of paper = 6% of a tree;
5.4kg CO₂ in the atmosphere and 3 sheets of A4 paper = 1 litre of water

From: PLNProcessing
Sent: Thu, 6 Dec 2018 07:16:22 +0000
To: PLNReception
Cc: CameronS
Subject: FW: 18/00867/FULL - Comments and Concerns

From: Claudia McGinnis <[REDACTED]>
Date: 4 December 2018 at 00:32:20 GMT+1
To: planning@angus.gov.uk
Cc: Claudia McGinnis {PNSS~Basel} [REDACTED], Francis McGinnis [REDACTED]
Subject: 18/00867/FULL - Comments and Concerns

Dear Mr Wright

We are the owners and residents of Strathview Cottage, and direct neighbours to the proposed development. This development is not in line with current policies and regulations as set out in the Angus Local Development Plan (ALDP) and, furthermore, will have a major impact on the quality and visual amenity of the surrounding rural area. We are strongly objecting to the proposed development on the following grounds:

1) According to Policy DS1 Development Boundaries and Priorities, the 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. The applicant is proposing to build on a greenfield site, that belongs to the agricultural unit and curtilage of East Keillor Farm and has, until very recently, been used for grazing. There are numerous available brownfield sites in and around Newtyle that are owned by the same applicant, Kinpurnie Estate. Hence, there are other suitable brownfield site alternatives for the applicant to consider and therefore the suggested development at East Keillor does not appear to be in compliance with Policy DS1.

2) The applicant is proposing that this greenfield site between the existing neighbouring houses, Strathview Cottage and East Keillor Farm, should be seen as a gap site. The site lies within the designated Category 1 RSU (RSU1) area of Newtyle. According to the Countryside Housing Supplementary Guidance Appendix 3b, the maximum allowable plot size for a RSU1 gap site is 2000m². However, the size of the land at East Keillor proposed for development totals 2735m² and therefore is out of scope for a designation as a RSU1 gap site. The applicant suggests to split the existing greenfield site, thereby artificially creating two similarly sized plots, in order to fit the proposed development into the RSU1 maximum lot size restriction. However, the size of the building and its associated infrastructure is too large for the divided plot which is why the

applicant plans to use the second plot for the drainage scheme and soakaway. Altogether it is clear that this development is not in compliance with policy TC2 and that this greenfield can not be used as a RSU1 gap site.

In addition, the applicant suggests that further development of the upper plot may be envisaged should the regulatory framework allow for this. It does not. Two houses are only allowed on a RSU2 site which this area is not part of.

3) Further, the development will have a considerable adverse impact on the amenity, outlook and privacy of neighbouring properties. We are in the process of extending our property with additional windows in our living room to allow more sunlight into our property. These windows are overlooking the adjacent greenfield site. The proposed 4 BR building is of substantial size and will block most or all sunlight during the winter months since it would be located to the West/South-West of our property. During winter months, we only get sunlight for a few hours from this direction. Having this blocked by a building of this size would have a considerable negative impact on our wellbeing and would negate the beneficial effect we were hoping to achieve with our living room extension. The suggested associated tree planting and landscaping will diminish the available daylight and sun even further. The drawings also indicate that the main living area including the family room would be build towards our property. The proposed development will therefore reduce the privacy to both ourselves and the neighbouring property, and completely change the outlook from our living room extension. We didn't purchase our house in the country, and invest into an extension, to be surrounded by neighbours and have them overlooking our property and grounds, blocking sunlight and our outlook.

4) According to Advice Note 5, sloping sites such as found at East Keillor call for particular care. Unfortunately, the submitted drawings provide insufficient information on how the house will be sited to accommodate the slope (e.g. is underbuilding envisaged or terracing?). The siting of the building may have an additional effect on the amenity and privacy of the adjacent properties and we suggest that these details are provided. We are also concerned that the proposed building will be sited at a much higher level than our property which is sited on the same level as the road. Should this be the case, the proposed building will overshadow ours, and will further diminish daylight, outlook and privacy.

5) The applicant proposes to establish access to the site via the neighbouring courtyard of East Keillor farm. According to Appendix 3j, development proposals should not take access through a farm court.

6) The proposed development (and potential future ones) will have a considerable cumulative effect on infrastructure/facilities. There is rather limited internet access and speed at this location, and there will not be sufficient internet speed for a house of this size and its residents. The development will cause further internet access slow-down to existing properties as a single line serves all residences along this road. Further loss in access and speed will limit or even make impossible the option to work from home and is therefore in contradiction with the aim of the ALDP to reduce traffic and improve the environment.

7) Finally, the ALDP makes it very clear that open space and recreational resources need to be protected and several policies deal with this (e.g. PV1, 2 and 3). East Keillor Farm and the neighbouring cottages of Strathview and Netherton are a collection of small, attractive rural buildings, located on High Keillor Rd. This road is recognized as an important visual route by locals and tourists alike, and used frequently by cyclists, walkers and horse-riders. This area includes the well-known Standing Pictish stone and Kinpurnie Castle, forming an important part of the wider Newtyle green network. It is reached by several public pathways, and contributes greatly to the local amenity and character. It appears that this important context is not being considered by the applicant. The proposed residential development of a large 4 BR house -with a footprint approximately double the size of adjacent resident properties - and potential additional development in this locality - will impact negatively on its distinctive local amenity and character.

It should be noted that the same applicant recently submitted another proposal, for building two houses just West of East Keillor farm ([17/00843/FULL](#)) on a mix of brownfield and greenfield site, which has been withdrawn for now. These two proposals, on either side of East Keillor farm, and the fact that East Keillor Farm is also owned by the applicant, could eventually lead to a much larger residential development than the current application admits to. We are greatly concerned that the current proposal appears to be the start of a stepwise development to evade planning regulations that would apply to a large residential rural development. It is paramount that locations such as these are protected from overdevelopment in order to maintain the environmental and recreational benefits of our rural communities.

8) Furthermore, High Keillor Road is a narrow and mostly single lane road, used regularly by farm vehicles, with considerable commuter traffic using this road as a shortcut between the A923 and Newtyle. Further residential development along this road will make this untenable as this road is unsuited for increased traffic.

In summary, we strongly object to the proposed development due to the non-compliance with ALDP policies and regulations, the expected considerable negative impact on amenity, privacy and outlook of neighbouring residences, and the adverse impact on traffic and recreational value of this important rural location.

We would appreciate if you could confirm the receipt of our comments. Thank you.

With kind regards,

Mr and Mrs McGinnis, Strathview Cottage

Comments for Planning Application 18/00867/FULL

Application Summary

Application Number: 18/00867/FULL

Address: Field 50M South Of Strathview East Keillor Coupar Angus

Proposal: Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations

Case Officer: James Wright

Customer Details

Name: Dr Jonathan Berg

Address: Rhubarb Cottage Coupar Angus Road Newtyle

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs

I am a resident of the Kirkton of Newtyle, and I am concerned by this development on a number of grounds.

The environs of Newtyle is an attractive agricultural landscape with a small number of older houses that blend well into the natural landscape.

The road past this proposed development is a particularly important tourist route. It leads past the settlement of Leys, popular mountain bike routes and the Pictish stone. Many road cyclists and walkers also pass this area which has a genuine natural beauty with a view across the Vale of Strathmore.

Development of more properties along this road, in the area proposed, would seem to be inappropriate urbanisation and to the detriment of an important natural asset that attracts visitors to the area.

I have some additional concerns that the development is not in keeping with current local development plan.

(1) Although between two properties, it is not in the spirit of an infill property, as it is not part of a natural line of houses.

(2) The plot is also the curtilage of the adjacent farmhouse.

(3) This is a greenfield site - and ample opportunities exist for other development within the existing envelope of Newtyle

(4) The external aspect of the building is ugly and functional, and not really in keeping with the appearance of adjacent older cottages. Similar lamentable designs appear to have been installed along other tourist routes, and they do not enhance the visual appearance.

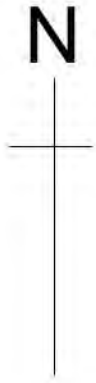
I hope that these objections will be taken into consideration

yours sincerely

Jonathan Berg

Location 1:2000 NO 278 402

Refused



DO NOT SCALE FROM DWG

REV

C

12.12.17

2017.33B.E1

Location [1:2000@A3]

CAD/planning east/location

East Keillor, East plot

Kinpurnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk



Refused

Refused

AC8

DO NOT SCALE FROM DWG



REV

C

12.12.18

2017.33B.E0

Ex Site Plan [1:500@A3]

CAD/planning east/ex site

East Keillor, East plot

Kinburnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk



Refused

AC8

Planting:

Native species mix, Silver Birch-Betula Pendula, Hawthorn-Crataegus Monogyna, Hazel- Corylus Avellana

all trees and shrubs as 'nursery stock' to BS 3936 pts 1&4, all as whips planted with individual tree shelters, Birch at 1m centres to be thinned out as growth demands, Hazel and Hawthorn at 300mm centres to a depth of 1m or thereby

the ground to be suitably prepared with imported topsoil and fertilizer as required, planting to take place into individual tree pits/slots through Nov-Mar, and adequately watered

the aftercare period is 60 months during which time all trees that fail will be replaced at the end of the growing season

old stone wall forms nw boundary measures 48.5m measured along the curve

135.8m odn

2no trees retained

drive, hardstanding and path finished in concrete paving slab and compacted whin dust, soft landscape grassed

old stone wall forms sw boundary

East Keillor

[-200]

[+620]

27m

green hatch indicates proposed plot 1330m²

ne and se boundaries dry stone wall with copes to match sw

house

[+5400]

double garage

native species structure planting to reinforce enclosure

[+5500]

red line indicates boundary to planning application site 2735m²

N 1:500

Refused

DO NOT SCALE FROM DWG

odn spot height taken as datum for site levels [-]

Building Line: set back to avoid disturbance of trees and their roots

REV

E

12.7.18

2017.33B.E2

Site Plan [1:500@A3]

CAD/planning east/site

East Keillor, East plot

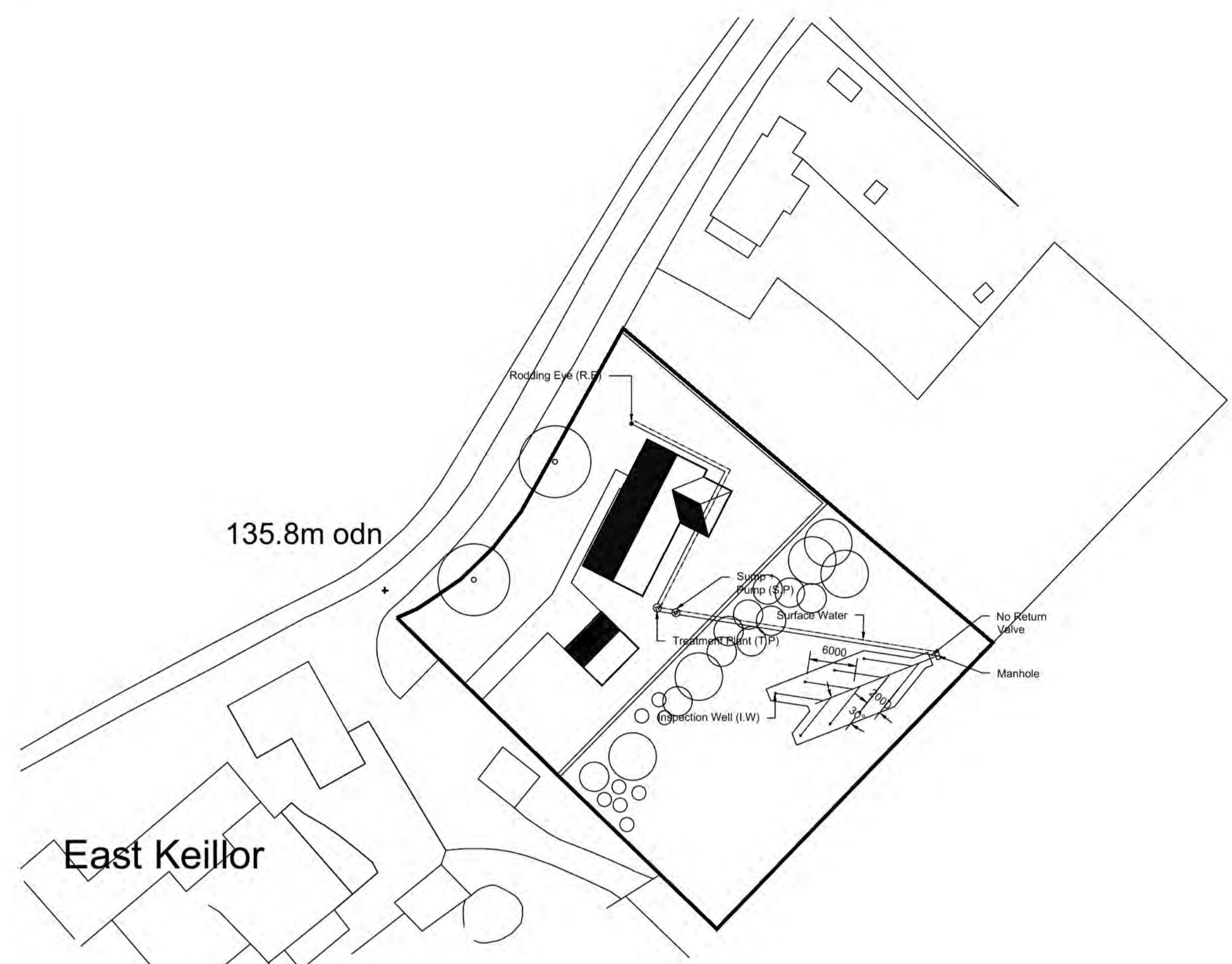
Kinpurnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk



General
All dimensions are in millimeters unless noted otherwise.
Dimensions shall not be scaled from this drawing. Any dimension not shown should be checked on site or verified by the engineer.
This drawing is to be read in conjunction with latest revisions of all relevant engineers and architects drawings.
For setting out refer to the architects drawings.

Refused



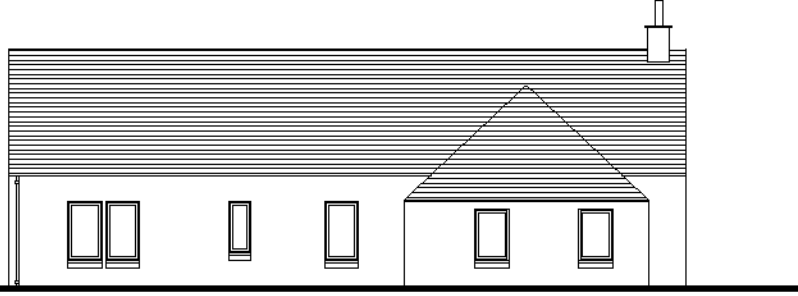
DRANAGE LAYOUT (1:500)

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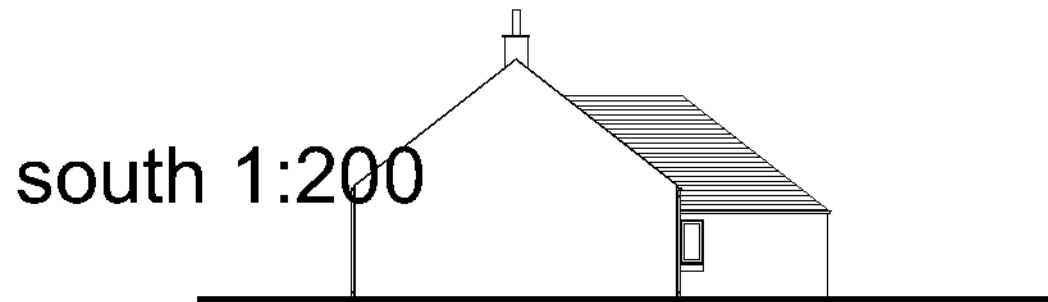
Refused

A Layout Amended		DMD 05.10.18	
Rev: Description		By: Date	
Client: Kinpurie Estates	Unit 2.5 Discovery House Gemini Crescent, Dundee Technology Park, DD2 1SW Tel: 01382 561 112 Email: info@griffendesign.co.uk		
Site: East Keillor		----	
Type: Warrant	Scale: Varies	Date: 18/07/17	Drawn: DMD
Title: Drainage Layout	Project No: 173163	Checked: NDM	Rev: A1
		Drawing No: 01	Revision: A
This drawing is subject to copyright and should therefore not be copied/reproduced without consent of Griffen Design			

Refused



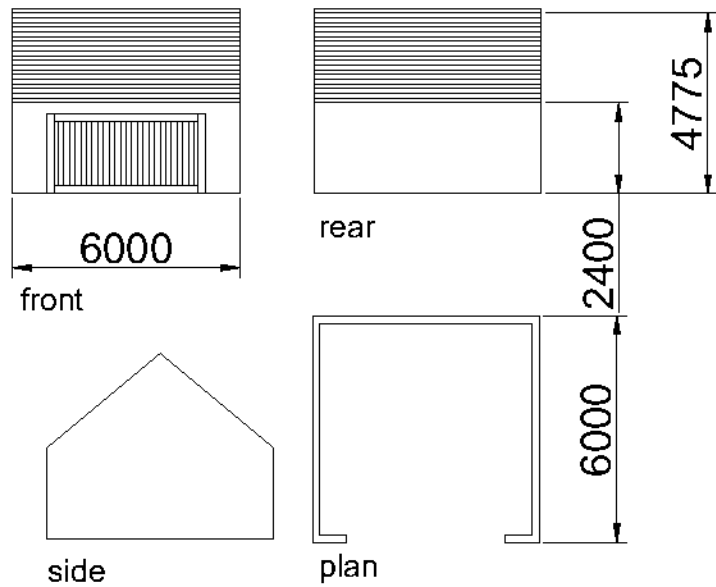
east elevation 1:200



south 1:200

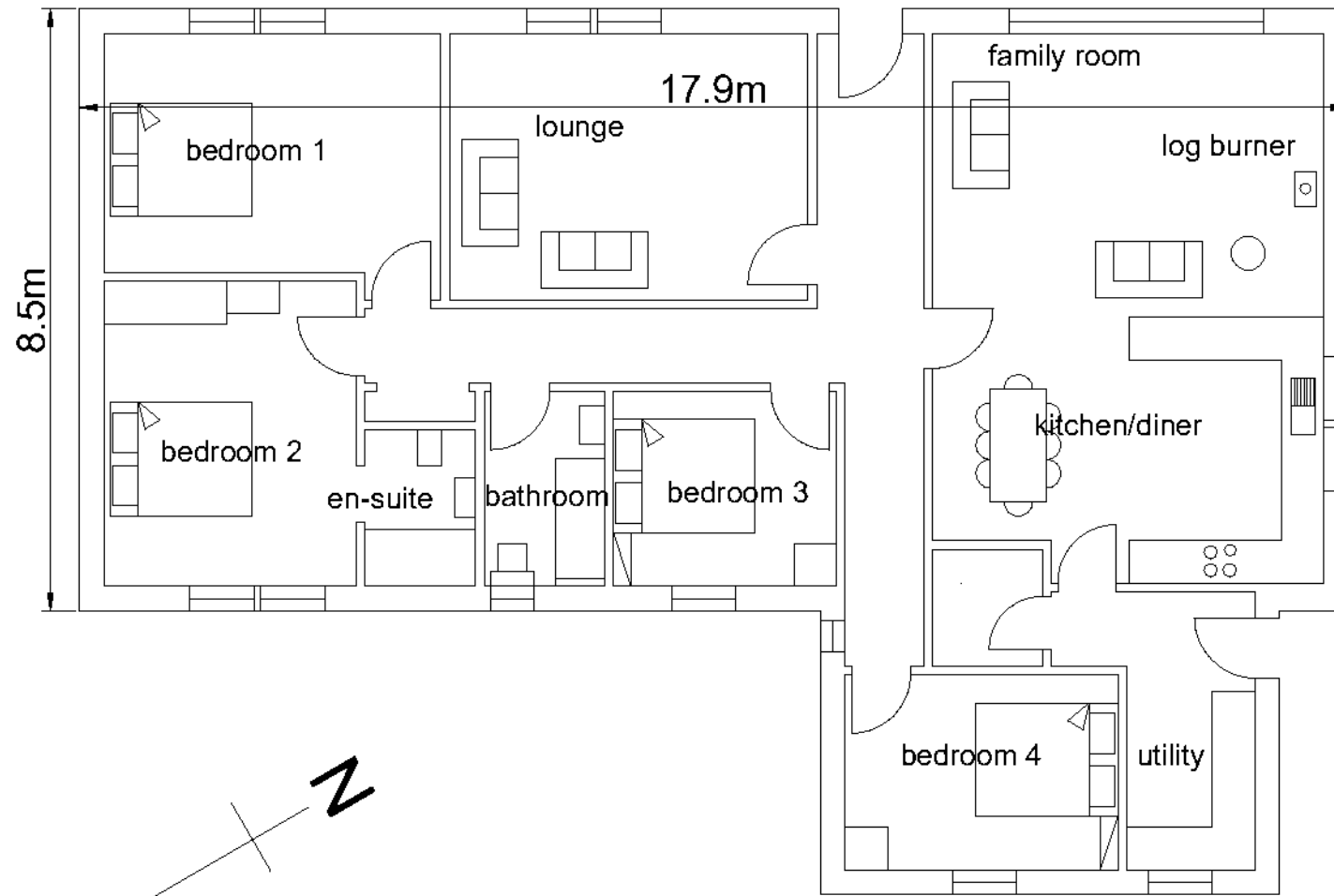


north 1:200



garage 1:200 finishes as house

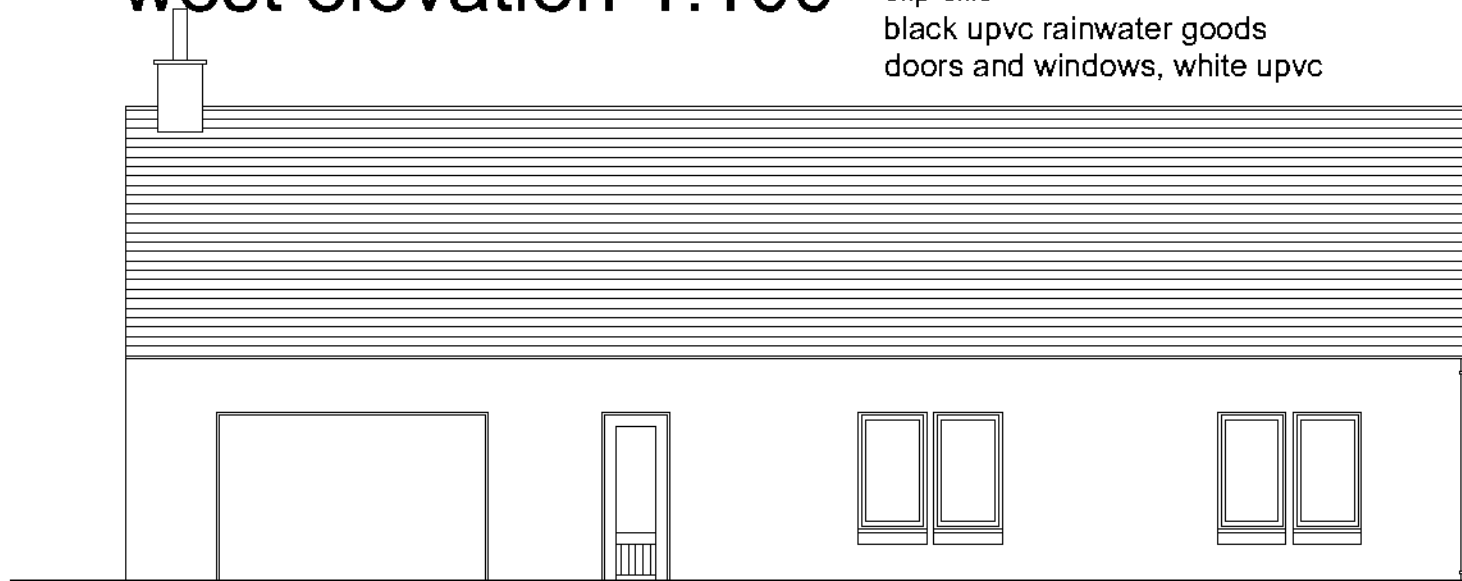
ground floor 1:100



Finishes:

- roof, 'Marley' interlocking slate with zinc ridge and lead flashings
- walls, smooth render, 'off white' with cast conc slip cills
- black upvc rainwater goods
- doors and windows, white upvc

west elevation 1:100



Refused

AC8

DO NOT SCALE FROM DWG

4 bed at approx 155m²

REV

C

12.7.18

2017.33B.E3

House and garage

CAD/planning east/houseandgarage

East Keillor, East plot

Kinburnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk























TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND)
REGULATIONS 2013

PLANNING PERMISSION REFUSAL
REFERENCE : 18/00867/FULL

To **Kinpurnie Estate**
c/o Cushman And Wakefield
Maria Francke
199 St Vincent Street
Glasgow
G2 5QD

With reference to your application dated 9 November 2018 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview East Keillor Coupar Angus for Kinpurnie Estate

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

The reasons for the Council's decision are:-

- 1 That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the adopted Countryside Housing Supplementary Guidance because the proposed house would not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.
- 2 That the application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely Policy TC2 and the associated Countryside Housing Supplementary Guidance.

Amendments:

- 1 Amended Existing Site Plan (drawing number 2017.33B.E0 - Rev C); Amended Location Plan (drawing number 2017.33B.E1 - Rev C); submitted on 17/12/18 supersede the drawings previously submitted. These drawings show the location of the core path route and existing trees being retained / removed.

Dated this **9 January 2019**

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 the 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 Park
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:-

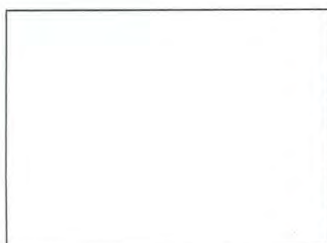
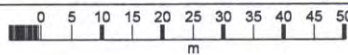
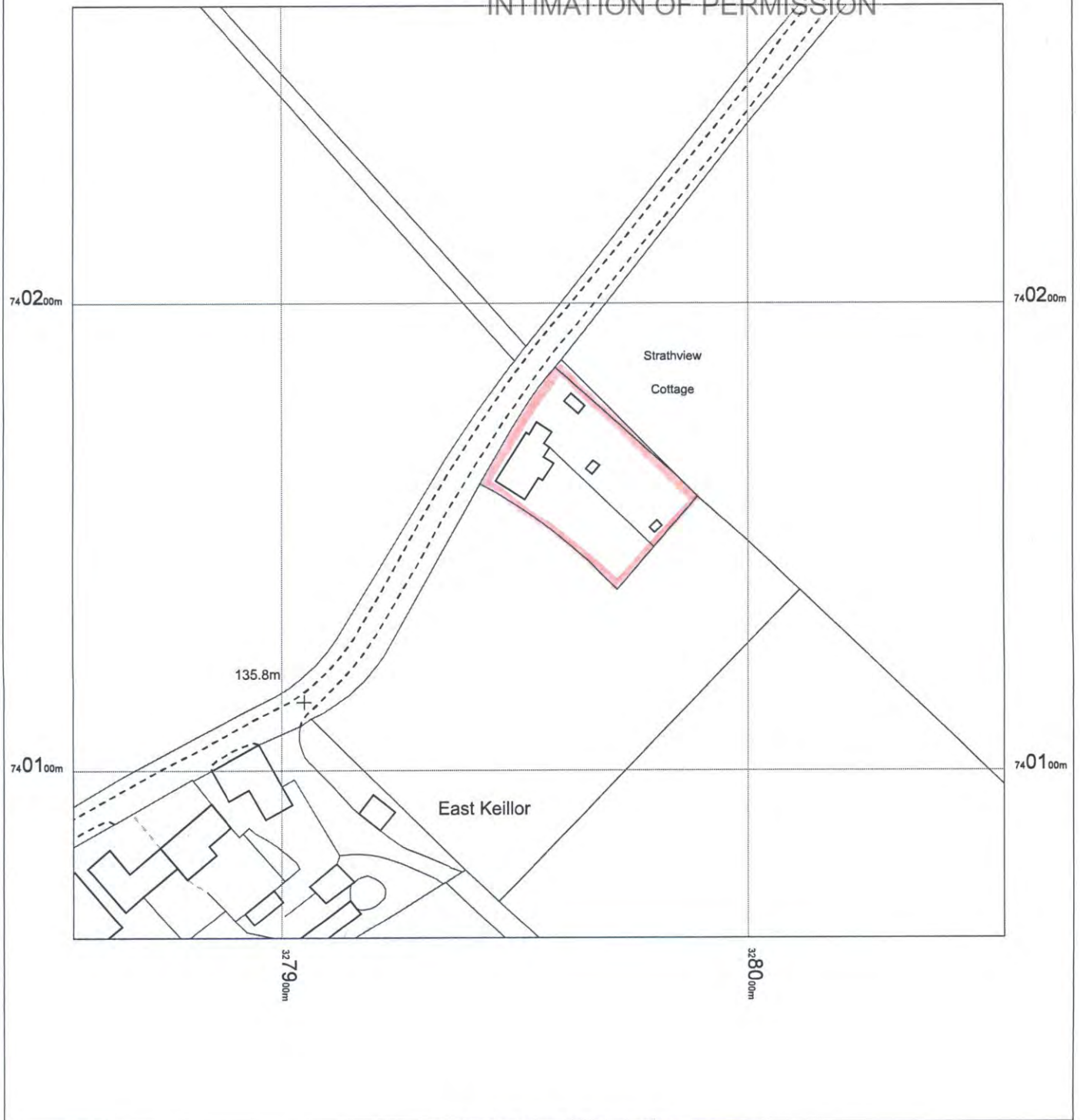
Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

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

Town & Country Planning (Scotland) Act 1997 As Amended

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



OS MasterMap 1250/2500/10000 scale
08 October 2015, ID: MNOW-00469476
mapsnow.co.uk

1:1250 scale print at A4, Centre: 327955 E, 740164 N

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100017780



From:WrightJ
Sent:10 Dec 2018 10:46:57 +0000
To:'Maria Francke/GBR'
Subject:18/00867/FULL

Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview, East Keillor, Coupar Angus

Ms Francke,

I refer to the above application. I have now visited the site and reviewed all of the information.

Having undertaken a site visit, it appears that the application site is bound to the north by an area of ground which is outwith the curtilage of the existing property at Strathview. The southern area of the site is bound by a grassed area / access that serves existing buildings.

In terms of the principle of the development, Policy TC2 of the Angus Local Development Plan (ALDP) is the main policy consideration. I note that the supporting information suggests that the site forms part of a small building group. However, having visited the site and assessed all of the information it is not considered that a dwellinghouse at this location would round off a building group as per Policy TC2. My initial view from visiting the site is that the dwellinghouse at Stathview and other properties / buildings to the south are significantly separated and do not in my opinion form an existing group with a sense of containment. In any event there is an area of land between the application site and the existing cottage at Strathview. The proposal would also not be defined as a gap site and is not brownfield in nature. The proposal would not comply with any other criterion identified in Policy TC2. Unfortunately I do not consider that the proposal would comply with Policy TC2 in terms of the principle of the development and we would not be able to support an application on this basis. The reasoning for any decision will be clearly detailed in a report of handling prepared of any application.

In terms of other matters I note that artificial slate is proposed on the roof of the house. This would not be acceptable and natural slate would be required. In addition, the existing trees on and adjacent to the site do not appear to be accurately shown. There are trees along the south west boundary which appear to overhang the site significantly.

In summary, unfortunately we cannot support the current application and it will be progressed to determination on this basis. If you want to withdraw the application please confirm by response within 7 days from the date of this e-mail. The application will be progressed after this date.

Any queries please give me a call.

Regards

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



www.angus.gov.uk/angusdesignawards

From:WrightJ
Sent:17 Dec 2018 14:11:46 +0000
To:'Kathryn Cockburn/GBR'
Cc:Maria Francke/GBR;David Wren
Subject:RE: 18/00867/FULL East Keillor

Ms Cockburn,

Thank you for your e-mail.

I will update the plans and our electronic system with the information you have provided. This will be taken into account when the application is being progressed.

I note the trees now shown on the plans and the comments regarding the use of slate.

Whilst I fully acknowledge the title deed plan submitted and area sold off previously, this in itself does not confirm that this is part of the lawful curtilage of the dwellinghouse at Strathview (from a planning perspective). Aerial images and streetview images shows this area being used for grazing of animals and the access shown on your photos must be a recent development. In addition to this, application 15/00974/FULL for the erection of a 'Single Storey Extension to South-West Gable of House' at the property at Strathview at East Keillor identifies a smaller size of curtilage than the title deed plan you have provided. Unfortunately, it does not appear that the approved curtilage of the existing house at Strathview extends to the area shown on the plans you have provided.

Whilst I note your comments on certain aspects, unfortunately my view remains and I do not consider that the proposal would comply with Policy TC2 in terms of the principle of the development. The reasoning for any decision will be clearly detailed in a report of handling prepared of any application. On this basis I intend to progress the application to determination as per my previous e-mail.

Any queries please give me a call.

Regards

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



www.angus.gov.uk/angusdesignawards

From: Kathryn Cockburn/GBR [mailto:Kathryn.Cockburn@cushwake.com]
Sent: 14 December 2018 11:38
To: WrightJ
Cc: Maria Francke/GBR; David Wren
Subject: 18/00867/FULL East Keillor

Mr Wright,

In response to your correspondence earlier this week with my colleague Maria Francké, I have attached a letter and further drawings which provide clarification on certain aspects and demonstrate that the proposed development is compliant with the adopted policies within the Angus Local Development Plan.

Please see attached:

- Letter with commentary responding to your concerns
- Revised Existing Site Plan with all trees
- Strathview Cottage Title Deed Plan
- A Curtilage-boundary drawing indicating gap site
- Further Location Plan indicating building group

I trust that this is sufficient for you to reconsider your position in the assessment of the proposed development before the outcome is determined.

I look forward to hearing from you with confirmation of receipt of this letter.

Kind regards

Kathryn Cockburn

Kathryn Cockburn MA (Hons) MSc

Graduate Planner

Development and Planning

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Office: +44 (0) 141 226 5241

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James Wright
 Planning Officer (Development Standards)
 Planning and Place
 Angus House
 Orchardbank Business Park
 Forfar
 DD8 1AN

Email Martin.Hannah@cushwake.com
Direct +44 (0)141 304 3270

Your Ref 18/00867/FULL
Our Ref AC111017/170FS100

4 January 2018

Dear Sir,

Planning Application for Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview, East Keillor, Coupar Angus

Further to our telephone conversation earlier today I confirm that you should now progress the planning application to an early determination.

As you have indicated there is currently no officer support for the application, and in the expectation that the matter will now be referred to the Angus Local Review Body, I set out below a few supplementary points for you to consider in order to properly record our client's position in response to your comments made during our call particularly relating to the application of Supplementary Guidance under LDP Policy TC2.

It remains our position that the principle of residential development of the application site is acceptable when assessed against Development Plan Policy because East Keillor is a small building group.

Cushman and Wakefield verified from Council Records and Assessor Records that *Netherton Cottage* UPRN 0001171117120; *East Keillor House* UPRN 0001171117121 and *Strathview* UPRN 0001171117118 are domestic residences. The domestic curtilage of Netherton Cottage and Strathview appear to have been extended recently by grant of planning permissions by Angus Council.

The established building group of three residences is indicated by reference to the attached aerial drawing. There is one further domestic property *Burnside* located further South.

The Adopted Local Development Plan and the Countryside Supplementary Guidance, adopted September 2016, allows for new rural housebuilding on a modest scale on sites that relate acceptably to existing building groups and on appropriate brownfield sites.

The Supplementary Guidance offers policy support for appropriately designed single-house development that rounds-off an existing building group of at least three domestic dwellings or infill gaps between the curtilage of two houses; also, between the curtilage of one house and an existing substantial building.

Under Policy TC2, the application site adjacent to the small building grouping at East Keillor presents an opportunity for limited development. Only the front part of the application site will be occupied by buildings. The rear part of the site is intended as a drainage field only and will otherwise remain undeveloped.

Council Officers suggest that because the distance between East Keillor and Strathview residences marginally exceeds the 50m frontage dimension indicated under the interpretative guidance therefore the proposal is made unacceptable under one criterion of Policy TC2.

There now appears to be some dispute around the precise extent of domestic curtilage attached to Strathview and East Keillor. Also, it is suggested that the application site cannot properly be considered as rounding-off due to its relationship to existing development.

Council and Assessor records are clear that both the adjacent properties are in residential occupation and use. The applicant has no wish to be drawn into protracted and unnecessary debate around definition and extent of residential curtilage of the neighbouring homes. Although some reference is made to curtilage under the Supplementary Guidance this is not defined under the Glossary of Terms.

Curtilage is sometimes a poorly understood expression as it is not legally defined and because of this lack of precision it is regularly a source of dispute in planning and public access related matters. It is sufficient to affirm that the application site has been properly inspected and the physical mutual boundaries surveyed and the submitted planning drawings are thought to be accurate. The neighbouring home owners appear to use their properties for domestic purposes without hindrance. Strathview also appears to utilise part of its land for (non-commercial) equestrian use, however, this is not unusual for a rural residence.

For the purposes of making a planning application the applicant has relied upon public planning, property and rating records and title ownership information where this is available. The application site has been accurately surveyed and drawings have been prepared and lodged in good faith.

Debate around the precise extent of residential curtilage is not very helpful at this point as it distracts from the merits of this planning application. The frontage of the application site is 48.5m and the proposed development of a single well designed rural home relates acceptably to the neighbouring residential properties.

The 50m frontage dimension referred to under article 3.4 of the planning guidance although a relevant and material consideration is not determinative.

The width of the gap between the Strathview and East Keillor properties in fact only exceeds the 50-metre guidance by a few metres. To provide some context the frontage of Strathview is 39m and the East Keillor frontage is 56.5m.

The term “rounding-off” is also not defined under the Glossary but is an expression relatively well used and understood in planning practice and applies to relatively minor refinement to settlement boundaries. It cannot be limited to only the one type of hypothetical scenario and sketch included in page 10 of the Guidance.

Some professional judgement must be exercised because not every *rounding-off* or *infill* proposal will closely resemble the illustrations included in the Supplementary Guidance.

There are several important principles espoused by the Guidance and under Scottish Planning Policy. Single house development in the countryside normally should not detract from the overall sense of containment or cohesion of an established building group; encourage irrational or disproportionate extension of building groups that would be harmful to the rural landscape; encourage suburbanisation of the countryside or overburden available service capacity.

The proposed development accords with these well understood planning principles and adopted policy locally and nationally.

For these reasons, it is hoped that you may still reconsider your position and that planning permission can be given.

I should be grateful if you could place this correspondence on the case file as I do expect a refusal decision to be challenged relatively quickly under appeal procedures.

Yours faithfully,



Martin Hannah MRTPI
Senior Planner, Development and Planning
For and on behalf of Cushman & Wakefield

Griffen Design Ltd.
 Structural Engineering Consultancy
 Unit 2.5 Discovery House, Technology Park, Dundee, DD2 1SW
 Tel: 01382 561112
 Email: info@griffendesign.co.uk



OUR Ref NM/KM/ 173163 180903

03 September 2018

Ms M. Francké
Cushman & Wakefield
 199 St Vincent Street,
 Glasgow, G2 5QD

Dear Sirs

**PROPOSED SUSTAINABLE URBAN DRAINAGE SYSTEM
 AT PADDOCK SITE, EAST KIELLOR FARM, COUPAR ANGUS, BLAIRGOWRIE**

The following is a brief synopsis for the treatment of the foul and surface water drainage systems for the proposed new dwelling on the paddock site at East Kiellor Farm.

Foul Treatment

All foul water drainage is laid to falls. Each plot is to be serviced by a Kingspan Klargester Biodisk BA-X treatment plant, or similar approved, located on the plot at least 5.0m from the site boundaries and all structures. The effluent discharge should have effluent qualities of better than 10mg/l BOD, 15mg/l SS and 3.8mg/l ammonia. A sampling chamber is to be located after the treatment plant for testing the discharge water. The discharge from the sampling chamber is to have a no-return valve before connecting into the plot discharge manhole.

Surface Water

All surface water is laid to falls and connects into the plot discharge manhole.

Soakaway

All effluent discharge and surface water is to be taken to a soakaway. A sump and pump system, by specialist supplier, is required to transfer the discharge water from site to soakaway. The soakaway is designed in accordance with both Kingspan Klargester guidelines, BRE Digest 365 and SUDS guidelines. A porosity test was carried out in accordance with the above guidelines giving an infiltration rate, f , of 24.6×10^{-6} m/s. The system has sufficient storage for the 1 in 30 year return period and flooding for 1 in 200 year return period. The flooding is contained on site using the natural landscape.

Yours faithfully,



Nathan D. Murray
 BEng(hons) MSc CEng MIStructE
 For Griffen Design Ltd.



Planning Statement

Planning application for the Erection of a Dwellinghouse, Formation of Shared Access and Associated Operations.

East Keillor, Coupar Angus, PH13 9JU

Prepared on behalf of:

Kinpurnie Estate

October 2018



1. Contents

2. Introduction	2
3. The Site and Surroundings	3
3.1 Description of the Site	3
3.2 Planning History of the Site	8
4. Proposed Development.....	9
4.1 Housing Design	11
4.2 Access and Car Parking.....	13
4.3 Water Supply and Drainage.....	13
4.4 Flood Risk.....	14
5. Planning Policy Assessment	15
5.1 Angus Local Development Plan 2016	15
6. Conclusions	23

2. Introduction

This Planning Statement has been prepared by Cushman & Wakefield on behalf of Kinpurnie Estate in respect of a planning application seeking full planning permission for the:

“Erection of a dwellinghouse, formation of shared access and associated operations”

This Planning Statement provides some background to the application and reasoned justification for the proposed development in terms of the adopted Development Plan, relevant national planning policy and other material considerations.

The planning application and statement is supported by the plans and details listed underneath:

- Location Plan at 1:2000 (Drawing No. 2017.33B.E1, Rev A)
- Proposed Site Plan at 1:500 (Drawing No. 2017.33B.E2, Rev E)
- Proposed House Floor Plan and Elevations (Drawing No. 2017.33B.E3, Rev C)
- Proposed Drainage Layout (Drawing No. 173163_01_A)
- Drainage Statement dated 03.09.18 by Griffen Design Ltd

3. The Site and Surroundings

3.1 Description of the Site

The application site is located at the small hamlet of East Keillor, Kinpurnie Castle Road, approximately 1.5 miles distance to the south of the larger village of Newtyle. The site forms a gap in a small building group approximately 500m west from the main castle entrance.

This small building group comprises four residential properties: Strathview; East Keillor, Netherton and Burnside.

The site is under occasional grazing and forms a residual part of the Kinpurnie Estate and it no longer forms part of an agricultural unit.

The proposed plot is regularly shaped approximately 1500m² or thereby sited between the established residential properties Strathview and East Keillor House. The development plot is bounded by a stone built wall to the west and south. The land is traversed at several points by stock-proof post and wire fencing. A post and wire fence delineates the eastern and northern site boundaries but these are currently not as well defined physically and would benefit from some reinforcement.

An established gated field access currently serves the site and the adjacent residence – East Keillor. This shared access arrangement will also serve the proposed development.

The application site rises gently from Kinpurnie Castle Road from West to East. The planning application is not supported by topographic survey, however, the boundary wall at the road is sited at a level approximately 138m AOD and the eastern boundary extent of the application site is located at the 144m contour. The land is greenfield and unencumbered by underground or overhead services.

The site location and planning application boundary extent is shown outlined in red in Figure 1 – an extract of the Location Plan submitted with the application, while the blue colour indicates the neighbouring land owned by the applicant.

The application site is shown in photographs below.

Figure 2: Application site – frontage onto public road with low stone wall – Nb. Trees along frontage to be retained



Figure 3: Application site - showing western boundary with East Keillor holdings



Figure 4: Approach to application site from west



Figure 5: Application site – eastern boundary of site with Strathview Cottage



Figure 6: Existing shared access serving application site and East Keillor House



Figure 7: Photograph showing location of entry into site via access shared with East Keillor House



3.2 Planning History of the Site

There is no relevant planning history relating to the development of the site recorded on the Council's planning portal.

4. Proposed Development

This application seeks full planning permission for the:

“Erection of a dwellinghouse, formation of a shared access and associated operations.

The proposed house will be accessed from the existing gated field entrance located along the southern walled boundary of the site. This can be seen in the photograph in Figure 7.

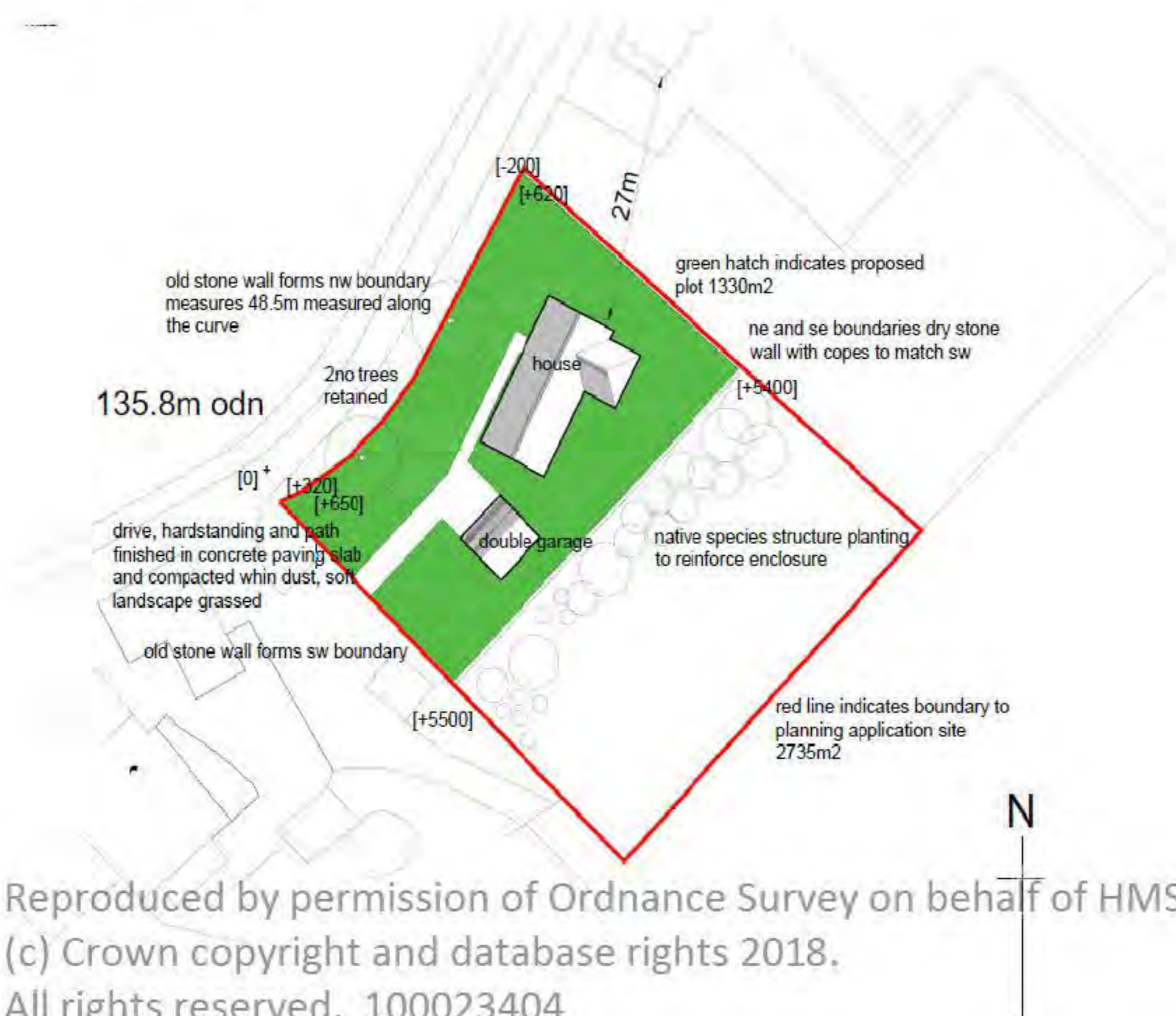
This private access from the public road will also be shared with the East Keillor residence. There will only be two dwellinghouses using this private shared access arrangement (shown in the photograph in Figure 6).

The applicant proposes to leave the existing boundary stone walls intact along the frontage of the plot and along the site’s south-western boundary as they contribute much character.

The shared access arrangement as proposed allows the conservation of the attractive stone wall along the site frontage. The mature trees along the northern boundary adjacent to the stone wall will also be retained. A new access arrangement would require a visibility splay that could otherwise threaten some of these trees and possibly down taking or realignment of the wall.

An extract from the submitted site plan is shown below in Figure 8.

Figure 8: Proposed Site Layout



The area shaded green on the site plan denotes the proposed private garden extent and curtilage of the house plot. This plot area extends to 1330 sq. m. All curtilage boundaries enclosing the area shaded green will be delineated by a stone boundary wall similar in height and construction to the western boundary wall.

The eastern boundary will be further reinforced with mixed hedging and tree planting to help define and enclose the garden ground to the site.

The applicant wishes to defer submission of a final landscaping scheme until following technical approval of the drainage scheme including drainage field as this may have some bearing upon the planting specification and setbacks required. The building is sited and aspects to benefit from morning and evening sun. Too many trees along this boundary would deny the proposed new house some morning sun so expert advice will be taken from a landscape architect to conceive a boundary landscape scheme that adequately provides a setting for development and well-defined boundary treatment but also provide daylight and amenity for the dwelling.

The submitted layout drawing indicates clearly the extent of the private garden ground which shall follow as closely as possible the established line of the rear garden ground of the property Strathview.

The applicant requests that the Planning Authority defer submission of the planting scheme and details of all external works including boundary wall construction and agree to make these matters subject to a planning condition.

The planning application extent includes part of the existing field which will be used to provide a soakaway area for the proposed house. It is desirable to convey ownership and maintenance responsibility for this area of land to the owner of the proposed dwelling.

There is little prospect of future development of this area due to the drainage field, however, the use of appropriate planning condition could further regulate prospective development and limit or remove the application of permitted development rights if the Council considers this expedient. Alternatively, the applicant is willing to offer a unilateral undertaking that the part of the application site outside the private curtilage coloured green shall remain free of buildings under exception of the pipes and other apparatus requisite to the implementation and future maintenance of the private drainage arrangement.

4.1 Housing Design

In keeping with the architectural characteristics of neighbouring houses, a traditional style single storey house is proposed for the site. A detached double garage is also proposed. The property will comprise of four bedrooms, an open plan kitchen/diner and family room, lounge and utility room. The family room has large picture windows facing north westwards to take advantage of open aspects over fields. There is a family sized bathroom and an en-suite bathroom for one of the bedrooms.

The house has been set back from the western boundary to provide generous front garden space to the front of the property and observe a similar setback to dwellings nearby. There is ample private garden ground provided to the rear and sides of the property to serve a family sized home. The detached double garage and driveway arrangement is adequate to meet the car parking requirements to serve this development.

The proposed house respects the character, layout and building pattern of existing properties and has been designed to respect the principles espoused by the Council's supplementary planning guidance and to ensure that the existing residential amenity of neighbouring property is safeguarded. The proposed extension at the adjacent property of Strathview has also been considered in the siting and design of the new house. The proposed set back is still over 25m distant and is very generous.

The proposed house will provide a high standard of residential amenity and an attractive environment for occupier and neighbours.

Figure 9: Proposed West Elevation (Nb. not to scale)

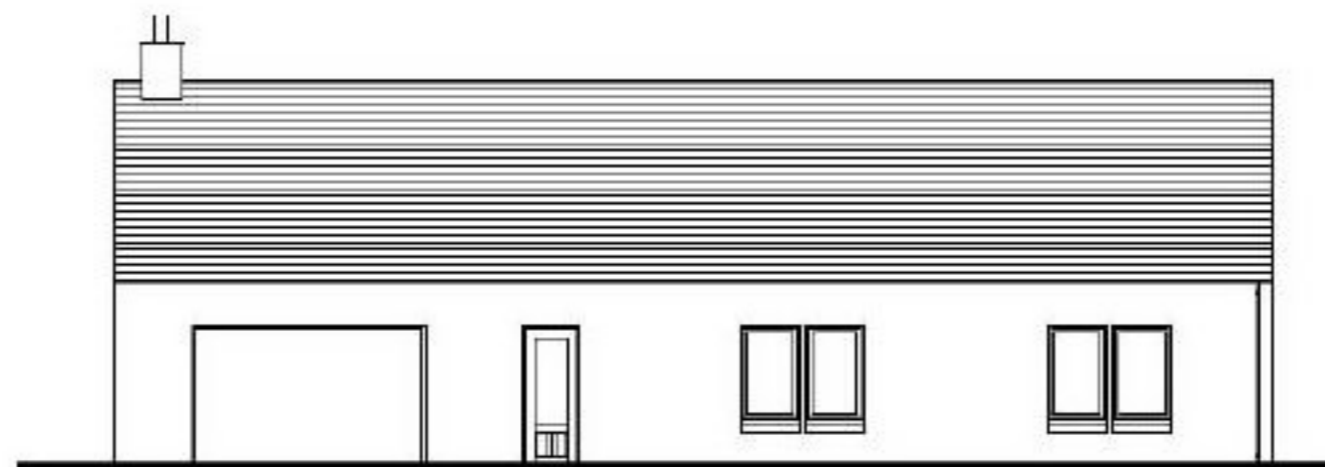


Figure 10: Proposed East Elevation (Nb. not to scale)

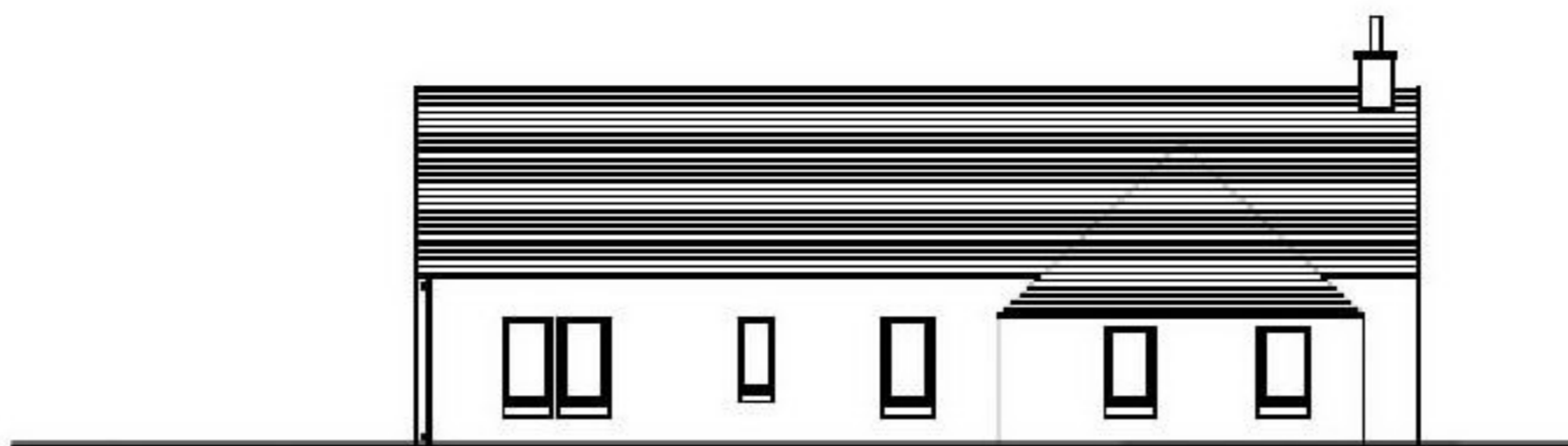
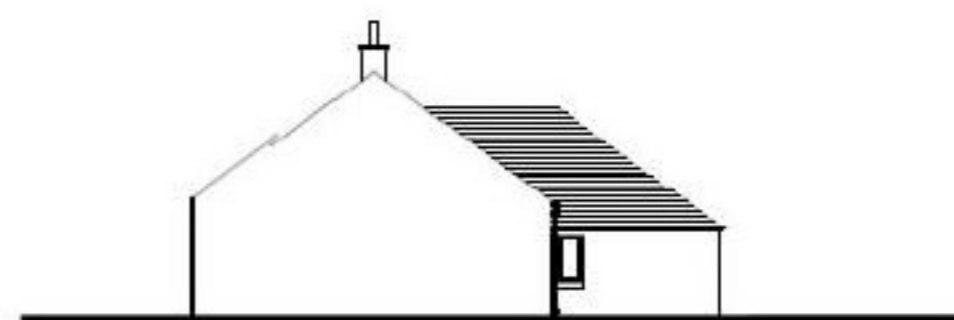


Figure 11: Proposed North Elevation (Nb. not to scale)



Figure 12: Proposed South Elevation (Nb. not to scale)



The external finish for the house and double garage is specified on the submitted drawings and comprises of:

- Roof – artificial slate. zinc ridge and lead flashings
- Walls – smooth render 'off white' with cast concrete slip cills
- Rainwater goods - black upvc
- Door and windows – white upvc

4.2 Access and Car Parking

The proposed house will share the existing vehicular entrance from the public road with the house at East Keillor. Existing visibility splays will be maintained.

The entrance to the site is through an existing gated field access and there are no proposed changes to the stone wall along the site's northern or western boundary. Driveway finish in pavings as per submitted drawings.

The driveway access will incorporate an electrically operated 5 bar field gates at boundary.

There is ample space for bin and recycling storage provided within the curtilage of the proposed house.

4.3 Water Supply and Drainage

A drainage plan is provided (Drawing No. 173161_01_A) by Griffen Design Ltd together with an explanatory statement (dated 03/09/18).

There is no public sewer available for connection at this location. The nearest watercourse is approximately 200m distant. It is proposed to serve the proposed house via a private drainage system incorporating a Klargestor treatment plant. This unit specified is adequately sized to accommodate a dwelling of this size and meets the requirements of the Scottish Building Standards and SEPA licensing requirements.

The treatment plant shall be sited 5.0m from the site boundaries and all structures to meet building control requirements.

There are no watercourses nearby. The treated effluent and site water will be routed to the designed drainage field for secondary treatment and recharge to ground.

A compliant porosity test was carried out by Griffen Design Ltd to verify the drainage design approach and to support the design.

4.4 Flood Risk

The site is outside flood risk zone. The drainage system is designed with sufficient storage for the 1 in 30-year return period and flooding for 1 in 200-year return period.

5. Planning Policy Assessment

The purpose of this section is to assess the policies that are relevant to the determination of the planning application.

Section 25 of the Town and Country Planning (Scotland) Act 1997 sets out the status of development plans and states that:

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

In this case the development plan framework comprises:

- TAY plan 2017
- Angus Local Development Plan 2016

This application is not considered to raise any matters that are of strategic significance and as such, the policies of the adopted LDP only need to be taken into consideration.

5.1 Angus Local Development Plan 2016

The main issues in relation to this application are whether the proposed development accords with relevant Angus Local Development Plan (ALDP) policies and whether there are any material considerations that justify a departure from the development plan.

The application site is contained within the rural Angus area within an area of open countryside. It is within the Category 1 Rural Settlement Unit (RSU) area. This area is defined in ALDP as non-remote with a stable or increasing population or where there are no services or facilities in need of support.

The following policies within ALDP are material to the assessment and determination of this application:

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

Adopted *Supplementary Guidance on Countryside Housing, and Design Quality and Placemaking*, provide further guidance on the interpretation of relevant aspects of the ALDP *Policies TC2, DS1 and DS3* to assist assessment of the development proposals.

The key planning considerations for this proposal are:

- Is this an appropriate location for a single house in the countryside and can it be supported by planning policy;
- whether the development proposals are of a scale and nature appropriate to its location;
- is the development in an appropriate and sustainable location, where the impact on landscape quality is minimised;
- whether there would be any adverse environmental, countryside, amenity, roads or transportation impacts as a result of this proposal.

The proposal for the development of a single house in the countryside is supported by the Development Plan under Policy TC2. The broader development strategy for Angus This seeks to maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities. Page 8 of the LDP states:

The ALDP aims to maintain this diversity by supporting new development in appropriate locations and by encouraging people to live and work in rural communities. There is a long-established strategy of supporting the retention of population and services by providing opportunities for new homes in the rural area including the Rural Service Centres (RSCs), smaller settlements and the open countryside.

This paddock site at East Keillor presents such an opportunity for a new dwelling amidst an established building group located a short distance from Newtyle, also encouraging people to stay and work in the rural community. This development will support Newtyle as an RSC.

With reference to *Policy DS1 Development Boundaries and Priorities*, the application site is outside any established settlement boundary. However, the Policy DS1 indicates that:

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.

The proposed development fits with the neighbouring scale and style of dwellings and has a similar footprint and layout to the neighbouring Strathview property. The site is rational as it relates well nestled between existing dwellings on Kinpurnie Castle Road at East Keillor. The development accords with Policy DC1.

Policy DS3: Design Quality and Placemaking draws upon the six qualities of a successful place as advocated within Scottish Planning Policy. Specifically, new development in Angus must be of high quality and design whilst contributing to the local character and sense of place within the landscape. The qualities which this new development must encompass are:

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

Draft Supplementary Guidance regarding *Design and Placemaking* was published August 2018 and reinforces these principles to be adopted in new development, emphasising a place-led approach.

The design of the house complies with the above principles of *Policy DS3*. The application site has established residential properties generally to its north and south. In terms of the residential environment to be provided, the plot size for the dwelling site is 1330m², including a generous area of garden ground. This plot size complies with the requirements also set out in in Appendix 3 of the *Supplementary Guidance on Countryside Housing* (September 2016) which states that plot sizes should be:

- *Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m²*

There are no changes to the access to the site which remains in the current location. The relationship between the properties and the neighbouring houses does not give rise to any amenity issues. The generous setback between buildings is appropriate to this rural location and accords with Council policy.

The design of the dwelling sits easily in the local context to the surroundings. It is of a traditional design and well-matched with the houses in this locality. Large picture windows are proposed on the west elevation to take advantage of the aspect across view across the Angus countryside. The proposed materials specified are also appropriate to the rural setting.

The existing stone wall on the north-western and south-western boundary of the site and the existing trees will be maintained. The dry-stone wall will be extended to enclose the entire garden area and to define private curtilage. This plot enclosure will be reinforced with native species planting on the south-eastern edge of the plot. These measures will ensure that the local environment is respected and the local landscape pattern is retained, contributing to the existing attractive place character.

There is no conflict with *Policy DS3*. The new development at East Keillor complies with design and placemaking guidance stipulated in ALDP.

Policy DS4 Amenity considers the impact of new development on local environment and amenity of existing or future nearby properties. Factors to be considered include:

- *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.*

In terms of *Policy DS4*, the design and layout of the housing on the site has taken into consideration the positioning of adjoining development to ensure that it does not have any adverse impact on the amenity of future occupants of the houses or of existing occupants of the adjacent properties.

The proposed new residential environment provides generous private garden ground and amenity space and off-street car parking by way of a detached garage and large driveway.

Bin and recycling storage space is provided within the curtilage of the property. The proposed house design, massing, height and scale of the proposed house takes into cognisance the adjacent housing styles and character and proposes a high-quality development.

The new property would generate a few additional traffic movements on the Kinpurnie Castle public road, however, this is not considered to be significant as the road is quiet.

This proposal complies with policy DS4 as it will not negatively impact on local residential amenity.

In terms of ALDP housing policy, it is recognised that:

Good quality housing is a key component of mixed and sustainable communities and access to such housing contributes to the quality of life enjoyed by people.

As the application site is outside any defined settlement *Policy TC2 Residential Development* is material to the assessment and determination of this application.

The policy provides detailed guidance specifically for countryside locations and sets out the criteria under which Angus council will support single house development outside settlements

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

This policy supports single house development single new houses where development would round off an established building group of 3 or more existing dwellings or infill an existing gap.

East Keillor is a small building group cluster of 5 dwellings and the proposal also involves infill of a gap between two of these residential properties. The proposal accords with two of the criteria under *LDP Policy TC2*.

The policy also states that all residential development proposals must also:

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

The proposed development scale and design is compatible with its surroundings and can be serviced, accessed and drained appropriately. This development will provide an acceptable residential environment as it is sited on a sizeable plot within an existing building cluster but still at a comfortable setback which will not affect amenity of exiting residents.

The proposed development will be situated on land between existing dwellings and farm sheds and so will not involve unnecessary extension of the settlement. The new house will nestle comfortably into the existing dispersed pattern of development parallel with Kinpurnie Castle Road and is conceived to suit its rural surroundings.

Reference is also made to *Supplementary Guidance on Countryside Housing*, adopted September 2016. The Supplementary Guidance supports new development where it is within a building group and this:

Does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting.

As this development proposal consolidates an existing small rural building group and involves frontage gap between existing development the proposal also satisfies this policy requirement.

This Supplementary Guidance also sets out various design requirements broadly matching the requirements of *Policies DS3 Design Quality and Placemaking* and *PV6 Development in the Landscape*. The proposed development respects the traditional pattern of development in the area and adopts complementary style, appearance, use of materials, form, scale and massing of existing rural development locally.

Appendix 3 of the *Supplementary Guidance* sets out criteria that development proposals should (as applicable) adhere to. An assessment against these 11 criteria is set out below:

- a) The development would not create a gap or rounding off opportunity for additional greenfield development. There has been no subdivision of existing residential curtilages to artificially create a new build plot. The site is an existing gap site located between an existing residential property's curtilage and an access road within a building grouping at East Keillor.
- b) The development meets the plot size requirements for Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m² providing a plot size for the new house of 1330 sq. m.
- c) The development does not extend ribbon development.
- d) The development does not result in the coalescence of building groups or of a building group with a nearby settlement.
- e) The development contributes positively to the rural character of the surrounding area and is not urban in form and/or appearance. The design of the property is sympathetic to the local dwellings in height, scale, character and use of materials.
- f) The development provides a good residential environment, including useable amenity space/private garden ground, and adequate space to retain the privacy of the adjacent property (Strathview Cottage).
- g) The scale of the development does not require to make provision for affordable housing in line with Policy TC3: Affordable Housing.
- h) There is no demonstrable cumulative impact on infrastructure and community facilities provision as a result of this development.
- i) The development does not adversely affect or is affected by farming or other rural business activities. The land is not currently in use for agriculture.

- j) The development does not take access through a farm court.
- k) The development does not require an access road of an urban scale or character. The proposed shared access into the site is suitable for use as vehicular access to serve two dwellings. Existing visibility splays will be maintained. There will be no impact on the existing stone wall which forms the north-west boundary of the site.

As the criteria under the Supplementary Guidance are satisfied, current policy under LDP TC2 supports the proposed development under this planning application.

Drainage and flooding have been considered with respect to *Policy PV13 Resilience and Adaptation* and *Policy PV15 Drainage Infrastructure*. The application site is suitable in accommodating the proposed development. Consulting engineers advise that the private drainage arrangement proposed is adequate to serve the proposed development.

The development will be serviced by a Kingspan Klargestar Biodisk BA-X treatment plant sited and sized to meet local building standards requirements. All effluent discharge and surface water is to be routed to a soakaway. A pumped arrangement is proposed due to local topography. Porosity testing undertaken by the consulting engineer has verified the design approach.

6. Conclusions

The Town and Country Planning (Scotland) Act 1998 s25 and s37 require that in handling and deciding upon an application the Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The determining issue for this planning application is compliance with adopted planning policy set out in the Angus Local Development Plan 2017 - Policies DS1, DS3, DS4, TC2 and related supplementary planning guidance.

The application generally accords with the planning policies material to the assessment and determination of new housing proposals in the countryside. An appropriately sited and designed new home is justified under the Council's policies. The proposed siting, design, scale meets the Council's standards on placemaking as set out under Development Plan Policy and supplementary guidance as the proposed development is sited appropriately, acceptable in terms of rural design and quality and can be accessed and serviced acceptably.

As the proposed development accords with the Development Plan and there are no material considerations that would overturn the statutory support given to this single house proposal it is therefore respectfully requested that Angus Council grants planning permission for this development.

Prepared by

Cushman & Wakefield
199 St Vincent Street
Glasgow
G2 5QD



DO NOT SCALE FROM DWG

Cottage



REV

B

12.12.18

2017.33B.E4

Curtilage-Boundary [1:500@A3]

CAD/planning east/ex site

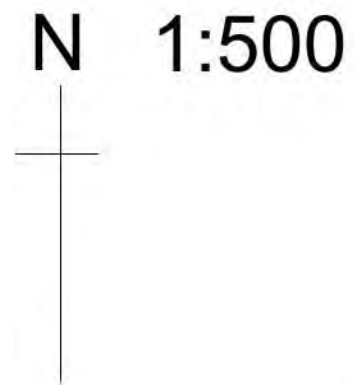
East Keillor, East plot

Kinburnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk



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 Planning Officer (Development Standards)
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Direct +44 (0)141 304 3224

Your Ref 18/00867/FULL
Our Ref AC111017/170FS100

14 December 2018

Dear Sir

Planning Application for Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview, East Keillor, Coupar Angus

On behalf of my client Kinpurnie Estate, and in response to your correspondence dated 10th December 2018 which stipulates that the planning application cannot currently be supported, I am providing further information with intentions of clarity on the outstanding issues.

I would like to clarify the issues raised and demonstrate that the proposed development is compliant with the adopted policies within the Angus Local Development Plan, with particular attention towards Policy TC2 and the associated Countryside Housing supplementary guidance.

Further to this and for the purposes of transparency, additional drawings are also submitted which address the issue of the trees, land ownership outwith property curtilage, the gap site position of the site, and its position within a building group, as listed:

- Existing Site Plan indicating all trees impacting the site;
- Strathview Cottage Title Deed Plan;
- A Curtilage Boundary drawing indicating gap site development (<50m frontage between property curtilages);
- Location Plan indicating building group development with sense of containment.

One of the concerns noted in your previous correspondence was that the application site is bound to the north by an area of ground which is outwith the curtilage of the existing property at Strathview. This land is photographed in Figure 1. It can be evidenced that this land does belong to Strathview and thus the curtilage of this property is understood to be demarcated by the existing fence. This is shown in the attached title plan for Strathview Cottage and this can be confirmed by overlaying the Proposed Site Plan with the Title Plan which are of the same scale

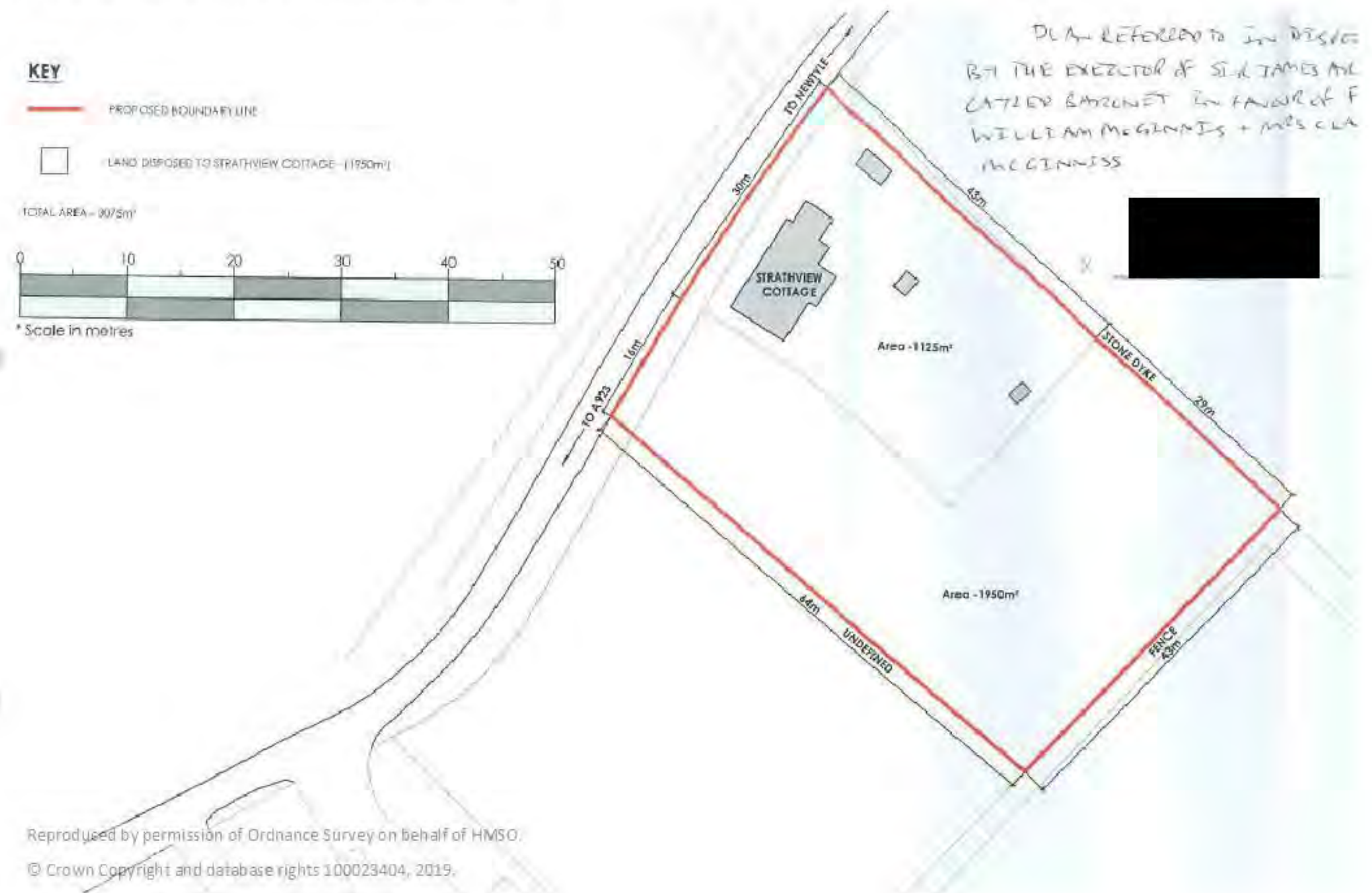
(1:500). This confirms the 48.5m distance between the curtilages of Strathview Cottage and East Keillor House which is therefore a gap site suitable for the proposed development.

Figure 1: Disputed land – all land beyond wooden fence is belonging to Strathview Cottage property (photos taken 12/12/18).



An extract of the title plan for Strathview is shown in Figure 2. This confirms that this area of land was disposed to the property of Strathview Cottage.

Figure 2: Strathview Title Deed Plan



Additionally, the land to the south of the site is bound by a grassed area/ shared access which serves the existing buildings and will serve the proposed development. In response to the issue raised that the Existing Site Plan does not accurately show all of the existing trees; for clarity a new Existing Site Plan (Figure 3) accompanies this submission and clearly labels all the trees. This shows that there are 2 No. trees on this grassed/ access area which overhang onto the proposed development site. Although these trees are not within the site boundary, these 2 No. trees will be removed as they are weather-damaged and significantly overhang the development site, contributing to amenity issues. The other trees shown on the Existing Site Plan will be retained for purpose of character.

Figure 3: Existing Site Plan with Trees

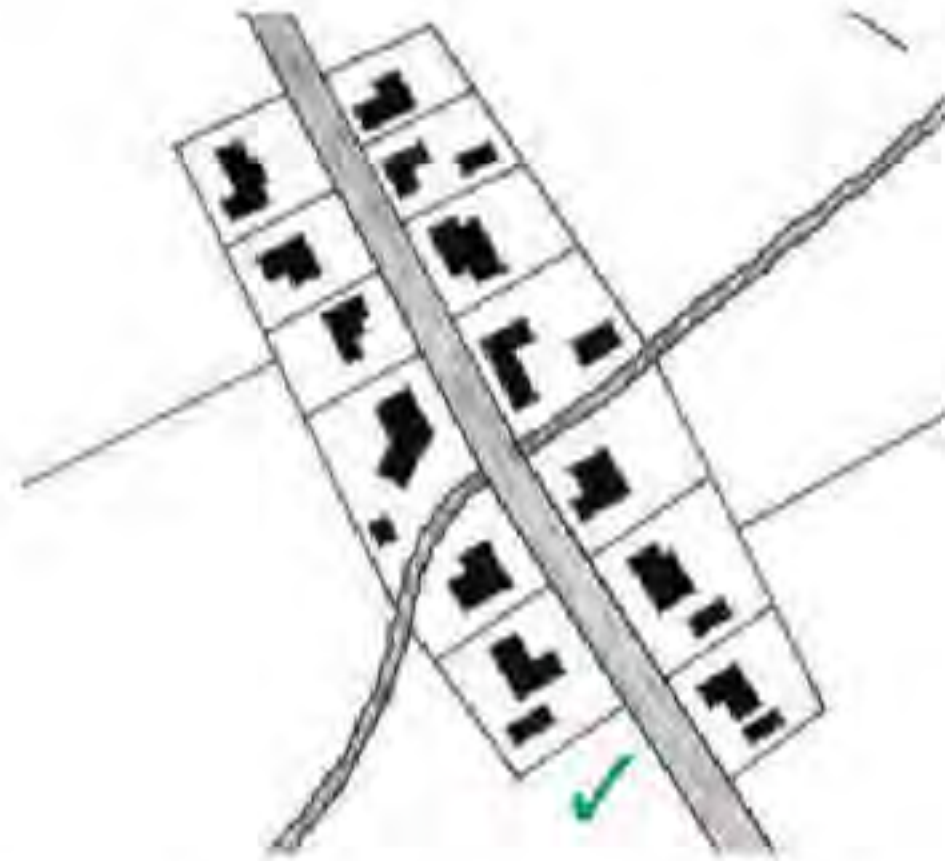


Artificial slate was originally proposed for the roof however, natural slate can be suitably sourced to meet Angus Council's design standards for new housing in the countryside. Thus, this need not be an issue.

With respect to New Houses in the Countryside and Policy TC2, paragraph 3.4 within the Countryside Housing Supplementary Guidance adopted 2016, both Building Groups and Gap Sites are explored, and images of acceptable building groups and gap sites are provided.

Building Group

Figure 4: Extract from Countryside Housing Supplementary Guidance, 2016. Acceptable Building Group Rounding off.



Building Group: acceptable rounding off.

A Building Group is defined in paragraph 3.4 as where:

“A single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use”

“This should be sited/located within the building group provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting.”

The Glossary provides a further helpful definition of each of the terms. A Building Group here is defined as:

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

“Sense of containment” is also defined:

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

Figure 5: Building Group as defined by surrounding property and Sense of Containment – extract from Further Location Plan



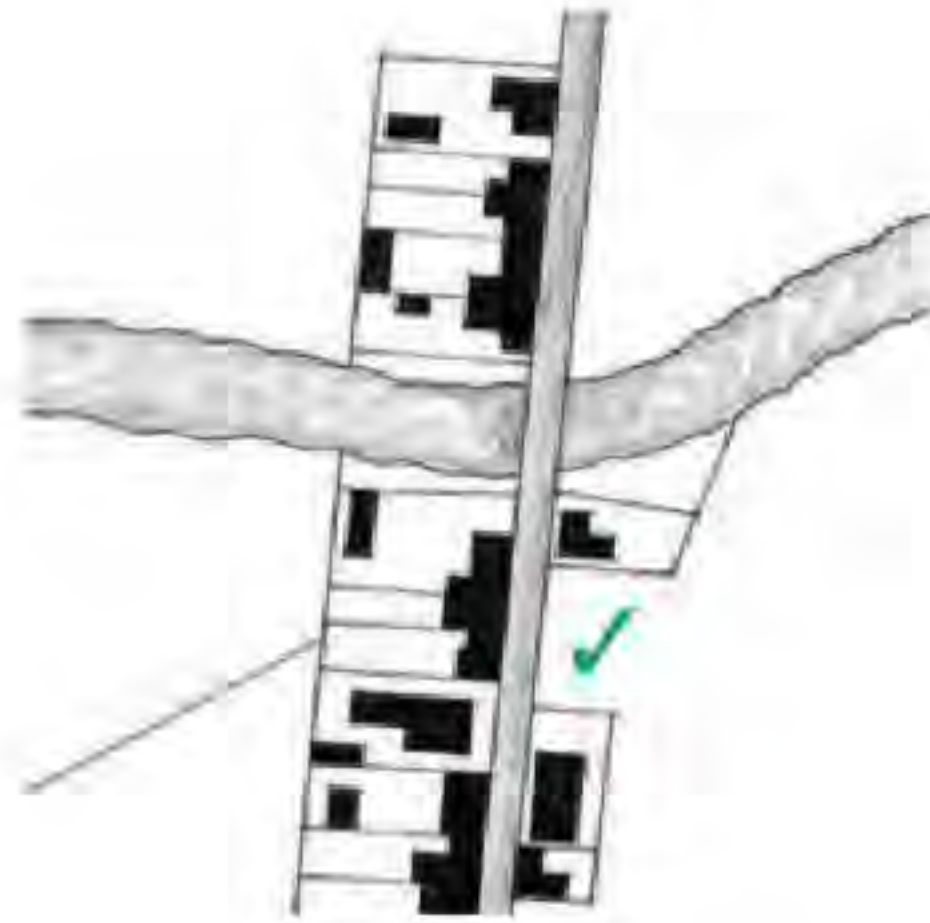
Figure 5 clearly shows the existing building group at East Keillor which is comparable with the example given in supplementary guidance (Figure 4). The proposed development is situated on a suitable gap after the bend in the road towards Strathview Cottage and heading North-East. The proposed development would round off the existing building group which consists of Netherton Cottage, East Keillor House and farm buildings, and Strathview Cottage. These properties are closely related and clustered on Kinpurnie Castle Road overlooking a field to the north.

The site is a plot which would not detract from the sense of containment of the building group as it is located within, and thus would contribute towards, this defined grouping.

This building group has a sense of containment (Figure 5) as it is bound to the north by the adopted core path – Keillor Path (Route 238) and edge of field boundary. Den Burn demarcates the southern boundary of the field which the properties overlook. The building group is clustered on a natural bend in the road overlooking a well-defined field which delineates the full extent of the building group.

Gap Site

Figure 6: Extract from Countryside Housing Supplementary Guidance, 2016. Acceptable Gap Site Development.



Acceptable gap site between two existing houses.

Figure 6 indicates what a gap site may look like.

Paragraph 3.4, New Houses in the Countryside specifies what is acceptable as a gap site. It states that:

“In Category 1 RSUs a gap site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house. A site will not constitute a gap site if it lies within the curtilage of an existing house, or on land that is not clearly defined as being outwith the curtilage of a house or houses.”

In addition, the Glossary of the Countryside Housing Supplementary Guidance further defines what a gap site comprises:

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

The proposed development site is within a Category 1 Rural Settlement Unit.

Figure 7 shows that the proposed development undoubtedly constitutes a gap site (comparable with Figure 6) between the curtilage of two properties – Strathview Cottage and East Keillor House. It shows that the proposed development will occupy the land between the curtilages of the two existing properties.

Figure 7 clearly displays the curtilage of the 2 No. existing properties which leaves a 48.5 metre gap site for the proposed development. This frontage measures 48.5 metres and so is within the required frontage of 50 metres to constitute a gap site, as defined in Policy TC2.

Furthermore, the proposed development site has established boundaries on three sides – Kinpurnie Castle Road, Strathview property and curtilage and East Keillor House property and curtilage which includes the shared access and grassed area to the south of the proposed development. Having established boundaries on three sides is part of the glossary definition of a gap site.

Figure 7: Extract of Curtilage-Boundary Plan showing the 48.5m frontage between property curtilages



It has been clearly demonstrated that the proposed development site undoubtedly constitutes a gap site within a building group as defined in the adopted Angus Council Local Development Plan and adopted supplementary guidance regarding Housing in the Countryside.

I trust that this further clarity in response to the concerns you raised following our application submission is sufficient for you to reconsider your position regarding the proposed development before the outcome is determined.

I look forward to hearing from you with confirmation of receipt of this letter.

Yours faithfully



A solid black rectangular box redacting the signature of Maria Francké.

Maria Francké BSc MBA MRTPI
Partner, Development and Planning
For and on behalf of Cushman & Wakefield

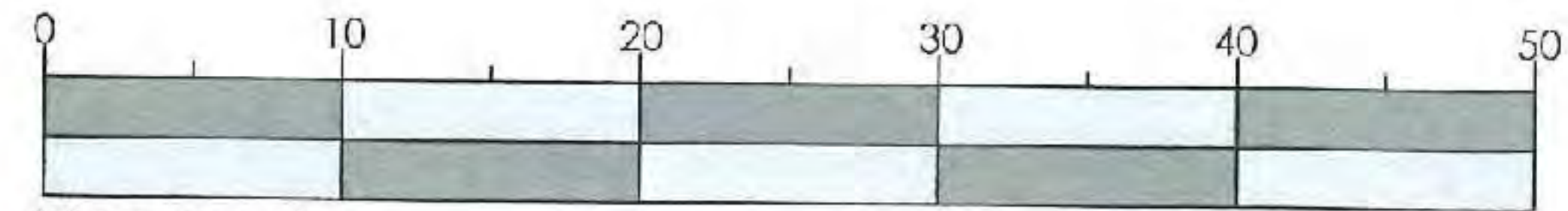
Enc.

cc. Kinpurnie Estate

KEY

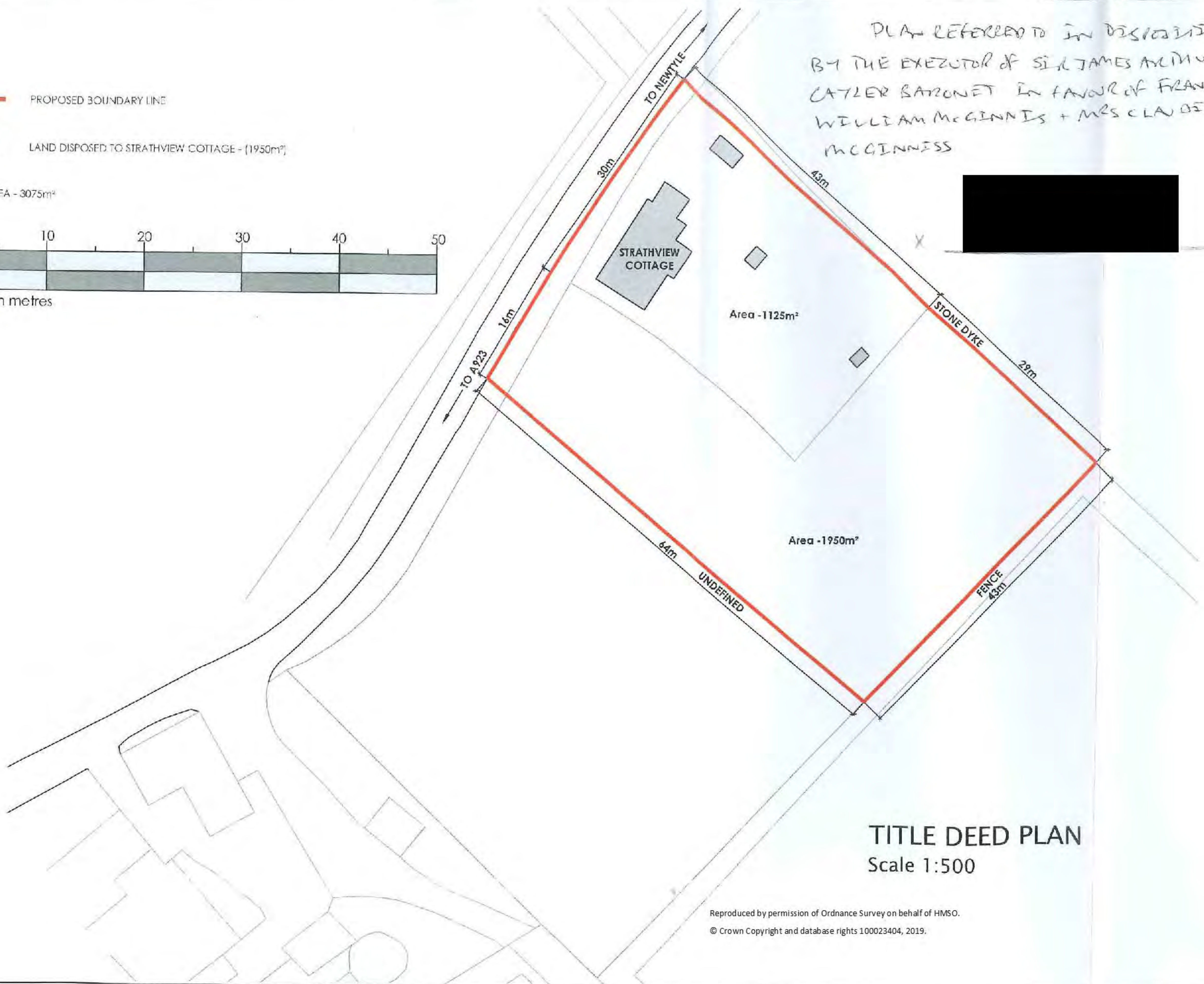
-  PROPOSED BOUNDARY LINE
-  LAND DISPOSED TO STRATHVIEW COTTAGE - (1950m²)

TOTAL AREA - 3075m²



* Scale in metres

PLAN REFERRED TO IN DISPOSITION
BY THE EXECUTOR OF SIR JAMES AUCHINCLOSS
CATLER BARONET IN FAVOUR OF FRANK
WILLIAM MCGINNIS + MRS CLAUDEA
MCGINNIS



TITLE DEED PLAN
Scale 1:500

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CLIENT
Kinburnie Estate

PROJECT
Title Deed for Strathview Cottage

ADDRESS
Strathview Cottage, Newtyle, Blairgowrie

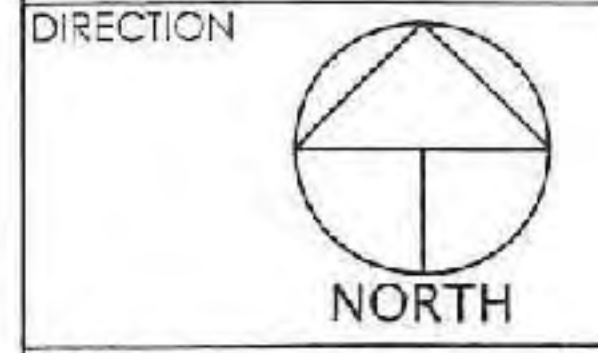
DRAWING TITLE
Title Deed Plan

DRAWING NUMBER
1994 - 100

REV	NOTES	DATE

SCALE **1:500 - A3 PRINT**

- DRAWING STATUS
- FEASIBILITY
 - CLIENT APPROVAL
 - PLANNING
 - BUILDING WARRANT
 - TITLE DEED
 - CONSTRUCTION
 - AS BUILT



DATE **SEPT 2014**

DRAWN BY **P. Birse** CHECKED BY

CAD REFERENCE
1994 - TITLE DEED

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AC20



SITE

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**ERECTION OF DWELLINGHOUSE, FORMATION OF A SHARED
ACCESS AND ASSOCIATED OPERATIONS AT FIELD 50M SOUTH OF
STRATHVIEW, EAST KEILLOR, COUPAR ANGUS**

APPLICATION NO 18/00867/FULL

APPLICANT'S SUBMISSION

Page No

ITEM 1 Notice of Review

ITEM 2 Local Review Statement (including Productions 1-12)

- Production 1 – Application for Planning Permission
- Production 2 – Plan – Curtilage Boundary
- Production 3 – Correspondence dated 3 September 2018
- Production 4 – Site Plan
- Production 5 – Email correspondence dated 4 January 2019
- Production 6 – Location Plan
- Production 7 – Planning Statement
- Production 8 – Plan – Drainage Layout
- Production 9 – Floor Plan and Elevations
- Production 10 – Site Plan
- Production 11 – Correspondence dated 14 December 2018
- Production 12 – Title Deed Plan



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 100155533-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Murray Beth"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="3"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Glenfinlas Street"/>
Company/Organisation	<input type="text" value="Kinpurnie Estate"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH3 6AQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

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

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

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

Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations, East Keillor, Coupar Angus, Blairgowrie, PH13 9JU.

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.

See Written Statement of Case

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)

See Written Statement of Case and Appendices Reference is made to Applicant written supporting statement drawings and submission lodged in support of original application

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00867/FULL

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

01/11/2018

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

09/01/2019

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

The appellant would prefer a site inspection to point out extent of frontage, to inspect road access adjacent to Strathview Cottage, the proposed means of access and residential characteristics of established building group.

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 Martin Hannah

Declaration Date: 27/02/2019

Local Review Statement

S43A Review of Decision by
Appointed Officer to refuse
Application for Planning Permission
for the Erection of a Dwellinghouse,
Creation of Access and Associated
Works at East Keillor, Coupar Angus,
Blairgowrie under reference
18/00867/FULL

Prepared on behalf of:
Kinpurnie Estate

28 February 2019



Contents

1. Introduction	2
2. Appellant's Statement of Case	4
3. Reasoned Justification for Approval	12
4. Conclusion	14
5. Appendices	15

1. Introduction

- 1.1 This statement of case has been prepared by Cushman & Wakefield on behalf of Kinpurnie Estate to support local review of planning decision (**18/00867/FULL**) dated 9 January 2019 to refuse application for planning permission for the:

“Erection of a dwellinghouse, creation of access and associated works, East Keillor, Coupar Angus, Blairgowrie, PH13”

Application for review is made under s43 A of The Town and Country Planning (Scotland) Act 1997 as amended, also Regulation 9 of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1.2 The statement of case sets out the grounds and reasoning for the requested local review.
- 1.3 The request for local review should consider the various drawings and information and correspondence lodged by the appellant to support the planning application.
- 1.4 Some reference is made in this statement to the appellant’s original written supporting statement (Production 7), drawings and other submissions which are listed as Productions 1-12. These Productions were all previously considered by the Appointed Officer and should be considered again by the Local Review Body, de novo.
- 1.5 In addition, the following additional appendices are attached to this Statement of Case in response to the decision letter and specific matters arising from the Appointed Officer’s Report on Handling to corroborate the residential use of Netherton Cottage, East Keillor House and Strathview Cottage. A photograph of the vehicular road access to Strathview is also appended (p19). This information was presented to the Appointed Officer previously.
- Appendix 1 - Aerial View of East Keillor Established Building Group.
 - Appendix 2 – Scottish Assessor and One Scotland Gazetteer Data.
 - Appendix 3 - Photograph of Boundary with Strathview Cottage. Road access and fence line shown.

1.6 The request for local review is lodged timeously within the three-month limit as prescribed by the Regulations.

2. Appellant's Statement of Case

2.1 Two reasons for refusal of planning permission were given under the Appointed Officer's decision set out in the decision letter, videlicet:

1/ That the application is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the adopted Countryside Housing Supplementary guidance because the proposed house would not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.

2/ That the application is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely Policy TC2 and the associated Countryside Housing Supplementary Guidance.

2.2 Under exception to the reasons listed above, the Appointed Officer concluded that the planning application lodged accorded with the policies material to the assessment and determination of the planning application. The Appointed Officer's assessment and reasoning is set out in the Report on Handling dated 7 January 2019.

2.3 The Appointed Officer expressed satisfaction with the design and appearance of the proposed house, siting in relationship to neighbouring property; also, the proposed vehicular access and drainage arrangements.

2.4 Although neighbour objection was lodged to the application the Appointed Officer also determined that the application would have no adverse effect upon the amenity of neighbouring property occupiers, also the proposed development would provide a satisfactory standard of amenity to the proposed dwelling. There is no loss of reasonable entitlement to privacy or daylighting involved.

2.5 In this case, planning permission has been refused on policy grounds because the Appointed Officer determined that the proposed development does not qualify as an acceptable form of single-house development as permitted under Policy TC2 and the related Supplementary Guidance, accordingly the proposal also failed the policy test under Policy DS1.

- 2.6 The appellant disputes the Appointed Officer assessment and planning determination that the proposal is contrary to Development Plan Policy TC2, adopted Housing Supplementary Guidance or Development Plan Policy DS1.
- 2.7 For the reasons as set out in this statement, application for review is lodged on grounds that the proposed development generally accords with Policy TC2, and all other material policies - therefore also Policy DS1.
- 2.8 The Appointed Officer decision should now be overturned in favour of grant of planning permission to accord with Development Plan Policy and s25 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2.9 Development Plan Policies TC2 and DS1 are restated below:

Policy TC2 Residential Development

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

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

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

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

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

- retention, renovation or acceptable replacement of existing houses;

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

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

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

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

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

- 2.10 Policy TC2 offers clear support for a single house development that **consolidates an established group of three or more existing dwellings** or **fills a gap between existing houses or in circumstances involving a gap site between a house and other substantial building or a road**¹.
- 2.11 The Countryside Housing Supplementary Guidance, September 2016 clarifies that gap sites shall not generally exceed 50 metre frontage.

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.

¹ For the purposes of Policy interpretation a *road* is defined by the Supplementary Guidance and LDP as a stone surface with a hard, crushed rock or stone surface - as a minimum. There is no guidance provided on length or width of a road nor its intended purpose.

In all locations, proposals that reuse 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.

- 2.12 The application site is in a Category 1 rural settlement unit and countryside location outside a development boundary.
- 2.13 Policies TC2, DS1, DS3, DS4 and PV6 and Countryside Housing Supplementary Guidance are material to the assessment and determination of planning applications outside development boundaries.
- 2.14 The appellant's original supporting written statement (Production 7) included a full and reasoned policy assessment against the requirements of the Adopted Development Plan.
- 2.15 The Appointed Officer determined that the proposed development raises no concerns in terms of Policy DS3, DS4 or PV6 nor the detailed criteria set out in the Countryside Housing Supplementary Planning Guidance 2016.
- 2.16 There is also no dispute that the application site is a Category 1 rural settlement unit, therefore only appropriately designed and sited development is permitted under adopted Local Development Plan Policy TC2. Modest consolidation of *established building groups* is accepted but limited to single house development

- 2.17 The adopted plan Policy TC2 supports development of a single house when this would help consolidate the established building group either through *rounding-off* or otherwise *fill in a gap* in existing development.
- 2.18 The Supplementary Guidance offers further advice that gap sites should normally not exceed 50m frontage within an established building group.
- 2.19 Established building groups should also be contained and made up of three or more existing dwellings. The term *established building group* referred to by Policy TC2 is not a defined term under the Local Development Plan but the Countryside Housing Supplementary Guidance 2016, defines a *building group* as a group of:
- at least 3 closely related existing dwellings or buildings capable of conversion for residential use. The building group will have a sense of containment.*
- 2.20 The main ground for appeal is that the small hamlet of East Keillor, numbering four existing dwellings, is an established building group for the purposes of Policy TC2.
- 2.21 If the Local Review Body concurs that East Keillor is an *established building group*, it also follows that Council policy allows for single house development of the application site, as proposed.
- 2.22 To support this review the appellant also asks the Review Body to consider the available public records that also confirm that there are currently four established residential properties at East Keillor, Coupar Angus PH13 9JU, three of which; Strathview, East Keillor House and Nether-ton Cottage are very closely related. Strathview Cottage and East Keillor House are situated on either side of the application site. Further information is appended to this statement.
- 2.23 It is accepted that Denside Cottage is more outlying and perhaps does not relate as well to the building grouping, but it is still recognisably part of this established building group of East Keillor. Cushman & Wakefield has verified that all four residential properties have national reference numbers and are entered in the domestic valuation roll and therefore pay domestic rates to Angus Council.

Property Name	UPRN
Denside Cottage	117117119
Netherton Cottage	117117120
Strathview Cottage	117117118
East Keillor House	117117121

2.24 East Keillor House and its ancillary buildings are in residential use and are owned by the appellant. It is leased privately and does not currently form part of an agricultural holding. Strathview is also a dwelling house. This information was before the Appointed Officer at determination of the application.

2.25 The Scottish Assessor valuation records state that the property has been entered in the domestic valuation roll since 1993.

2.26 The small hamlet of East Keillor satisfies the definition of established building group acceptably. The development of a single house at East Keillor at this location is therefore an acceptable consolidation of the established building group entirely consistent with Policy TC2.

2.27 The proposed development also involves take-up of a *gap site* also permitted under Policy TC2. The term *gap site* is also a defined glossary term under the same 2016 supplementary guidance. It is defined as:

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

2.28 Also, to meet the requirements of a gap site, the Authority specifies on page 10 of the Supplementary Guidance a dimension of 50 metre development frontage as a maximum standard.

2.29 The Appointed Officer has determined (incorrectly) that the application site cannot be a *gap site* because it “*lies between a farm building complex at East Keillor to the south west and part of a field to the north east*”.

- 2.30 It is unclear why the Appointed Officer does not acknowledge the residential status of East Keillor House, but the appellant considers that this has likely prejudiced planning assessment under Policy TC2.
- 2.31 The officer's determination is not supported by the available facts. Strathview Cottage and East Keillor House are in residential use. Neither property forms part of a farm and simple enquiry of Council Tax records can confirm this to be so.
- 2.32 To be considered a gap site under Policy TC2 requires that there is space either between the residential curtilage of a house and a metalled road or the curtilage of another house; also, that the site should have established boundaries on three sides. There is one further declaration introduced by the Supplementary Guidance that the frontage of a gap site generally should not exceed 50 metres.
- 2.33 The application site is situated between the residential curtilage of East Keillor House and the residential curtilage of Strathview Cottage. A road access also serves Strathview Cottage as indicated by the photograph appended to this statement and is shown in Production 5. The distance between East Keillor House and boundary with Strathview Cottage complies with the 50m frontage standard.
- 2.34 The Appointed Officer reasoned that the application site does not appear to be coterminous with residential curtilage and stated incorrectly that the site lies "*between a farm complex at East Keillor to the south west and part of a field to the north east*". Furthermore, the Report on Handling made no reference to short section of road that now serves Strathview Cottage.
- 2.35 The planning assessment by the Appointed Officer in this case is flawed. The appellant considers that there has been some incorrect interpretation and application of the Policy and perhaps some misunderstanding of the terminology used by the adopted plan and the Supplementary Planning Guidance. Mistaken assumptions have been made about the planning use class status of East Keillor House and Strathview Cottage.
- 2.36 This has unfortunately resulted in some misapplication of Policy and a refusal decision. The appellant asks the Local Review Body to consider these grounds for appeal, visit the site and to reverse the refusal decision of the Appointed Officer.

3. Reasoned Justification for Approval

- 3.1 East Keillor is an established building group of four residences. Council Policy permits single house development provided development is coherent, consolidates an established group of buildings and complies with other material planning policies.
- 3.2 The application site should also be categorised as a gap site by reason of its physical relationship between established properties East Keillor House and Strathview Cottage. In this context, policy TC2 also supports single house development.
- 3.3 East Keillor House is a privately rented residential property and the land and buildings associated with the property can fairly be described as residential curtilage. The registered title extent of Strathview Cottage is defined by the redline on the disposition plan from 2010 and included as Production 12. This again confirms the gap site characteristics of the application site.
- 3.4 Even if the land immediately adjoining Strathview Cottage is determined not to form part of its domestic curtilage, the Appointed Officer has attached insufficient weight to the existence of a short section of road that serves this property. The application site should reasonably be regarded as a gap site by reason of the road that serves this land.
- 3.5 The application site is also bounded as required on three sides by: the property fencing and road access to the north east serving Strathview Cottage; the property boundary of East Keillor House to the south west; the main road and stone-built perimeter wall to the west.
- 3.6 Accordingly, the application site satisfies the description of a gap site under the adopted plan and the Supplementary Planning Guidance. The measured extent of the site frontage between the road serving Strathview Cottage and East Keillor satisfies the Planning Authority 50 metre standard.

- 3.7 Under Policy TC2, Adopted Development Plan policy accepts the principle of single house development of a gap site and rounding-off of this small settlement. Planning permission has been refused due to incorrect reasoning that the application site is neither part of a small building group nor a gap site. The Officer interpretation of Policy, reasoning and determination in this case is unreasonably stringent and some assumptions appear incorrect.
- 3.8 It is the appellant's submission that applying the Council's terminology and Policy correctly and reasonably the proposed development satisfies the requirements of the Development Plan. Construction of a single dwelling on the application site would consolidate an established building group of 3 or more existing dwellings in terms consistent with Policy TC2.
- 3.9 The appellant also considers that proposed development between East Keillor House and Strathview Cottage is gap site development that is rational in planning terms and consistent with reasonable interpretation of Policy TC2.
- 3.10 In the judgement of the appellant, the proposed development accords with Adopted Development Plan Policy TC2 and all other material policies. Accordingly, the proposal also meets the standard of Policy DS1.
- 3.11 On behalf of the appellant we request that the decision of the Appointed officer be overturned, and that planning permission now be granted.

4. Conclusion

- 4.1 The proposed development accords with the relevant provisions of the Development Plan because the small hamlet of East Keillor is an established building group. The refusal decision by the Appointed Officer is therefore unjustified.
- 4.2 Current Policy permits rational consolidation and development of gap sites within established building groups subject to detailed designed criteria and normal siting, design and serviceability criteria that in this case are fully satisfied.
- 4.3 Legislation directs that Planning Authorities make planning decisions generally in accordance with the provisions of the Adopted Development Plan 2016, including adopted Supplementary Planning Guidance.
- 4.4 There are no material considerations that would justify a refusal of the planning application contrary to the provisions of that Plan.
- 4.5 It is therefore respectfully requested that this appeal under Local Review Procedures now be upheld.

5. Appendices

Appendix 1

Aerial View of East Keillor Small Building Group. Existing dwellings as indicated: 1. Strathview Cottage, 2. E Keillor House and 3. Netherton Cottage.



Appendix 2

Gazetteer and Council Tax records.

IS
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Search Address Search address within Scotland

Enter Address
House No./ House Name/ Street/ Town/ Postcode

Enter UPRN
117117121

*Post Code should be entered with space e.g. EH54 6AX

Search Reset

Results
Results returned: 1
Results displayed: 1

1 EAST KELLOR HOUSE EAST KELLOR COUPAR ANGUS PH13 9JU

EAST KELLOR HOUSE,
EAST KELLOR,
COUPAR ANGUS
PH13 9JU
Postal Town: BLARROWRIE
Custodian: Angus
UPRN: 117117121

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New search

Found 2 matches. Displaying 1 to 2. Last updated 25/02/2019 11:07

Ref No.	Property Address	Band	Effective Date	Marker	Local Authority	Select Property
009568	DWELLING EAST KELLOR COUPAR ANGUS PERTSHIRE PH13 9JU	C	01-APR-93		Angus	Select DWELLING EAST KELLOR
009569	NETHERERTON COTTAGE EAST KELLOR COUPAR ANGUS PERTSHIRE PH13 9JU	A	01-APR-93		Angus	Select NETHERERTON COTTAGE EAST KELLOR

Results page: 1

Bands shown do not include the effect on value of alterations or improvements carried out by the current owners. Only when a house is sold will they be taken into account and from the date of sale. There may however be a delay in amending the Band, pending information required by the Assessor becoming available.

To lodge a proposal you must select the individual property by clicking on the address in the Select Property column.

Searching 2,992,994 records
Search Engine v1.1.4

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Enter address or postcode below Search by Region

strathview Cottage coupar angus All Regions

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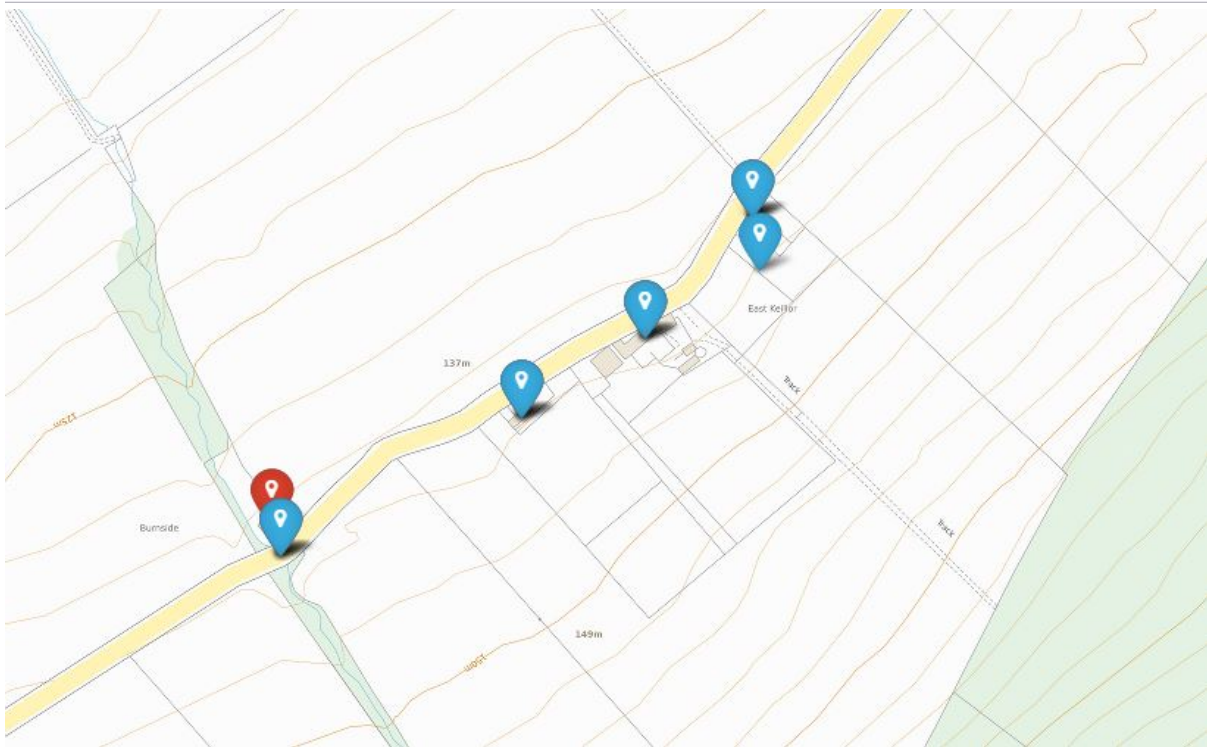
STRATHVIEW COTTAGE, COUPAR ANGUS, BLAIRGOWRIE, PERTSHIRE, PH13 9JU

Current Band

Ref No.	000060	Effective Date	01-APR-93
Office	TOWNSIDE VIEW	Marker	
Property Address	STRATHVIEW COTTAGE COUPAR ANGUS BLAIRGOWRIE PERTSHIRE PH13 9JU	Local Authority	SCGAS
Band	C		

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Bands shown do not include the effect on value of alterations or improvements carried out by the current owners.
 Only when a house is sold will this be taken into account and from the date of sale.
 There may however be a delay in amending the Band, pending information required by the Assessor becoming available.
 If you wish to view the Scotland National Reference Number or see a map of the local area surrounding the property, click the arrow to view the details and link to the online map.
 Searching 2,985,007 records.
 Search Page 1 of 14



Appendix 3

Boundary of application site with Strathview Cottage.



Prepared by:

Cushman & Wakefield
199 St Vincent Street
Glasgow
G2 5QD





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 100140947-001

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

Type of Application

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

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

Description of Proposal

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

Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations, East Keillor, Coupar Angus, Blairgowrie, PH13 9JU.

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:	Cushman and Wakefield		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Maria	Building Name:	
Last Name: *	Francké	Building Number:	199
Telephone Number: *	0141 304 3224	Address 1 (Street): *	St Vincent Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G2 5QD
Email Address: *	maria.francke@cushwake.com		

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:		Building Name:	
First Name: *		Building Number:	3
Last Name: *		Address 1 (Street): *	Glenfinlas Street
Company/Organisation	Kinburnie Estate c/o Murray Beith	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH3 6AQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

EAST KEILLOR HOUSE

Address 2:

EAST KEILLOR

Address 3:

COUPAR ANGUS

Address 4:

Address 5:

Town/City/Settlement:

BLAIRGOWRIE

Post Code:

PH13 9JU

Please identify/describe the location of the site or sites

Northing

740084

Easting

327880

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)

Pre-application meetings and discussions have been held with Ed Taylor and James Wright. These have focussed on the principle of development on the site, the site layout and detailed housing design.

Title:

Other title:

First Name:

Last Name:

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:

2735.00

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)

The current use of the plot is as a pony paddock. It is not agricultural land.

Access and Parking

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

Yes No

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

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

Yes No

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

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

There is no public sewer available for connection at this location. A private drainage system in the form of a Klargestert treatment plant is proposed to serve this proposed house. This unit is adequately sized to accommodate a dwelling of this size and shall be sited 5m from the site boundaries and all structures to meet building control requirements.

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.

Waste Storage and Collection

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

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Double garage, driveway and hardstanding path and access will accommodate the storing and collection of waste and recycling.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

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: Maria Francké

On behalf of: Kinpurnie Estate c/o Murray Beith Murray

Date: 01/11/2018

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)

A drainage plan has been attached to this application.

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 checked="" type="checkbox"/> Yes | <input 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)

A Planning Statement has been submitted to indicate how this proposal complies with Angus Local Development Plan Policy.

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: Miss Kathryn Cockburn

Declaration Date: 01/11/2018

Payment Details

Cheque: Client to advise , 0000000

Created: 01/11/2018 12:23

Production 2



DO NOT SCALE FROM DWG

REV

B

12.12.18

2017.33B.E4

Curtilage-Boundary [1:500@A3]

CAD/planning east/ex site

East Keillor, East plot

Kinburnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk



Griffen Design Ltd.
Structural Engineering Consultancy
Unit 2.5 Discovery House, Technology Park, Dundee, DD2 1SW
Tel: 01382 561112
Email: info@griffendesign.co.uk



OUR Ref NM/KM/ 173163 180903

03 September 2018

Ms M. Francké
Cushman & Wakefield
199 St Vincent Street,
Glasgow, G2 5QD

Dear Sirs

**PROPOSED SUSTAINABLE URBAN DRAINAGE SYSTEM
AT PADDOCK SITE, EAST KIELLOR FARM, COUPAR ANGUS, BLAIRGOWRIE**

The following is a brief synopsis for the treatment of the foul and surface water drainage systems for the proposed new dwelling on the paddock site at East Kiellor Farm.

Foul Treatment

All foul water drainage is laid to falls. Each plot is to be serviced by a Kingspan Klargester Biodisk BA-X treatment plant, or similar approved, located on the plot at least 5.0m from the site boundaries and all structures. The effluent discharge should have effluent qualities of better than 10mg/l BOD, 15mg/l SS and 3.8mg/l ammonia. A sampling chamber is to be located after the treatment plant for testing the discharge water. The discharge from the sampling chamber is to have a no-return valve before connecting into the plot discharge manhole.

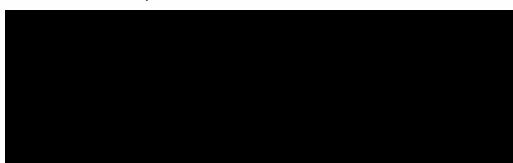
Surface Water

All surface water is laid to falls and connects into the plot discharge manhole.

Soakaway

All effluent discharge and surface water is to be taken to a soakaway. A sump and pump system, by specialist supplier, is required to transfer the discharge water from site to soakaway. The soakaway is designed in accordance with both Kingspan Klargester guidelines, BRE Digest 365 and SUDS guidelines. A porosity test was carried out in accordance with the above guidelines giving an infiltration rate, f , of 24.6×10^{-6} m/s. The system has sufficient storage for the 1 in 30 year return period and flooding for 1 in 200 year return period. The flooding is contained on site using the natural landscape.

Yours faithfully,



Nathan D. Murray
BEng(hons) MSc CEng MIStructE
For Griffen Design Ltd.

Griffen Design Ltd., T/A Griffen Design
Registered Office, 6 Osprey Bank, Dundee, DD2 5GE
Registered in Scotland No.261157



Production 4



principal properties and out-buildings hatched pink

dry stone field wall at back of verge

135.8m

retain tree

current access

remove 2no overhanging and wind damaged trees

retain tree

retain tree

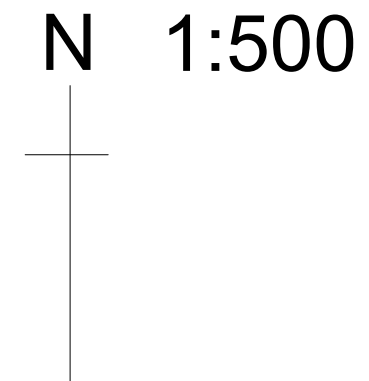
retain tree

retain tree

retain tree

retain tree

East Keillor



DO NOT SCALE FROM DWG

REV

C

12.12.18

2017.33B.E0

Ex Site Plan [1:500@A3]

CAD/planning east/ex site

East Keillor, East plot

Kinburnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk



From: Martin Hannah/GBR
To: ["WrightJ@angus.gov.uk"](mailto:WrightJ@angus.gov.uk)
Subject: Subject: 18/00867/FULL
Date: 04 January 2019 17:37:00
Attachments: [East Keillor Building Group.pdf](#)
[image001.png](#)
[J Wright Angus Council E Keillor 4 jan 12019.pdf](#)

Dear Mr Wright,

Following discussion earlier I set out some thoughts, attached. Hopefully you will reconsider your recommendation.

Evidently we interpret the Policy differently, however, I can only advise the client based on the literal policy as set out in the Adopted Plan, Supplementary Guidance and the glossary of terms used.

I consider there is adequate scope for interpretation and application of Policy TC2 to allow this development to proceed.

Also no wish to become embroiled in debate about curtilage of neighbouring property or to cause problems for the owner of Strathview as there is a strong argument this is a rounding off of a building group and simple rationalisation of a boundary that makes little difference to the cohesive of this small settlement.

I think we can offer you an undertaking that the curtilage of application site will be tightly drawn and surrender future PD rights on the undeveloped land to the rear - but there is a practical need for the drainage field to rear and this is the only reason we included this within the boundary.

Happy to talk through.

Regards,

Martin

Martin Hannah BA(Hons) PG Dip MRTPI
Senior Consultant
Development and Planning

martin.hannah@cushwake.com



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James Wright
Planning Officer (Development Standards)
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Forfar
DD8 1AN

Email Martin.Hannah@cushwake.com
Direct +44 (0)141 304 3270

Your Ref 18/00867/FULL
Our Ref AC111017/170FS100

4 January 2018

Dear Sir,

Planning Application for Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview, East Keillor, Coupar Angus

Further to our telephone conversation earlier today I confirm that you should now progress the planning application to an early determination.

As you have indicated there is currently no officer support for the application, and in the expectation that the matter will now be referred to the Angus Local Review Body, I set out below a few supplementary points for you to consider in order to properly record our client's position in response to your comments made during our call particularly relating to the application of Supplementary Guidance under LDP Policy TC2.

It remains our position that the principle of residential development of the application site is acceptable when assessed against Development Plan Policy because East Keillor is a small building group.

Cushman and Wakefield verified from Council Records and Assessor Records that *Netherton Cottage* UPRN 0001171117120; *East Keillor House* UPRN 0001171117121 and *Strathview* UPRN 0001171117118 are domestic residences. The domestic curtilage of *Netherton Cottage* and *Strathview* appear to have been extended recently by grant of planning permissions by Angus Council.

The established building group of three residences is indicated by reference to the attached aerial drawing. There is one further domestic property *Burnside* located further South.

The Adopted Local Development Plan and the Countryside Supplementary Guidance, adopted September 2016, allows for new rural housebuilding on a modest scale on sites that relate acceptably to existing building groups and on appropriate brownfield sites.

The Supplementary Guidance offers policy support for appropriately designed single-house development that rounds-off an existing building group of at least three domestic dwellings or infill gaps between the curtilage of two houses; also, between the curtilage of one house and an existing substantial building.

Under Policy TC2, the application site adjacent to the small building grouping at East Keillor presents an opportunity for limited development. Only the front part of the application site will be occupied by buildings. The rear part of the site is intended as a drainage field only and will otherwise remain undeveloped.

Council Officers suggest that because the distance between East Keillor and Strathview residences marginally exceeds the 50m frontage dimension indicated under the interpretative guidance therefore the proposal is made unacceptable under one criterion of Policy TC2.

There now appears to be some dispute around the precise extent of domestic curtilage attached to Strathview and East Keillor. Also, it is suggested that the application site cannot properly be considered as rounding-off due to its relationship to existing development.

Council and Assessor records are clear that both the adjacent properties are in residential occupation and use. The applicant has no wish to be drawn into protracted and unnecessary debate around definition and extent of residential curtilage of the neighbouring homes. Although some reference is made to curtilage under the Supplementary Guidance this is not defined under the Glossary of Terms.

Curtilage is sometimes a poorly understood expression as it is not legally defined and because of this lack of precision it is regularly a source of dispute in planning and public access related matters. It is sufficient to affirm that the application site has been properly inspected and the physical mutual boundaries surveyed and the submitted planning drawings are thought to be accurate. The neighbouring home owners appear to use their properties for domestic purposes without hindrance. Strathview also appears to utilise part of its land for (non-commercial) equestrian use, however, this is not unusual for a rural residence.

For the purposes of making a planning application the applicant has relied upon public planning, property and rating records and title ownership information where this is available. The application site has been accurately surveyed and drawings have been prepared and lodged in good faith.

Debate around the precise extent of residential curtilage is not very helpful at this point as it distracts from the merits of this planning application. The frontage of the application site is 48.5m and the proposed development of a single well designed rural home relates acceptably to the neighbouring residential properties.

The 50m frontage dimension referred to under article 3.4 of the planning guidance although a relevant and material consideration is not determinative.

The width of the gap between the Strathview and East Keillor properties in fact only exceeds the 50-metre guidance by a few metres. To provide some context the frontage of Strathview is 39m and the East Keillor frontage is 56.5m.

The term "rounding-off" is also not defined under the Glossary but is an expression relatively well used and understood in planning practice and applies to relatively minor refinement to settlement boundaries. It cannot be limited to only the one type of hypothetical scenario and sketch included in page 10 of the Guidance.

Some professional judgement must be exercised because not every *rounding-off* or *infill* proposal will closely resemble the illustrations included in the Supplementary Guidance.

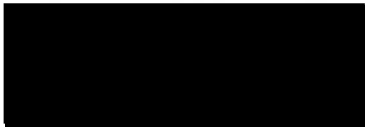
There are several important principles espoused by the Guidance and under Scottish Planning Policy. Single house development in the countryside normally should not detract from the overall sense of containment or cohesion of an established building group; encourage irrational or disproportionate extension of building groups that would be harmful to the rural landscape; encourage suburbanisation of the countryside or overburden available service capacity.

The proposed development accords with these well understood planning principles and adopted policy locally and nationally.

For these reasons, it is hoped that you may still reconsider your position and that planning permission can be given.

I should be grateful if you could place this correspondence on the case file as I do expect a refusal decision to be challenged relatively quickly under appeal procedures.

Yours faithfully,



Martin Hannah MRTPI
Senior Planner, Development and Planning
For and on behalf of Cushman & Wakefield



SITE

EAST KEILLOR BUILDING GROUP



Location 1:2000 NO 278 402

N



Production 6

DO NOT SCALE FROM DWG

REV	C
-----	---

12.12.17

2017.33B.E1

Location [1:2000@A3]
CAD/planning east/location

East Keillor, East plot

Kinpurnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk ©



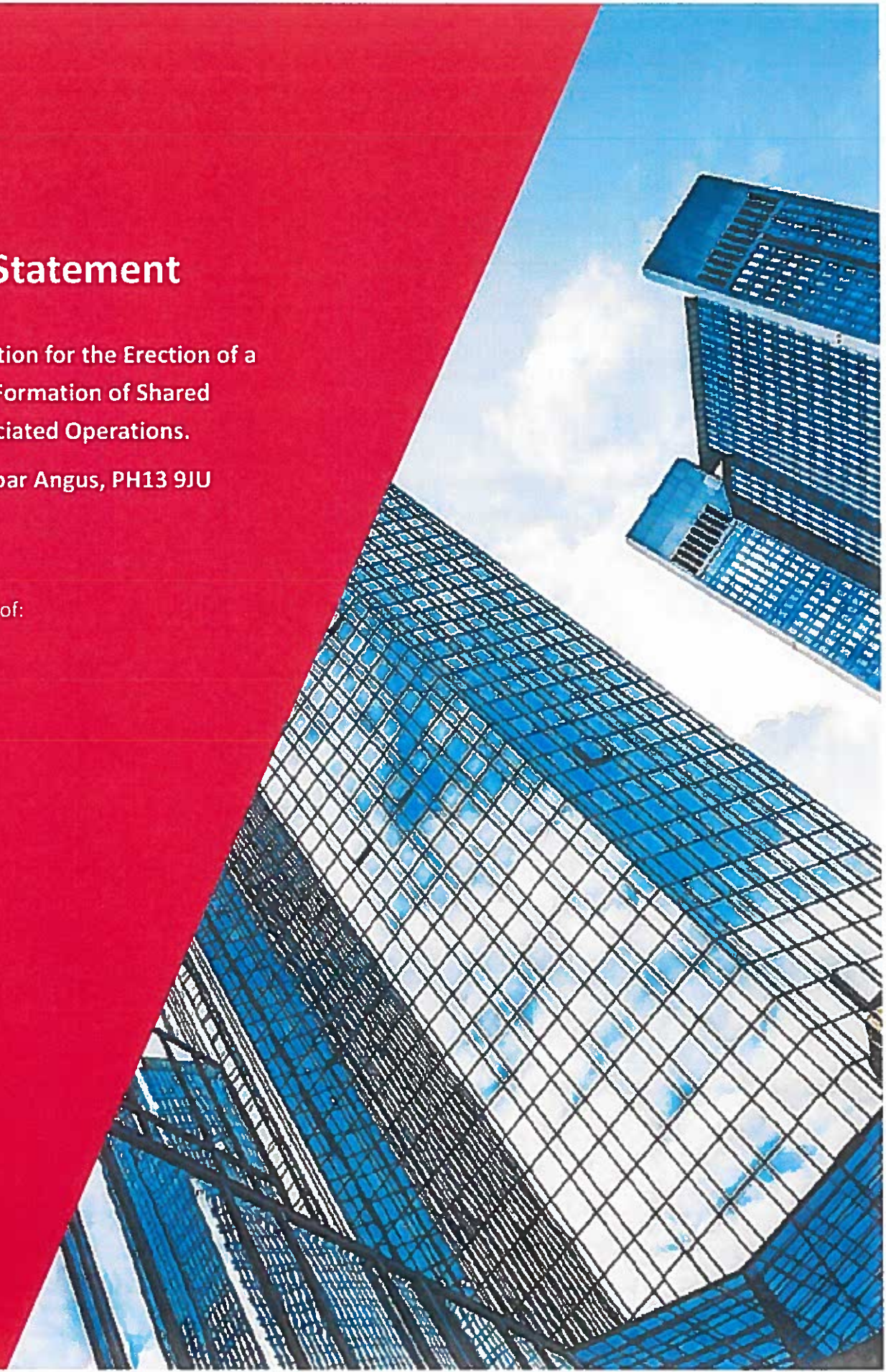
Planning Statement

Planning application for the Erection of a Dwellinghouse, Formation of Shared Access and Associated Operations.

East Keillor, Coupar Angus, PH13 9JU

Prepared on behalf of:
Kinburnie Estate

October 2018



1. Contents

2. Introduction	2
3. The Site and Surroundings	3
3.1 Description of the Site	3
3.2 Planning History of the Site	8
4. Proposed Development	9
4.1 Housing Design	11
4.2 Access and Car Parking	13
4.3 Water Supply and Drainage	13
4.4 Flood Risk	14
5. Planning Policy Assessment	15
5.1 Angus Local Development Plan 2016	15
6. Conclusions	23

2. Introduction

This Planning Statement has been prepared by Cushman & Wakefield on behalf of Kinpurnie Estate in respect of a planning application seeking full planning permission for the:

“Erection of a dwellinghouse, formation of shared access and associated operations”

This Planning Statement provides some background to the application and reasoned justification for the proposed development in terms of the adopted Development Plan, relevant national planning policy and other material considerations.

The planning application and statement is supported by the plans and details listed underneath:

- Location Plan at 1:2000 (Drawing No. 2017.33B.E1, Rev A)
- Proposed Site Plan at 1:500 (Drawing No. 2017.33B.E2, Rev E)
- Proposed House Floor Plan and Elevations (Drawing No. 2017.33B.E3, Rev C)
- Proposed Drainage Layout (Drawing No. 173163_01_A)
- Drainage Statement dated 03.09.18 by Griffen Design Ltd

3. The Site and Surroundings

3.1 Description of the Site

The application site is located at the small hamlet of East Keillor, Kinpurnie Castle Road, approximately 1.5 miles distance to the south of the larger village of Newtyle. The site forms a gap in a small building group approximately 500m west from the main castle entrance.

This small building group comprises four residential properties: Strathview, East Keillor, Netherton and Burnside.

The site is under occasional grazing and forms a residual part of the Kinpurnie Estate and it no longer forms part of an agricultural unit.

The proposed plot is regularly shaped approximately 1500m² or thereby sited between the established residential properties Strathview and East Keillor House. The development plot is bounded by a stone built wall to the west and south. The land is traversed at several points by stock-proof post and wire fencing. A post and wire fence delineates the eastern and northern site boundaries but these are currently not as well defined physically and would benefit from some reinforcement.

An established gated field access currently serves the site and the adjacent residence – East Keillor. This shared access arrangement will also serve the proposed development.

The application site rises gently from Kinpurnie Castle Road from West to East. The planning application is not supported by topographic survey, however, the boundary wall at the road is sited at a level approximately 138m AOD and the eastern boundary extent of the application site is located at the 144m contour. The land is greenfield and unencumbered by underground or overhead services.

The site location and planning application boundary extent is shown outlined in red in Figure 1 – an extract of the Location Plan submitted with the application, while the blue colour indicates the neighbouring land owned by the applicant.

Figure 1: Location Plan



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To the north of the site is the residential property of Strathview. This property benefits from grant of planning permissions for a small extension along the southern gable of the property and new garage building to the North. The extant planning permissions should have no bearing upon this application due to the setback involved.

The application site is shown in photographs below.

Figure 2: Application site – frontage onto public road with low stone wall – Nb Trees along frontage to be retained



Figure 3: Application site - showing western boundary with East Keilor holdings



Figure 4: Approach to application site from west



Figure 5: Application site – eastern boundary of site with Strathview Cottage



Figure 6 Existing shared access serving application site and East Keillor House

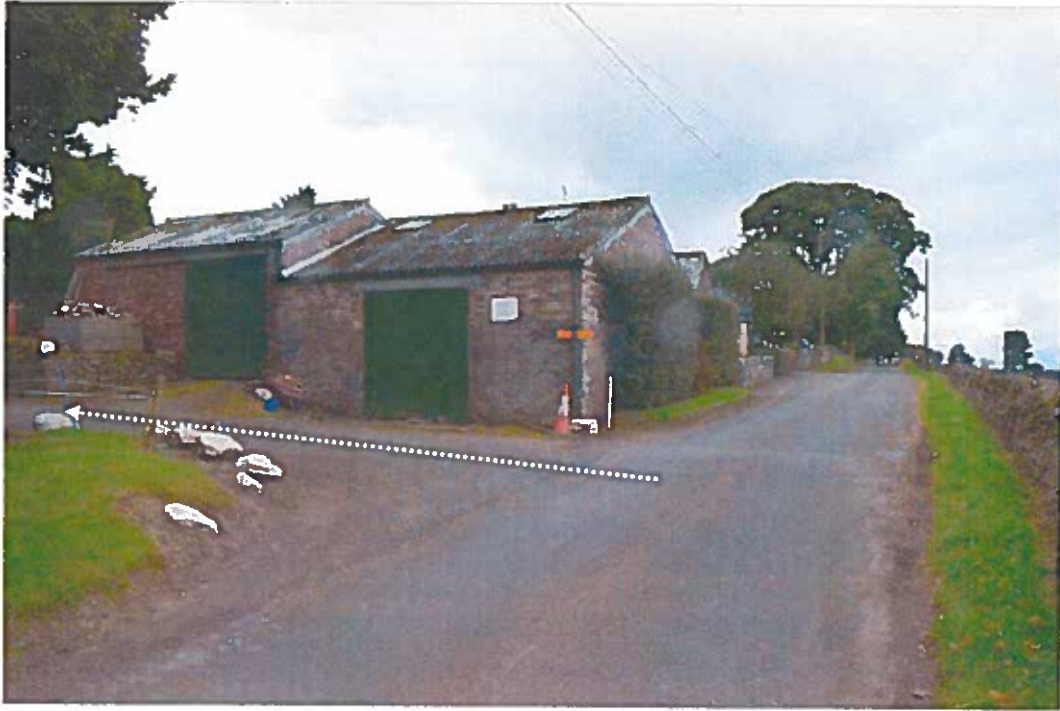


Figure 7: Photograph showing location of entry into site via access shared with East Keillor House



3.2 Planning History of the Site

There is no relevant planning history relating to the development of the site recorded on the Council's planning portal.

4. Proposed Development

This application seeks full planning permission for the:

**Erection of a dwellinghouse, formation of a shared access and associated operations.*

The proposed house will be accessed from the existing gated field entrance located along the southern walled boundary of the site. This can be seen in the photograph in Figure 7.

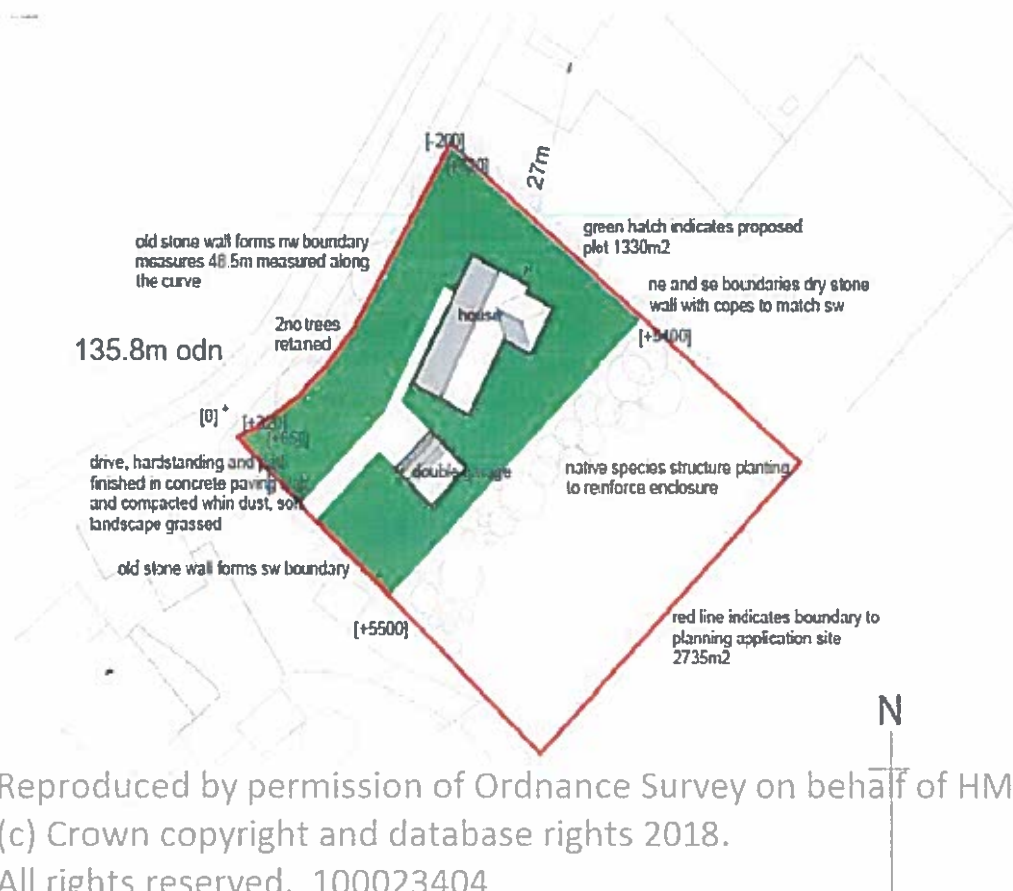
This private access from the public road will also be shared with the East Keillor residence. There will only be two dwellinghouses using this private shared access arrangement (shown in the photograph in Figure 6).

The applicant proposes to leave the existing boundary stone walls intact along the frontage of the plot and along the site's south-western boundary as they contribute much character.

The shared access arrangement as proposed allows the conservation of the attractive stone wall along the site frontage. The mature trees along the northern boundary adjacent to the stone wall will also be retained. A new access arrangement would require a visibility splay that could otherwise threaten some of these trees and possibly down taking or realignment of the wall.

An extract from the submitted site plan is shown below in Figure 8.

Figure 8: Proposed Site Layout



The area shaded green on the site plan denotes the proposed private garden extent and curtilage of the house plot. This plot area extends to 1330 sq. m. All curtilage boundaries enclosing the area shaded green will be delineated by a stone boundary wall similar in height and construction to the western boundary wall.

The eastern boundary will be further reinforced with mixed hedging and tree planting to help define and enclose the garden ground to the site.

The applicant wishes to defer submission of a final landscaping scheme until following technical approval of the drainage scheme including drainage field as this may have some bearing upon the planting specification and setbacks required. The building is sited and aspects to benefit from morning and evening sun. Too many trees along this boundary would deny the proposed new house some morning sun so expert advice will be taken from a landscape architect to conceive a boundary landscape scheme that adequately provides a setting for development and well-defined boundary treatment but also provide daylight and amenity for the dwelling.

The submitted layout drawing indicates clearly the extent of the private garden ground which shall follow as closely as possible the established line of the rear garden ground of the property Strathview.

The applicant requests that the Planning Authority defer submission of the planting scheme and details of all external works including boundary wall construction and agree to make these matters subject to a planning condition.

The planning application extent includes part of the existing field which will be used to provide a soakaway area for the proposed house. It is desirable to convey ownership and maintenance responsibility for this area of land to the owner of the proposed dwelling.

There is little prospect of future development of this area due to the drainage field, however, the use of appropriate planning condition could further regulate prospective development and limit or remove the application of permitted development rights if the Council considers this expedient. Alternatively, the applicant is willing to offer a unilateral undertaking that the part of the application site outside the private curtilage coloured green shall remain free of buildings under exception of the pipes and other apparatus requisite to the implementation and future maintenance of the private drainage arrangement.

4.1 Housing Design

In keeping with the architectural characteristics of neighbouring houses, a traditional style single storey house is proposed for the site. A detached double garage is also proposed. The property will comprise of four bedrooms, an open plan kitchen/diner and family room, lounge and utility room. The family room has large picture windows facing north westwards to take advantage of open aspects over fields. There is a family sized bathroom and an en-suite bathroom for one of the bedrooms.

The house has been set back from the western boundary to provide generous front garden space to the front of the property and observe a similar setback to dwellings nearby. There is ample private garden ground provided to the rear and sides of the property to serve a family sized home. The detached double garage and driveway arrangement is adequate to meet the car parking requirements to serve this development.

The proposed house respects the character, layout and building pattern of existing properties and has been designed to respect the principles espoused by the Council's supplementary planning guidance and to ensure that the existing residential amenity of neighbouring property is safeguarded. The proposed extension at the adjacent property of Strathview has also been considered in the siting and design of the new house. The proposed set back is still over 25m distant and is very generous.

The proposed house will provide a high standard of residential amenity and an attractive environment for occupier and neighbours.

Figure 9: Proposed West Elevation (Nb not to scale)

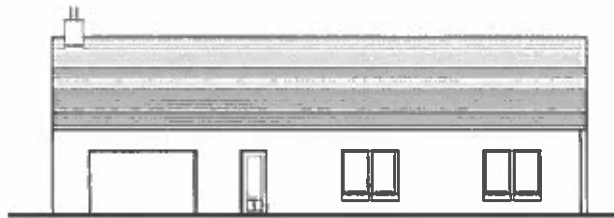


Figure 10. Proposed East Elevation (Nb not to scale)

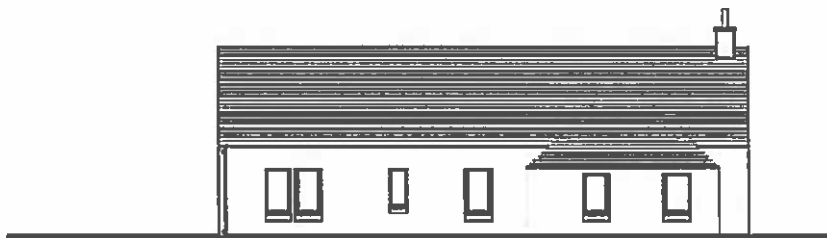


Figure 11. Proposed North Elevation (Nb not to scale)



Figure 12 Proposed South Elevation (Nb not to scale)



The external finish for the house and double garage is specified on the submitted drawings and comprises of:

- Roof – artificial slate, zinc ridge and lead flashings
- Walls – smooth render 'off white' with cast concrete slip cills
- Rainwater goods - black upvc
- Door and windows – white upvc

4.2 Access and Car Parking

The proposed house will share the existing vehicular entrance from the public road with the house at East Keillor. Existing visibility splays will be maintained.

The entrance to the site is through an existing gated field access and there are no proposed changes to the stone wall along the site's northern or western boundary. Driveway finish in pavings as per submitted drawings.

The driveway access will incorporate an electrically operated 5 bar field gates at boundary.

There is ample space for bin and recycling storage provided within the curtilage of the proposed house.

4.3 Water Supply and Drainage

A drainage plan is provided (Drawing No. 173161_01_A) by Griffen Design Ltd together with an explanatory statement (dated 03/09/18).

There is no public sewer available for connection at this location. The nearest watercourse is approximately 200m distant. It is proposed to serve the proposed house via a private drainage system incorporating a Klargester treatment plant. This unit specified is adequately sized to accommodate a dwelling of this size and meets the requirements of the Scottish Building Standards and SEPA licensing requirements.

The treatment plant shall be sited 5.0m from the site boundaries and all structures to meet building control requirements.

There are no watercourses nearby. The treated effluent and site water will be routed to the designed drainage field for secondary treatment and recharge to ground.

A compliant porosity test was carried out by Griffen Design Ltd to verify the drainage design approach and to support the design.

4.4 Flood Risk

The site is outside flood risk zone. The drainage system is designed with sufficient storage for the 1 in 30-year return period and flooding for 1 in 200-year return period.

5. Planning Policy Assessment

The purpose of this section is to assess the policies that are relevant to the determination of the planning application.

Section 25 of the Town and Country Planning (Scotland) Act 1997 sets out the status of development plans and states that:

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

In this case the development plan framework comprises:

- TAY plan 2017
- Angus Local Development Plan 2016

This application is not considered to raise any matters that are of strategic significance and as such, the policies of the adopted LDP only need to be taken into consideration.

5.1 Angus Local Development Plan 2016

The main issues in relation to this application are whether the proposed development accords with relevant Angus Local Development Plan (ALDP) policies and whether there are any material considerations that justify a departure from the development plan.

The application site is contained within the rural Angus area within an area of open countryside. It is within the Category 1 Rural Settlement Unit (RSU) area. This area is defined in ALDP as non-remote with a stable or increasing population or where there are no services or facilities in need of support.

The following policies within ALDP are material to the assessment and determination of this application:

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

Adopted *Supplementary Guidance on Countryside Housing, and Design Quality and Placemaking*, provide further guidance on the interpretation of relevant aspects of the ALDP Policies TC2, DS1 and DS3 to assist assessment of the development proposals.

The key planning considerations for this proposal are:

- Is this an appropriate location for a single house in the countryside and can it be supported by planning policy;
- whether the development proposals are of a scale and nature appropriate to its location;
- is the development in an appropriate and sustainable location, where the impact on landscape quality is minimised;
- whether there would be any adverse environmental, countryside, amenity, roads or transportation impacts as a result of this proposal.

The proposal for the development of a single house in the countryside is supported by the Development Plan under Policy TC2. The broader development strategy for Angus This seeks to maintain and protect the diversity and quality of the rural area and encourage local development which supports the population and services of local communities. Page 8 of the LDP states:

The ALDP aims to maintain this diversity by supporting new development in appropriate locations and by encouraging people to live and work in rural communities. There is a long-established strategy of supporting the retention of population and services by providing opportunities for new homes in the rural area including the Rural Service Centres (RSCs), smaller settlements and the open countryside.

This paddock site at East Keillor presents such an opportunity for a new dwelling amidst an established building group located a short distance from Newtyle, also encouraging people to stay and work in the rural community. This development will support Newtyle as an RSC.

With reference to *Policy DS1 Development Boundaries and Priorities*, the application site is outside any established settlement boundary. However, the Policy DS1 indicates that:

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.

The proposed development fits with the neighbouring scale and style of dwellings and has a similar footprint and layout to the neighbouring Strathview property. The site is rational as it relates well nestled between existing dwellings on Kinpurnie Castle Road at East Keillor. The development accords with Policy DC1.

Policy DS3: Design Quality and Placemaking draws upon the six qualities of a successful place as advocated within Scottish Planning Policy. Specifically, new development in Angus must be of high quality and design whilst contributing to the local character and sense of place within the landscape. The qualities which this new development must encompass are:

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

Draft Supplementary Guidance regarding *Design and Placemaking* was published August 2018 and reinforces these principles to be adopted in new development, emphasising a place-led approach.

The design of the house complies with the above principles of *Policy DS3*. The application site has established residential properties generally to its north and south. In terms of the residential environment to be provided, the plot size for the dwelling site is 1330m², including a generous area of garden ground. This plot size complies with the requirements also set out in Appendix 3 of the *Supplementary Guidance on Countryside Housing* (September 2016) which states that plot sizes should be:

- *Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m²*

There are no changes to the access to the site which remains in the current location. The relationship between the properties and the neighbouring houses does not give rise to any amenity issues. The generous setback between buildings is appropriate to this rural location and accords with Council policy.

The design of the dwelling sits easily in the local context to the surroundings. It is of a traditional design and well-matched with the houses in this locality. Large picture windows are proposed on the west elevation to take advantage of the aspect across view across the Angus countryside. The proposed materials specified are also appropriate to the rural setting.

The existing stone wall on the north-western and south-western boundary of the site and the existing trees will be maintained. The dry-stone wall will be extended to enclose the entire garden area and to define private curtilage. This plot enclosure will be reinforced with native species planting on the south-eastern edge of the plot. These measures will ensure that the local environment is respected and the local landscape pattern is retained, contributing to the existing attractive place character.

There is no conflict with *Policy DS3*. The new development at East Keillor complies with design and placemaking guidance stipulated in ALDP.

Policy DS4 Amenity considers the impact of new development on local environment and amenity of existing or future nearby properties. Factors to be considered include:

- *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.*

In terms of *Policy DS4*, the design and layout of the housing on the site has taken into consideration the positioning of adjoining development to ensure that it does not have any adverse impact on the amenity of future occupants of the houses or of existing occupants of the adjacent properties.

The proposed new residential environment provides generous private garden ground and amenity space and off-street car parking by way of a detached garage and large driveway.

Bin and recycling storage space is provided within the curtilage of the property. The proposed house design, massing, height and scale of the proposed house takes into cognisance the adjacent housing styles and character and proposes a high-quality development.

The new property would generate a few additional traffic movements on the Kinpurnie Castle public road, however, this is not considered to be significant as the road is quiet.

This proposal complies with policy DS4 as it will not negatively impact on local residential amenity.

In terms of ALDP housing policy, it is recognised that:

Good quality housing is a key component of mixed and sustainable communities and access to such housing contributes to the quality of life enjoyed by people.

As the application site is outside any defined settlement *Policy TC2 Residential Development* is material to the assessment and determination of this application.

The policy provides detailed guidance specifically for countryside locations and sets out the criteria under which Angus council will support single house development outside settlements

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

This policy supports single house development single new houses where development would round off an established building group of 3 or more existing dwellings or infill an existing gap.

East Keillor is a small building group cluster of 5 dwellings and the proposal also involves infill of a gap between two of these residential properties. The proposal accords with two of the criteria under *LDP Policy TC2*.

The policy also states that all residential development proposals must also:

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

The proposed development scale and design is compatible with its surroundings and can be serviced, accessed and drained appropriately. This development will provide an acceptable residential environment as it is sited on a sizeable plot within an existing building cluster but still at a comfortable setback which will not affect amenity of exiting residents.

The proposed development will be situated on land between existing dwellings and farm sheds and so will not involve unnecessary extension of the settlement. The new house will nestle comfortably into the existing dispersed pattern of development parallel with Kinpurnie Castle Road and is conceived to suit its rural surroundings.

Reference is also made to *Supplementary Guidance* on Countryside Housing, adopted September 2016. The Supplementary Guidance supports new development where it is within a building group and this:

Does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting.

As this development proposal consolidates an existing small rural building group and involves frontage gap between existing development the proposal also satisfies this policy requirement.

This Supplementary Guidance also sets out various design requirements broadly matching the requirements of *Policies DS3 Design Quality and Placemaking* and *PV6 Development in the Landscape*. The proposed development respects the traditional pattern of development in the area and adopts complementary style, appearance, use of materials, form, scale and massing of existing rural development locally.

Appendix 3 of the *Supplementary Guidance* sets out criteria that development proposals should (as applicable) adhere to. An assessment against these 11 criteria is set out below:

- a) The development would not create a gap or rounding off opportunity for additional greenfield development. There has been no subdivision of existing residential curtilages to artificially create a new build plot. The site is an existing gap site located between an existing residential property's curtilage and an access road within a building grouping at East Keillor.
- b) The development meets the plot size requirements for Category 1 RSUs – between 0.08ha/800m² and 0.2ha/2000m² providing a plot size for the new house of 1330 sq. m.
- c) The development does not extend ribbon development.
- d) The development does not result in the coalescence of building groups or of a building group with a nearby settlement.
- e) The development contributes positively to the rural character of the surrounding area and is not urban in form and/or appearance. The design of the property is sympathetic to the local dwellings in height, scale, character and use of materials.
- f) The development provides a good residential environment, including useable amenity space/private garden ground, and adequate space to retain the privacy of the adjacent property (Strathview Cottage).
- g) The scale of the development does not require to make provision for affordable housing in line with Policy TC3: Affordable Housing.
- h) There is no demonstrable cumulative impact on infrastructure and community facilities provision as a result of this development.
- i) The development does not adversely affect or is affected by farming or other rural business activities. The land is not currently in use for agriculture.

- j) The development does not take access through a farm court.

- k) The development does not require an access road of an urban scale or character. The proposed shared access into the site is suitable for use as vehicular access to serve two dwellings. Existing visibility splays will be maintained. There will be no impact on the existing stone wall which forms the north-west boundary of the site.

As the criteria under the Supplementary Guidance are satisfied, current policy under LDP TC2 supports the proposed development under this planning application.

Drainage and flooding have been considered with respect to *Policy PV13 Resilience and Adaptation* and *Policy PV15 Drainage Infrastructure*. The application site is suitable in accommodating the proposed development. Consulting engineers advise that the private drainage arrangement proposed is adequate to serve the proposed development.


The development will be serviced by a Kingspan Klargester Biodisk BA-X treatment plant sited and sized to meet local building standards requirements. All effluent discharge and surface water is to be routed to a soakaway. A pumped arrangement is proposed due to local topography. Porosity testing undertaken by the consulting engineer has verified the design approach.

6. Conclusions

The Town and Country Planning (Scotland) Act 1998 s25 and s37 require that in handling and deciding upon an application the Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The determining issue for this planning application is compliance with adopted planning policy set out in the Angus Local Development Plan 2017 - Policies DS1, DS3, DS4, TC2 and related supplementary planning guidance.

The application generally accords with the planning policies material to the assessment and determination of new housing proposals in the countryside. An appropriately sited and designed new home is justified under the Council's policies. The proposed siting, design, scale meets the Council's standards on placemaking as set out under Development Plan Policy and supplementary guidance as the proposed development is sited appropriately, acceptable in terms of rural design and quality and can be accessed and serviced acceptably.

As the proposed development accords with the Development Plan and there are no material considerations that would overturn the statutory support given to this single house proposal it is therefore respectfully requested that Angus Council grants planning permission for this development.

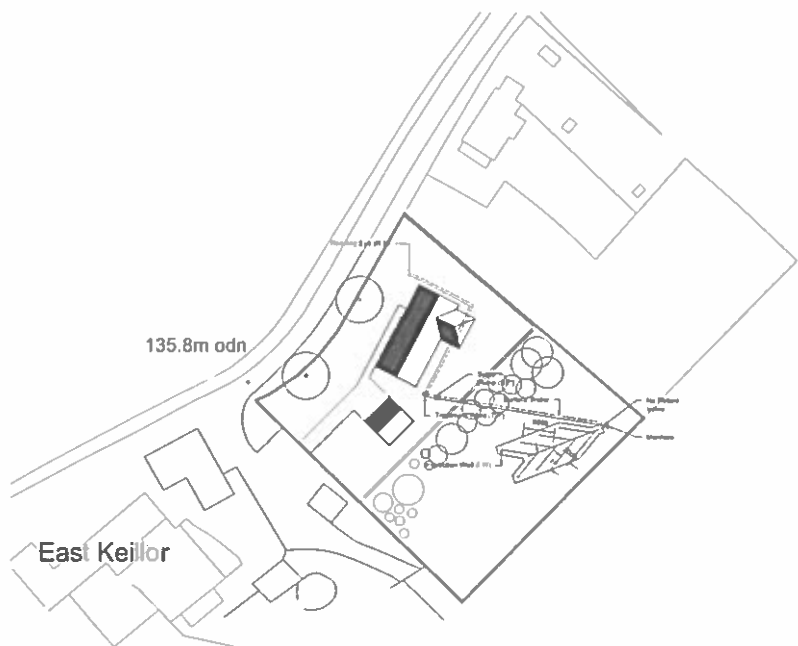


Prepared by

Cushman & Wakefield
199 St Vincent Street
Glasgow
G2 5QD

Production 8

Notes
 All dimensions are in millimetres unless stated otherwise
 Dimensions shall not be taken from this drawing. Any
 dimensions and details should be taken from the site or verified by
 the contractor
 This drawing is to be used in conjunction with the contract documents
 of all related documents and particularly drawings
 It is not to be used for any other purpose



DRAINAGE LAYOUT (1:500)

A Lloyd Alexander		Date: 04.10.18	
Project: Unit 25 Discovery House		Client: Gannex Commercial, Dundee	
Address: Technology Park, DC22 1SW		Tel: 01302 561112	
E-mail: info@lloydalexander.co.uk			
Site: East Keilor			
Name: Workshop		Scale: A3	
Drawing: Drainage Layout		Date: 01/10/18	

Production 9



east elevation 1:200

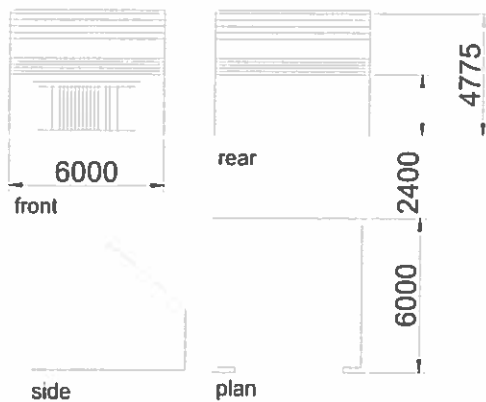
ground floor 1:100



south 1:200

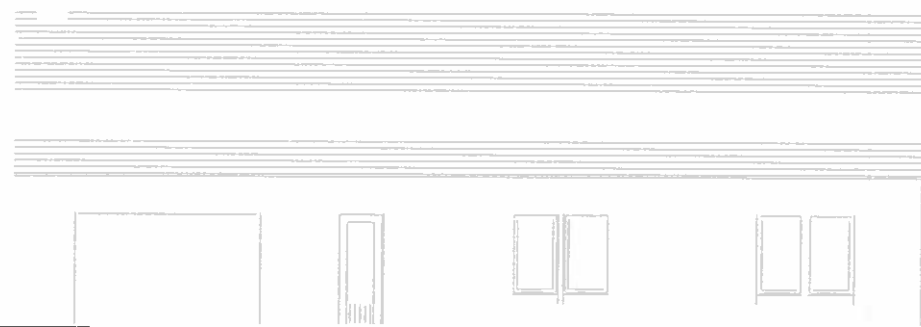


north 1:200



garage 1:200 finishes as house

west elevation 1:100



Finishes:

- roof, 'Marley' interlocking slate with zinc ridge and lead flashings
- walls, smooth render, 'off white' with cast conc slip cills
- black upvc rainwater goods
- doors and windows, white upvc

DO NOT SCALE FROM DWG

4 bed at approx 155m²

REV

C

12.7.18

2017.33B.E3

House and garage
CAD/planning east/houseandgarage

East Keillor, East plot

Kinburnie Estates

DAVID WREN ARCHITECT LTD
07881 400919
info@davidwrenarchitect.co.uk



Planting:

Native species mix, Silver Birch-Betula Pendula, Hawthorn-Crataegus Monogyna, Hazel- Corylus Avellana

all trees and shrubs as 'nursery stock' to BS 3936 pts 1&4, all as whips planted with individual tree shelters, Birch at 1m centres to be thinned out as growth demands, Hazel and Hawthorn at 300mm centres to a depth of 1m or thereby

the ground to be suitably prepared with imported topsoil and fertilizer as required, planting to take place into individual tree pits/slots through Nov-Mar, and adequately watered

the aftercare period is 60 months during which time all trees that fail will be replaced at the end of the growing season



DO NOT SCALE FROM DWG

odn spot height taken as datum for site levels [-]

Building Line:
set back to avoid disturbance of trees and their roots

REV

E

12.7.18

2017.33B.E2

Site Plan [1:500@A3]

CAD/planning east/site

East Keillor, East plot

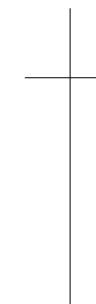
Kinpurnie Estates

DAVID WREN ARCHITECT LTD
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info@davidwrenarchitect.co.uk



East Keillor

N 1:500





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James Wright
Planning Officer (Development Standards)
Planning and Place
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Your Ref 18/00867/FULL
Our Ref AC111017/170FS100

14 December 2018

Dear Sir

Planning Application for Erection of a Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50M South Of Strathview, East Keillor, Coupar Angus

On behalf of my client Kinpurnie Estate, and in response to your correspondence dated 10th December 2018 which stipulates that the planning application cannot currently be supported, I am providing further information with intentions of clarity on the outstanding issues.

I would like to clarify the issues raised and demonstrate that the proposed development is compliant with the adopted policies within the Angus Local Development Plan, with particular attention towards Policy TC2 and the associated Countryside Housing supplementary guidance.

Further to this and for the purposes of transparency, additional drawings are also submitted which address the issue of the trees, land ownership outwith property curtilage, the gap site position of the site, and its position within a building group, as listed:

- Existing Site Plan indicating all trees impacting the site;
- Strathview Cottage Title Deed Plan;
- A Curtilage Boundary drawing indicating gap site development (<50m frontage between property curtilages);
- Location Plan indicating building group development with sense of containment.

One of the concerns noted in your previous correspondence was that the application site is bound to the north by an area of ground which is outwith the curtilage of the existing property at Strathview. This land is photographed in Figure 1. It can be evidenced that this land does belong to Strathview and thus the curtilage of this property is understood to be demarcated by the existing fence. This is shown in the attached title plan for Strathview Cottage and this can be confirmed by overlaying the Proposed Site Plan with the Title Plan which are of the same scale

(1:500). This confirms the 48.5m distance between the curtilages of Strathview Cottage and East Keillor House which is therefore a gap site suitable for the proposed development.

Figure 1: Disputed land – all land beyond wooden fence is belonging to Strathview Cottage property (photos taken 12/12/18).



Figure 3: Existing Site Plan with Trees



Artificial slate was originally proposed for the roof however, natural slate can be suitably sourced to meet Angus Council's design standards for new housing in the countryside. Thus, this need not be an issue.

With respect to New Houses in the Countryside and Policy TC2, paragraph 3.4 within the Countryside Housing Supplementary Guidance adopted 2016, both Building Groups and Gap Sites are explored, and images of acceptable building groups and gap sites are provided.

Building Group

Figure 4: Extract from Countryside Housing Supplementary Guidance, 2016. Acceptable Building Group Rounding off.



Building Group: acceptable rounding off.

A Building Group is defined in paragraph 3.4 as where:

“A single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use”

“This should be sited/located within the building group provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting.”

The Glossary provides a further helpful definition of each of the terms. A Building Group here is defined as:

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

“Sense of containment” is also defined:

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

Figure 5: Building Group as defined by surrounding property and Sense of Containment – extract from Further Location Plan



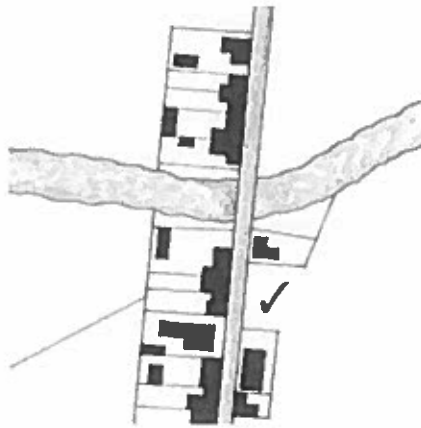
Figure 5 clearly shows the existing building group at East Keillor which is comparable with the example given in supplementary guidance (Figure 4). The proposed development is situated on a suitable gap after the bend in the road towards Strathview Cottage and heading North-East. The proposed development would round off the existing building group which consists of Nether-ton Cottage, East Keillor House and farm buildings, and Strathview Cottage. These properties are closely related and clustered on Kinpurnie Castle Road overlooking a field to the north.

The site is a plot which would not detract from the sense of containment of the building group as it is located within, and thus would contribute towards, this defined grouping.

This building group has a sense of containment (Figure 5) as it is bound to the north by the adopted core path – Keillor Path (Route 238) and edge of field boundary. Den Burn demarcates the southern boundary of the field which the properties overlook. The building group is clustered on a natural bend in the road overlooking a well-defined field which delineates the full extent of the building group.

Gap Site

Figure 6: Extract from Countryside Housing Supplementary Guidance, 2016. Acceptable Gap Site Development.



Acceptable gap site between two existing houses.

Figure 6 indicates what a gap site may look like.

Paragraph 3.4, New Houses in the Countryside specifies what is acceptable as a gap site. It states that:

"In Category 1 RSUs a gap site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house. A site will not constitute a gap site if it lies within the curtilage of an existing house, or on land that is not clearly defined as being outwith the curtilage of a house or houses."

In addition, the Glossary of the Countryside Housing Supplementary Guidance further defines what a gap site comprises:

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

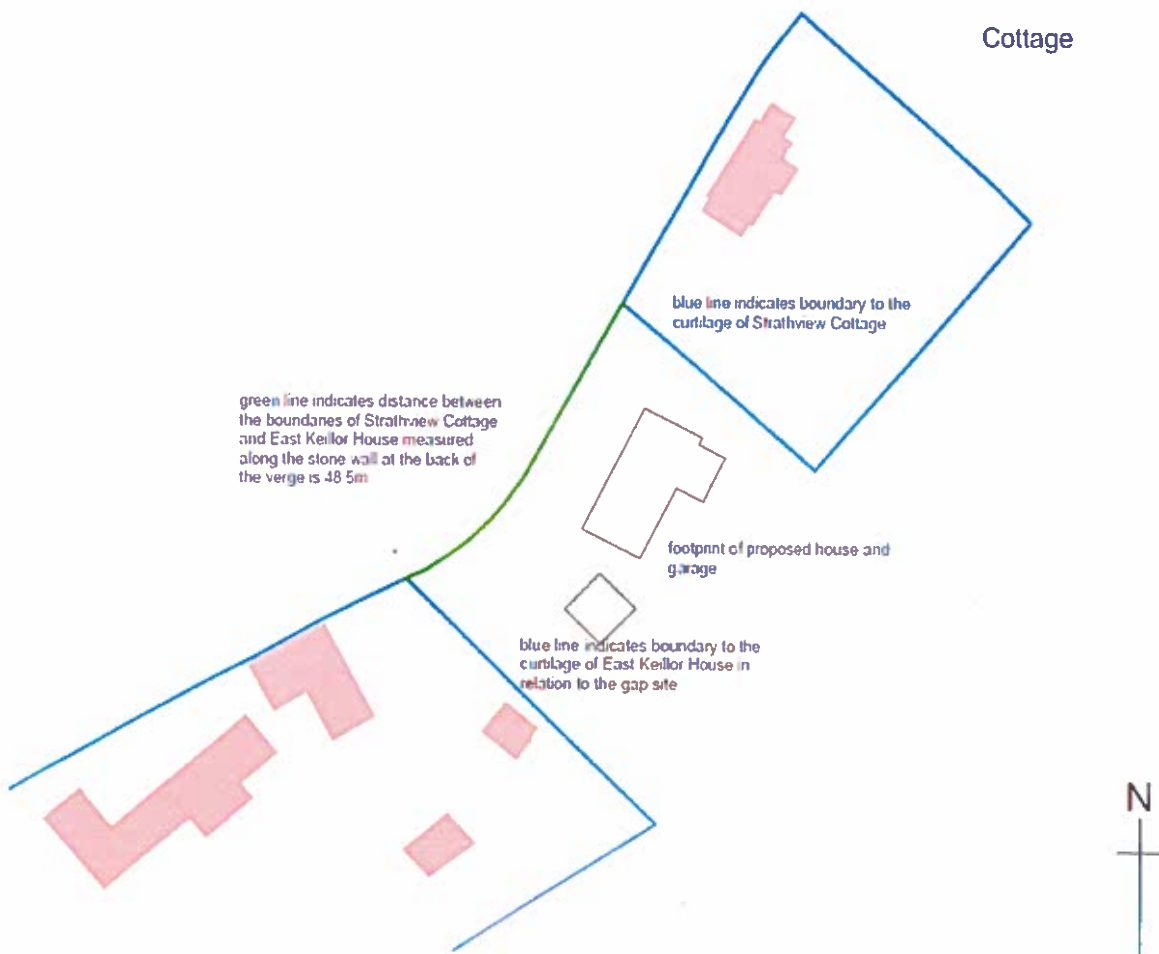
The proposed development site is within a Category 1 Rural Settlement Unit.

Figure 7 shows that the proposed development undoubtedly constitutes a gap site (comparable with Figure 6) between the curtilage of two properties – Strathview Cottage and East Keillor House. It shows that the proposed development will occupy the land between the curtilages of the two existing properties.

Figure 7 clearly displays the curtilage of the 2 No. existing properties which leaves a 48.5 metre gap site for the proposed development. This frontage measures 48.5 metres and so is within the required frontage of 50 metres to constitute a gap site, as defined in Policy TC2.

Furthermore, the proposed development site has established boundaries on three sides – Kinpurnie Castle Road, Strathview property and curtilage and East Keillor House property and curtilage which includes the shared access and grassed area to the south of the proposed development. Having established boundaries on three sides is part of the glossary definition of a gap site.

Figure 7: Extract of Curtilage-Boundary Plan showing the 48.5m frontage between property curtilages

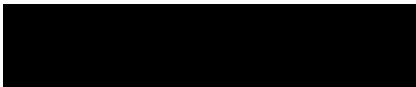


It has been clearly demonstrated that the proposed development site undoubtedly constitutes a gap site within a building group as defined in the adopted Angus Council Local Development Plan and adopted supplementary guidance regarding Housing in the Countryside.

I trust that this further clarity in response to the concerns you raised following our application submission is sufficient for you to reconsider your position regarding the proposed development before the outcome is determined.

I look forward to hearing from you with confirmation of receipt of this letter.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

Maria Francké BSc MBA MRTPI
Partner, Development and Planning
For and on behalf of Cushman & Wakefield

Enc.

cc. Kinpurnie Estate



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CLIENT
 Kinpurnie Estate

PROJECT
 Title Deed for
 Strathview Cottage

ADDRESS
 Strathview Cottage,
 Newtyle,
 Blairgowrie

DRAWING TITLE
 Title Deed Plan

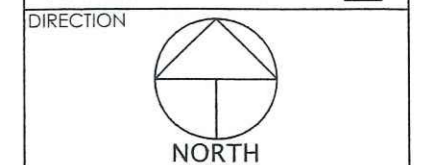
DRAWING NUMBER
 1994 - 100

REV	NOTES	DATE

SCALE 1:500 - A3 PRINT

DRAWING STATUS

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CLIENT APPROVAL	<input type="checkbox"/>
PLANNING	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/>
TITLE DEED	<input checked="" type="checkbox"/>
CONSTRUCTION	<input type="checkbox"/>
AS BUILT	<input type="checkbox"/>



DATE
 SEPT 2014

DRAWN BY

CHECKED BY

CAD REFERENCE
 1994 - TITLE DEED

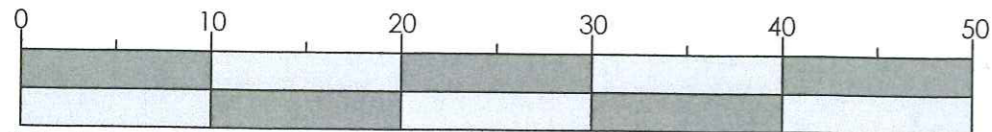
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KEY

- PROPOSED BOUNDARY LINE
- LAND DISPOSED TO STRATHVIEW COTTAGE - (1950m²)

TOTAL AREA - 3075m²



* Scale in metres

PLAN REFERRED TO IN DISPOSITION
 BY THE EXECUTOR OF SIR JAMES ALMUR
 CATLER BARONET IN FAVOUR OF FRANK
 WILLIAM MCGINNIS + MRS CLAUDE
 MCGINNESS

[Handwritten signature]



TITLE DEED PLAN
 Scale 1:500

**FURTHER LODGED
REPRESENTATIONS**

Application for Review – Erection of Dwellinghouse, Formation of a Shared Access and Associated Operations at Field 50m South of Strathview, East Keillor, Coupar Angus – Kinpurnie Estate
Application No 18/00867/FULL - DMRC-2-19

Dear Mrs Forsyth

Thank you for your notification dated 12th March 2019 that an application for review has been lodged with regards to the refusal decision for application number 18/00867/FULL.

We have carefully reviewed the applicant's correspondence dated 28 February 2019 to the planning dpt. detailing their arguments on why the refusal decision should be overturned. In reviewing this correspondence we again became aware of false information provided by the applicant.

The applicant's grounds for appeal rests on two main statements - both of which are used to claim that the site should be viewed as a gap site - but both are based on misleading and inconsistent information provided by the applicant:

1) The applicant provided a site plan entitled 'Extract of the Title Plan' dated September 2014 that apparently shows the demarcation of the land sold to us in November 2014. These drawings do not correspond to the actual situation, but show a much larger land size/curtilage than what it actually is. The applicant states that the length of additional land in parallel to the road is 16 meters. In fact it is less than 10 meters. Based on these erroneous drawings, the applicant has calculated that the gap between Strathview Cottage and East Keillor Farm is only 48.5 meters. However, the actual situation on the ground shows the gap to be well beyond 50 meters, hence exceeds the permissible maximum length.

2) The applicant previously stated that Strathview Cottage had 'recently extended their domestic curtilage by grant of planning permissions'. This was proven not to be correct. Our domestic curtilage is the same as it was when we purchased the property. The additional land we purchased next to us - at the same time as our property - was not converted into garden ground, is still agricultural land, and hence, does not form part of our domestic curtilage. This was also confirmed in a recent letter from Angus Council with regards to a Pre-application Advice we had submitted. Now, the applicant is claiming that a road access has been formed into this field, and is using this to argue that the greenfield site they would like to develop should be viewed as a gap site. We strongly object to their interpretation that a road access has been formed. As previously discussed with Angus Council, this so called 'road' was a temporary access allowing machinery and cars to be parked there while our old wooden garage was being replaced. This temporary access is now being closed off again and the verge re-instated. We invite all parties to visit the site and view the current situation on the ground.

We continue to be highly concerned about the obvious discrepancy between the submitted planning drawings and statements by the applicant, and the actual situation, and we will investigate this matter further in order to clarify.

Furthermore we would like to point out that the building drawings provided by the applicant are somewhat misleading as it shows the proposed development to be roughly similar in size

as adjacent residential buildings. However, in reviewing the building plans, it shows the proposed building to be 155m² in size - this is approx. double in size to Strathview Cottage. We are hence concerned about the accuracy of those plans and the actual positioning and distance of the building in relation to our border and our own home.

We would also like to point out potential issues with the proposed location of the septic tank. It appears that no porosity tests were carried out on site to determine whether the proposed leakage field would function adequately. Furthermore, our own experience has shown, that it may not be possible to dig down far enough due to rock bands lying close to the surface in the fields next to us. An attempt to move our own septic tank to a location close to the applicant's proposed location, failed a few years ago, exactly because of this reason. Hence, we are naturally concerned that the application and building plans are based on inadequate research on site, possibly necessitating considerable changes to the plans in the future.

We therefore strongly oppose this application for review.

Please don't hesitate to contact us if you need any further comments or clarifications.

Kind regards

Mr Frank McGinnis and Dr Claudia McGinnis
Strathview Cottage