

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 16 JULY 2019**

**5 CHAPEL STREET, FORFAR**

**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 and formation of new access, application No 18/00776/FULL, at 5 Chapel Street, Forfar.

**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 – 18/00776/FULL**

**APPLICANT- MR CHRISTOPHER MORRIS**

**ERECTION OF DWELLINGHOUSE AND FORMATION OF A NEW ACCESS AT 5  
CHAPEL STREET FORFAR DD8 2AB**

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**Angus Council**

<b>Application Number:</b>	18/00776/FULL
<b>Description of Development:</b>	Erection of Dwellinghouse and Formation of New Access
<b>Site Address:</b>	5 Chapel Street Forfar DD8 2AB
<b>Grid Ref:</b>	345694 : 750529
<b>Applicant Name:</b>	Mr Christopher Morris

**Report of Handling****Site Description**

The application site measures approximately 530sqm and lies within the Forfar Conservation Area. The site is currently rear garden ground for 5 Chapel Street and is surrounded by houses to the north, south and east and The Vennel to the west. There is a high stone wall along the western site boundary which separates the site from The Vennel. There is currently no vehicular access to the site but there is a small pedestrian gate adjacent to 1 The Vennel.

**Proposal**

The application proposes a 3 bedroom 2 storey dwellinghouse within the rear garden ground of an existing dwelling. The proposed dwelling would have a footprint of approximately 160sqm and would be constructed into the slope of the site with a staggered multi pitch roof. The roof would be finished in slate and lead. The walls would be finished in a mix of reclaimed stone, timber cladding, lime render and glass. A new vehicular access is proposed from The Vennel which would serve both the existing and the proposed house. A 13m section of the boundary wall would be removed to accommodate the proposed access. Two parking spaces are indicated for the proposed dwelling and one for the existing. The proposal would connect to the public water supply and drainage network. SUDS is proposed for surface water including a grey water harvesting system.

The application has not been subject of variation.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 19 October 2018 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 18 October 2018.

**Planning History**

18/00234/FULL for Window Alterations and Proposed New Rooflights was determined as "approved subject to conditions" on 18 May 2018.

**Applicant's Case**

The submitted design statement is in the form of annotated drawings. The submitted information notes that part of the western elevation of the proposed building would be built from the down-takings of the western boundary wall in order to give the impression of a continuation of the original high stone wall. The

building would be recessed into the slope of the site to allow for a 2 storey element which would have a reduced roof pitch and a lower ridge height than the single storey southern section of the building. The agent suggests this design gives the impression that the proposed building is only single storey. The agent notes the windows on the south elevation have been placed above internal eye level and below the slope of the rear garden to allow for daylight into the building but no view out. It is noted that consideration has been given to reducing window to window and window to boundary distances, including a blank gable where the proposed dwelling would face existing properties to the north. The agent also considers surrounding development and notes that Asda to the west, is constructed of various modern materials (e.g. engineering brick, sheet composite cladding, metal roof panels and wooden cladding), where these materials and the scale of Asda contrast with the traditional stone buildings. The agent also notes that previous 'infill' development has taken place to the northeast of the application site. Three dwellings have been 'squeezed' into a small site and are of a modern construction and techniques, finished in pink stone blocks and harling. The agent notes the infill dwellings are a stark contrast to the traditional stone buildings in the surrounding conservation area. Examples of the proposed materials have also been included.

## Consultations

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

**Angus Council - Roads** - Object to the application on the basis that a suitable visibility splay could not be provided at the junction of the proposed access with The Vennel. The Roads Service notes that The Vennel is narrow at only 4.5m wide. Roads has indicated that minimum visibility sightlines of 2.4m x 43m should be provided on both sides of the proposed access but that is not possible within the application site because of buildings located outside of the site. Roads has indicated that the provision of sightlines would also have resulted in a significant impact on the high masonry wall fronting The Vennel which would require to be lowered over its entire length at a maximum height of 1050mm above road level.

**Scottish Water** - Advises there is currently sufficient capacity at the nearest water and waste water treatment works.

**Angus Council Environmental Health** - Offers no objection to the proposal and advises no further information is required regarding contaminated land.

**Angus Council - Flood Prevention** - has objected to the proposal due to lack of information relating to the proposed surface water drainage for the development. Roads has indicated that there does not look to be space for infiltration (soakaway) of surface water and it is unclear what the proposals are for surface water. If additional surface water is directed into the culverted watercourse without attenuation to the pre-development run off rate then it could increase the flood risk at this site and surrounding areas.

**Aberdeenshire Council Archaeology Service** - Offers no objection to the proposal subject to a condition requiring a programme of archaeological works to be carried out at the site.

## Representations

4 letters of representation were received which object to the proposal.

The main points of concern were as follows:

- Impacts on the privacy of existing residents
- Impacts on road and pedestrian safety
- Proposed design is unacceptable within the Forfar Conservation Area and in proximity to a number of listed buildings
- Impacts upon the western stone boundary wall in terms of detriment to its structure, the appearance of the conservation area and the security of existing properties
- Removal of trees within the site

The above matters are discussed under Assessment below. Other matters raised include:

O Impacts on common paths and rights of access within the site - The agent has submitted a copy of the titles deeds for no. 5 Chapel Street which show the location of only one shared access. The agent has confirmed this access is located outwith the application site boundary.

## **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 PV8 : Built and Cultural Heritage  
 Policy PV12 : Managing Flood Risk  
 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in determining this application.

The application site is located within the Forfar development boundary and is not allocated or identified for development in the Angus Local Development Plan (ALDP). Policy DS1 of the local development plan states that proposal on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Policy TC2 deals with all residential development proposals and indicates that proposals for new residential developments in development boundaries will be supported where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. The Policy also 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.

Policy DS3 indicates that proposals should create buildings and places which fit with the character and pattern of development in the surrounding area and retain and integrate important townscape features.

Policy PV8 states that development proposals which affect local historic environment sites such as Conservation Areas will only be permitted where the integrity of the historic environment value of the site will not be compromised or the economic and social benefits significantly outweigh the historic environment value of the site. It indicates that the Council will review conservation area boundaries and prepare conservation area appraisals.

The Forfar Conservation Area Analysis and Design Guide (2011) was produced to assist in the process of managing change in the conservation area to ensure its preservation or enhancement. It indicates that *the predominance of stone boundary walls throughout the town centre... is an essential part of the areas*

*character and unifies the historic townscape. Built of rubble sandstone, often one and a half to two metres in height, these walls create a sense of enclosure and delineate private and public boundaries.* The Guide indicates that a number of boundary walls within the conservation area are not listed but contribute to the character of the area and therefore any alteration should be carefully considered. The design guidance included within that document indicates that walls, railings and other forms of enclosure should be retained.

The Historic Scotland publication *Managing Change in the Historic Environment – Boundaries* (October 2010) indicates that walls, fences and other boundary treatments form important elements in defining the character of conservation areas. It indicates that the widening of gateways should be avoided where it will adversely affect the coherence and proportion of a design or the relationship of the gateway to another building or planned layout. It also indicates that lowering of walls to create better sightlines can be damaging to the character of the boundary and gateway.

The application site is located in the rear garden area of 5 Chapel Street and would be accessed via a new 13m wide vehicular opening onto The Vennel. The Vennel is a relatively narrow street around 4.5m in width sloping downhill from the south to the north. It has a strong sense of enclosure and is contained by high stone boundary walls to the east and west. The high stone walls either side of The Vennel frame views towards the Congregational Chapel, a listed building on Osnaburg Street. The wall between 1 The Vennel and 1 Sparrowcroft is virtually unbroken with only a small pedestrian opening adjacent to 1 The Vennel.

The proposed 13m wide vehicular opening in the high stone boundary wall would significantly alter the character of The Vennel, undermining the sense of enclosure it provides to that part of the conservation area. Both the Forfar Conservation Area Analysis and Design Guide and the *Managing Change in the Historic Environment – Boundaries* publication caution against this type of alteration because of the harm it can do to the character of the conservation area. The proposed alterations to the boundary wall would adversely impact on the character and appearance of the conservation area, contrary to policies DS3, TC2 and PV8.

The Roads Service has also identified issues with the proposed vehicular access arrangements. It has objected to the proposal due to the lack of ability to create satisfactory visibility splays at the proposed access with The Vennel. Provision of suitable visibility splays would require alterations to buildings outside of the control of the applicant including the listed building at 1 Sparrowcroft. It would also require a reduction in height of the remaining parts of the high stone boundary wall along The Vennel to 1m (increasing further the adverse impact on the conservation area). The east side of The Vennel has no pedestrian footway and the Roads Service considers a new vehicular access onto the narrow street could not be accommodated in a safe and suitable manner. The proposal is therefore also contrary to policies TC2 and DS4.

The site is located in a part of the conservation area which is characterised by terraced rows of traditional stone and slate properties directly abutting the public footway on Chapel Street and Sparrowcroft. There is a more recent development to the east of the site with housing extending between Sparrowcroft and Chapel Street but that development replaced an old linen factory which had building extending into the backland area. The proposed house has been designed to sit behind and integrate into the high stone wall along The Vennel and does not attempt to follow the traditional pattern of development. However, the requirement to reduce the boundary wall along its length to provide visibility splays would undermine what the design is seeking to achieve and would expose the house with its flat roof and mono pitched elements into the public realm. That combined with the reduction in boundary wall height would not fit with the character and pattern of development in the surrounding area and would not successfully retain and integrate the important townscape feature provided by the stone boundary wall, contrary to policies TC2 and DS3.

In terms of surrounding amenity, in the area between Chapel Street and Sparrowcroft there is little by way of privacy in the rear gardens areas which are overlooked from the north, east and south. The proposed house would extend very close to the eastern boundary. The house would reduce privacy levels for the garden area to the east with the introduction of windows close to the boundary and the proximity of the building to the boundary would reduce the sense of openness in that garden and would consequently impact on its amenity.

The use of the site for residential purposes is a compatible land use. The dwellinghouse would provide a reasonable level of accommodation and garden ground and would provide a satisfactory residential environment. The site is not designated for natural heritage interests and there is no reason to consider a house on the site would adversely impact on the natural environment. The line of trees towards the east of the site have no significant natural heritage value. The proposal is not of a scale where it would trigger the requirement for affordable housing or other developer contribution.

In terms of other built heritage matters, Policy PV8 also refers to sites of archaeological interest. An area of local archaeological interest lies within the site and the Archaeology Service offers no objection to the proposal subject to an archaeological written scheme of investigation. Were the proposal otherwise acceptable, this matter could have been regulated by planning condition.

In terms of drainage and flood risk it is noted the proposal would be connected to the public water supply and foul drainage networks and the application form notes SUDS provision is also proposed. The proposal to connect to the public foul drainage network would be consistent with policy as would the provision of SUDS. However, while the drawings indicate a grey water harvesting system would collect at least some roof water, there is no detail of the proposed sustainable drainage arrangements and there is limited space within the site for filtration. If additional surface water is directed into the culverted watercourse beneath The Vennel without attenuation to the pre-development run off rate, it could increase the flood risk at this site and surrounding areas. The Roads - Flooding Service has objected to the proposal on that basis and it has not demonstrated that the proposed development would not materially increase the probably of flooding contrary to Policy PV12.

The proposal has attracted four letters of representation raising a number of concerns. In respect of concerns regarding impacts on paths/rights of access, the applicant's agent has suggested that there are no rights of access through the site and the access path shown in the title deed information is outside of but adjacent to the site. The other matters raised are discussed in the assessment and it is considered that the proposed development would have an unacceptable impact on the character and appearance of the conservation area.

In summary, whilst the proposal complies with some aspects of the development plan, it would have an adverse impact on the character and appearance of the conservation area and could not be accommodated without unacceptable impacts on road traffic and pedestrian safety with visibility splay requirements extending beyond land which is controlled by the applicant. There is also uncertainty about surface water drainage arrangements within the site. The proposal is contrary to the development plan. There are no material considerations that justify approval of planning permission.

## **Human Rights Implications**

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

## **Equalities Implications**

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

## **Decision**

The application is refused



## **Reason(s) for Decision:**

1. The proposal is contrary to policies DS3, TC2 and PV8 of the Angus Local Development Plan (2016) because proposed alterations to the boundary wall would adversely impact on the character and appearance of the conservation area; and because the proposed house would not fit with the character and pattern of development in the surrounding area; and would not successfully retain and integrate the important townscape feature provided by the stone boundary wall.
2. The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) because it is not possible to provide safe and suitable visibility sightlines at the proposed vehicular access onto The Vennel on land within the applicant's control.
3. The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposal would not materially increase the probably of flooding due to lack of information relating to the proposed surface water management arrangements within the site.
4. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in of an appropriate scale and nature and is contrary to other policies of the local development plan, namely policies DS3, DS4, TC2, PV8 and PV12.

## **Notes:**

Case Officer: Stephanie Porter  
Date: 20 February 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 PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

### National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing

its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

#### Policy PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

#### 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

18/00776/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

	10	18
16		

**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 – Infrastructure  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 14 NOVEMBER 2018

SUBJECT: **PLANNING APPLICATION REF. NO.18/00776/FULL – PROPOSED  
ERECTION DWELLING HOUSE AND FORMATION OF ACCESS AT 5  
CHAPEL STREET, FORFAR**

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I refer to the above planning application.

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

The site is located within the rear garden ground of 5 Chapel Street, Forfar.

It is proposed to form a new access into the site from the north-east side of The Vennel in order to create 3 no. car parking spaces which are to be shared between the new and existing houses. The carriageway on The Vennel is narrow at only 4.5 metres wide. There is no footway on the north-east side of the road and therefore the proposed access will emerge directly on to road.

In order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x43 metres should be provided on both sides of the proposed access at its junction with the public road. In this case, it is not possible to form the required sightlines within land forming part of the site. Regardless, the provision of any sightlines at the location would have a significant impact on the high stonework masonry wall fronting the road which would require to be lowered over its entire length to a maximum height of 1050mm above road level.

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 object to the application in the interests of road safety.

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

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



16<sup>th</sup> October 2018

Angus Council  
County Buildings Market Street  
Forfar.  
DD8 3LG



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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**DD8 Forfar 5 Chapel Street Site At  
PLANNING APPLICATION NUMBER: 18/00776/FULL  
OUR REFERENCE: 768008  
PROPOSAL: Erection of Dwellinghouse and Formation of New Access**

**Please quote our reference in all future correspondence**

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

#### **Water**

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

#### **Foul**

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

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

## **Surface Water**

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

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

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://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](http://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 laundrettes. 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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**  
Angela.Allison@scottishwater.co.uk

**From:** [Claire Herbert](#)  
**To:** [PLNProcessing](#)  
**Cc:** [PorterSG](#)  
**Subject:** Planning application 18/00776/FULL - archaeology comments  
**Date:** 22 October 2018 18:01:50

---

**Plan App No:** 18/00776/FULL  
**Planning Officer:** Stephanie Porter  
**Proposal:** Erection of Dwellinghouse and Formation of New Access  
**Address:** 5 Chapel Street Forfar  
**Postcode:** DD8 2AB  
**Grid Reference:** NO 4568 5054

Having considered the above application, which occupies an area within the historic core of Forfar with the potential evidence of earlier settlement activity to survive below ground level, I would ask that the following condition is applied:

***Programme of archaeological works***

*No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.*

***Reason: To safeguard and record the archaeological potential of the area.***

This should be undertaken as an archaeological watching brief over groundbreaking works, to undertaken by a suitably qualified archaeological contractor. The above condition will not prevent development works from commencing, as long as the WSI outlining the required works is submitted at the beginning of the process, those on site are aware of the archaeological requirement, and no groundbreaking takes place without archaeological supervision.

I would also ask that the following are added as informatives to the decision notice should the application be minded for approval:

***Works by archaeological organisation***

*Any archaeological survey, watching brief or archaeological works required by a condition attached to this planning permission must be undertaken by a suitably qualified archaeological organisation.*

***Development Brief***

*A written specification prepared by the Aberdeenshire Council Archaeology Service for the applicant outlining the nature of the specific archaeological work required under the archaeological planning condition, and which includes information on the archaeological background of the development site. This document can be used by the applicant in the tendering process, and should be used by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor to inform the Written Scheme of Investigation.*

***Written Scheme of Investigation (WSI)***

*A written specification produced by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant which outlines in detail the proposed scheme of archaeological investigation. It should detail what archaeological works will be carried out and how; how any encountered archaeological remains will be dealt with; how any updates to*

*the WSI will be provided; the reporting process; and the potential for post-excavation requirement. The WSI must be submitted to the planning authority for approval before being implemented. The contents of the WSI must conform to the relevant national and ClfA standards and guidance.*

**Post-Excavation Research Design (PERD)**

*A written specification for the post-excavation analysis of artefacts and samples recovery during the excavation phase or archaeological works, prepared by the appointed Chartered Institute for Archaeologists (ClfA) member archaeological contractor on behalf of the applicant. This should include a project design for the post-excavation work, a costed assessment for this work, and costed proposals for the publication of results. The PERD must be submitted to the planning authority for approval. Once the PERD has been agreed, written confirmation must be provided to the planning authority demonstrating that an agreement is in place between the applicant and the appointed ClfA member archaeological contractor, committing the applicant to fund the post-excavation work and for said work to be completed by an agreed date.*

**Securing post excavation research design**

*When any post excavation research design is required through the implementation of a programme of archaeological works, the analysis, publication and dissemination of results and archive deposition requires to be agreed and secured between the developer of the site and the archaeological contractor undertaking the archaeological works on the site before it will be agreed in writing by the planning authority.*

Should you have any comments or queries regarding the above, please do not hesitate to contact me.

Kind regards,  
Claire

**Claire Herbert MA(Hons) MA MCIfA FSA Scot**

**Archaeologist**

Archaeology Service  
Infrastructure Services  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

01467 537717  
07825356913

[claire.herbert@aberdeenshire.gov.uk](mailto:claire.herbert@aberdeenshire.gov.uk)

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

<https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

<https://online.aberdeenshire.gov.uk/smrpub/>

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Dh'fhaodadh fiosrachadh sochair, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an

## MEMORANDUM

TO: Stephanie Porter, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 18/00776/FULL

OUR REF: Site 1101

DATE: 16 November 2018

SUBJECT: Erection of Dwellinghouse and Formation of New Access at 5 Chapel Street, Forfar.

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With reference to the above planning application and your consultation requesting comment regarding contaminated land, I can offer the following comments.

Available information including historic mapping and aerial photography has been reviewed. I believe the area of land that forms the above application was included on the database of Potentially Contaminated Land because it was neighbouring the works that previously occupied the land immediately to the east, and it was unclear whether the above site was part of the works. However, having reviewed the historic maps and aerial photos I prefer to take the view that the above land was always garden ground. I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.

I do not require any further information regarding contaminated land.

**From:** [PLNProcessing](#)  
**To:** [PorterSG](#)  
**Subject:** FW: 18/00776/FULL - 5 Chapel St, Forfar  
**Date:** 20 November 2018 11:07:56  
**Attachments:** [image001.png](#)

---

**Veronica Caney Clerical Officer Angus House : Planning Service, Orchardbank  
Business Park, Forfar, DD8 1AN**  
Tel : 01307 473242



[www.angus.gov.uk/angusdesignawards](http://www.angus.gov.uk/angusdesignawards)

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**From:** MelvinJ  
**Sent:** 20 November 2018 10:06  
**To:** PLNProcessing  
**Cc:** CorriganJ  
**Subject:** 18/00776/FULL - 5 Chapel St, Forfar

Good Morning,

**18/00776/FULL – 5 Chapel Street, Forfar – Roads (Flooding)**

I have checked the above planning application and have the following observations and comments regarding flood risk and disposal of surface water:

Observations

1. The planning application is for the construction of a single dwelling house in an existing garden.
2. The SEPA flood maps do not indicate coastal, fluvial or surface water flooding at any probability on the site.
3. There is an existing culverted watercourse under The Vennel.
4. The applicant has indicated on the application form that their proposals make provision for the sustainable drainage of surface water (SUDS).

Requirements – The following information is required before I can make final comment on the application.

5. The applicant is required to submit surface water drainage proposals for



the site which provide adequate mitigation of surface water flooding. These proposals should be designed in accordance with CIRIA's guidance document C753.

Regards  
Jamie

**Jamie Melvin | Design Engineer** | Roads and Transportation | Angus Council –  
**Place** | Angus House, Orchardbank, Forfar, DD8 1AN | Tel: 01307 473352  
[J.Melvin@angus.gov.uk](mailto:J.Melvin@angus.gov.uk)



***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:** [MelvinJ](#)  
**To:** [PorterSG](#)  
**Subject:** RE: Planning Application - 18/00776/FULL  
**Date:** 12 February 2019 15:53:40  
**Attachments:** [image001.png](#)

---

Hi Stephanie,

Looking at the site, there does not look to be space for infiltration (soakaway) of surface water, and therefore we would need to know what the proposals are for surface water. If additional surface water is directed into the culverted watercourse without attenuation to the pre-development run off rate then it could increase the flood risk at this site and surrounding areas. Therefore, we would object if no further information is provided.

Regards  
Jamie

---

**From:** PorterSG  
**Sent:** 12 February 2019 15:13  
**To:** MelvinJ  
**Subject:** Planning Application - 18/00776/FULL

Hi Jamie,

Following on from our recent telephone conversation, to clarify the Roads position could you please confirm the following.

In reviewing the consultation response it notes that surface water drainage information is required to provide adequate mitigation of surface water flooding. Does this mean that without this surface water drainage information Roads would object on the basis that the proposal could increase surface water flood risk/flooding at the site?

Kind Regards

**Stephanie Porter** | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 473365)



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**From:** [MelvinJ](#)  
**To:** [PorterSG](#)  
**Subject:** FW: Planning Application - 18/00776/FULL  
**Date:** 18 February 2019 15:11:40  
**Attachments:** [image001.png](#)

---

Hi Stephanie,

The drawing "Ground floor plan" shows the use of a storage tank to re-use rainwater. The drawing does not show the size of the storage tank or how overflow situations are dealt with.

As per the previous email if water is directed into the culverted watercourse without attenuation to the pre-development run off rate then it could increase the flood risk at this site and surrounding areas. Therefore, we would object if no further information is provided.

Regards  
Jamie

---

**From:** MelvinJ  
**Sent:** 12 February 2019 15:54  
**To:** PorterSG  
**Subject:** RE: Planning Application - 18/00776/FULL

Hi Stephanie,

Looking at the site, there does not look to be space for infiltration (soakaway) of surface water, and therefore we would need to know what the proposals are for surface water. If additional surface water is directed into the culverted watercourse without attenuation to the pre-development run off rate then it could increase the flood risk at this site and surrounding areas. Therefore, we would object if no further information is provided.

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**Sent:** 12 February 2019 15:13  
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**Subject:** Planning Application - 18/00776/FULL

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Kind Regards

**Stephanie Porter** | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 473365)



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**CameronS**

---

**From:** JACK BLACK <[REDACTED]>  
**Sent:** 20 October 2018 10:59  
**To:** PLANNING  
**Subject:** Objection to proposed planning application Ref: 18/00776/FULL

Proposed development at 5 Chapel Street, Forfar. DD8 2AB

Dear sir/Madam,

I object to planning application Ref: 18/00776/FULL. The person to whom is applying for permission to build a house and opening of high wall on Vennel does not have full ownership of the garden area where the house could be sited. There are various footpaths which are common to all 4 houses, nos. 5, 7, 9, & 11. Also access can be gained for maintenance via the already existing door in wall at Vennel for the maintenance of the houses backing on to gardens from Sparrowcroft. The four paths of which I am referring to 1] at top of the garden east to west 1] goes from houses at 9 & 11 north to south to tie in with that path 1] from house at 7 north to south to tie in with top path and 1] that runs parallel north to south tying in with the top path to Vennel door. The reason for these paths are common access to where the outside toilet was stationed and to access gardens and back of houses for maintenance. Two of these paths run where the proposed house and the opening of the high wall is proposed. These paths are still in regular use for accessing and removal of materials to maintain buildings and gardens and also waste disposal. This would not be acceptable to remove any common access.

There has already been various requests and applications for a house and opening of the wall, all have been denied. Circumstances have not and will not change. Nothing has changed to warrant any success for this application.

Also it is bad enough with traffic when accessing the small door in the vennel as a pedestrian without the dangers of extra vehicles.

We as residents appreciate the security of the enclosed gardens.

Regards no. 7 Chapel Street

# **Comments for Planning Application 18/00776/FULL**

## **Application Summary**

Application Number: 18/00776/FULL

Address: 5 Chapel Street Forfar DD8 2AB

Proposal: Erection of Dwellinghouse and Formation of New Access

Case Officer: Stephanie Porter

## **Customer Details**

Name: Mr WILLIAM DOUGLAS

Address: 11 CHAPEL STREET FORFAR

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The plans appear to remove common paths and impact on our boundary at the rear of our house. A number of trees would also have to be removed which would affect the environment. Removing the large wall would reduce the security of our house. Privacy would also be lost as the development is right on our boundary. The 3D model appears totally at odds with the surrounding properties. The addition of vehicles entering the Vennel at that point, whether going up or down, could, in our view, be dangerous to other vehicles, cyclists and pedestrians. Many schoolchildren and playgroup users use the Vennel and Chapel street as their school/playgroup route.

**From:**Jennifer Todd  
**Sent:**Mon, 29 Oct 2018 14:50:43 +0000  
**To:**PLANNING  
**Subject:**Proposed development at 5Chapel Street DD8 8AB

I have the following concerns about the above proposal. The wall on the Vennel is in a Conservation area of Forfar and should therefore remain as a full wall removal of part of this wall would weaken its structure. Also the removal of this wall would take away the security at the rear of the houses in Chapel Street and Sparrowcroft that they have at the moment. Vehicular access and egress into the Vennel from the site is not very practical as its close to Chapel Street junction and vehicles would be well onto the road before they are able to see traffic coming from either direction. Signed:- Mr James Mitchell, [REDACTED]  
[REDACTED]

## Comments for Planning Application 18/00776/FULL

### Application Summary

Application Number: 18/00776/FULL

Address: 5 Chapel Street Forfar DD8 2AB

Proposal: Erection of Dwellinghouse and Formation of New Access

Case Officer: Stephanie Porter

### Customer Details

Name: Mr Craig Kearns

Address: 5 Sparrowcroft Forfar

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: While on its own merits this proposed dwelling is an impressive example of modern architecture it is completely out of character for this site and the area. This site is bounded by several Grade C listed properties and is also sited within the Forfar Conservation Area.

Opening up the wall on the Vennel would be problematic too, firstly from a road safety point of view given the nature of the road with its narrow carriageway, parking restrictions and the commonly held belief that it is one way (it is not) and vision for vehicles exiting the site. The wall is very old and may not survive such an opening being created.

I live around the corner from this site and though cannot see it from my property I object due to, in the main, the existence of the conservation area and the design of this proposed dwelling being completely at odds with the surrounding dwellings who are restricted by conservation and listings to make changes to the appearance of their properties.



PROJECT : Formation of new plot from existing garden and 3 Bedroom house proposal

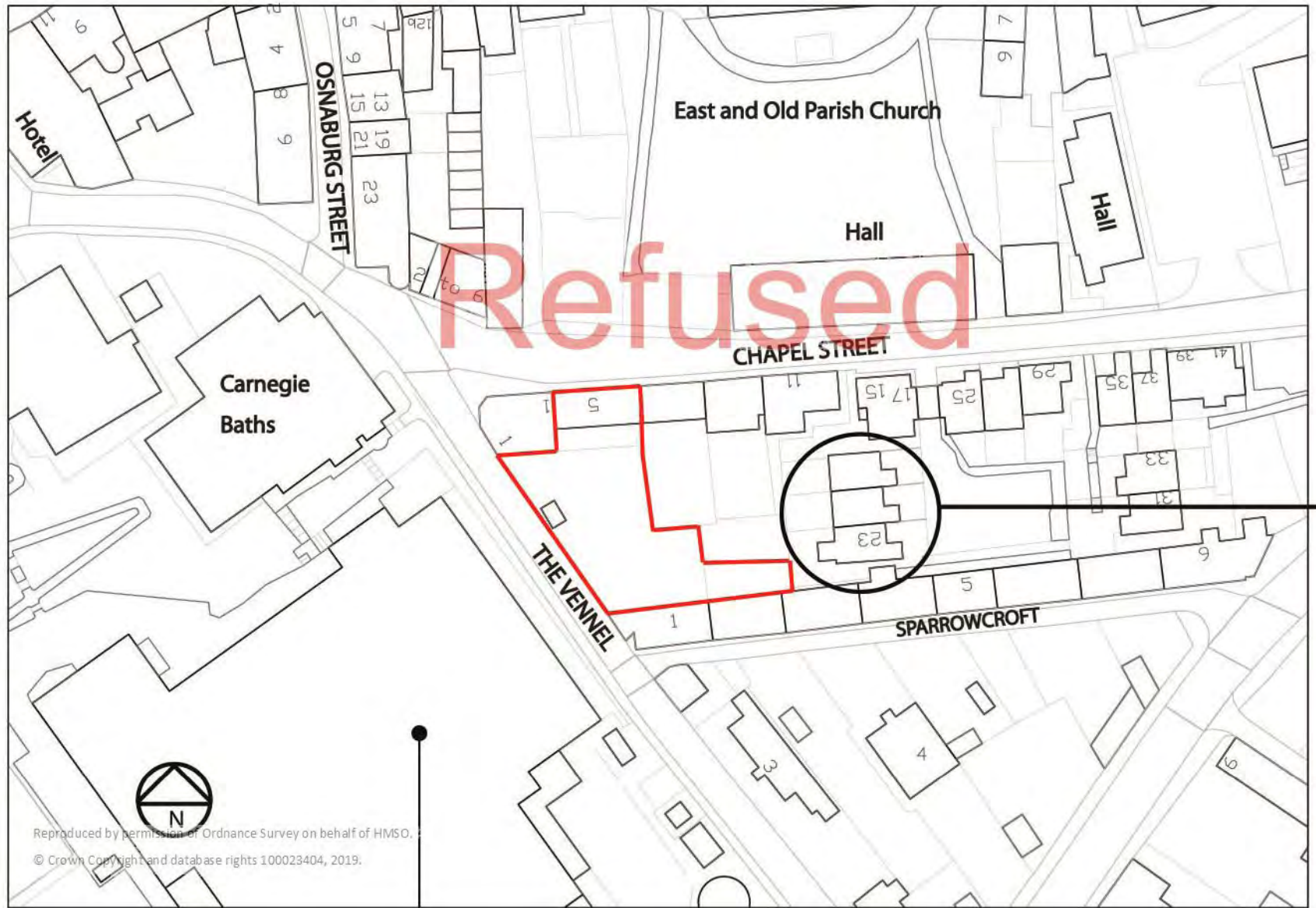
CLIENT : C Morris

ADDRESS : 5 Chapel street Fofar DD8 2AB

DATE : 01/10/2018

DRAWING NAME : Site context

DO NOT SCALE FROM DRAWING



View of new build apartments

A previous development has already taken place in the gap site opposite to the proposed site application. Three apartments have been squeezed into a slightly smaller site compared to the proposed development site. These three properties have been constructed fairly recently and have been built with modern construction materials and techniques. Their facades are finished with Pink stone blocks and harling, in stark contrast to the brown stone of the traditional buildings in the surrounding conservation area.



Asda supermarket is situated opposite the proposed site on vennel st the facade is constructed of various modern materials.

- engineering brick
- sheet composite cladding
- metal panel roof pannels
- wooden cladding

these materials and the size of building situated in an conservation area create a sizeable contrast to the traditional stone buildings within that conservation area.

Rear elevation Asda



Front elevation Asda



View from Vennel street

Refused

# Refused

PROJECT : Formation of new plot from existing garden and 3 Bedroom house proposal

CLIENT : C Morris

ADDRESS : 5 Chapel street  
Fofar  
DD8 2AB

DATE : 01/10/2018

DRAWING NAME : Existing garden ground

DO NOT SCALE FROM DRAWING



Site plan Scale 1 : 250

Existing garden ground scale 1 : 100

# Refused

PROJECT: Formation of new plot from existing garden and 3 Bedroom house proposal

CLIENT: C Morris

ADDRESS: 5 Chapel street Fofar DD8 2AB

DATE: 01/10/2018

DRAWING NAME: Site plan

DO NOT SCALE FROM DRAWING

Refused

Refused

Refused

On this side of the proposed building the distance between it and the next building is less than 20m, this facade does contain windows but they look directly onto the slope above and have no view they are purely to allow light into building.

On this side of the proposed building the distance between it and the next building is more than 20m therefore there are windows located on this facade.

On this side of the proposed building the views are directly onto vennal st therefore not looking directly onto any building apart for the backside of Asda which contains no windows. Windows are located on this facade for that reason.

The roads department have been consulted and have said this layout is acceptable for the off street parking for both 5 Chapel and the proposed development. An opening has been created in the existing stone wall and the wall lowered at the edges and visibility splays installed 2.4m x 2.4m on both sides.

Two parking bays required to service a 3 bedroom house each bay is 5m x 2.5m

New boundary line 9774 with a separating fence

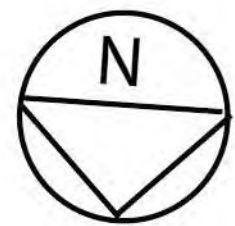
Between the proposed development and 5 chapel street in this direction is 8.5m at the closest point. Therefore this facade of the proposed house does not contain any windows.

Since 5 chapel street had no off street parking previously. The creation of one parking bay is an improvement to that previous situation, therefore one parking bay has been proposed.

Slate roof (ref material image)

Double glazed rooflights to provide the atrium /interior courtyard with daylight.

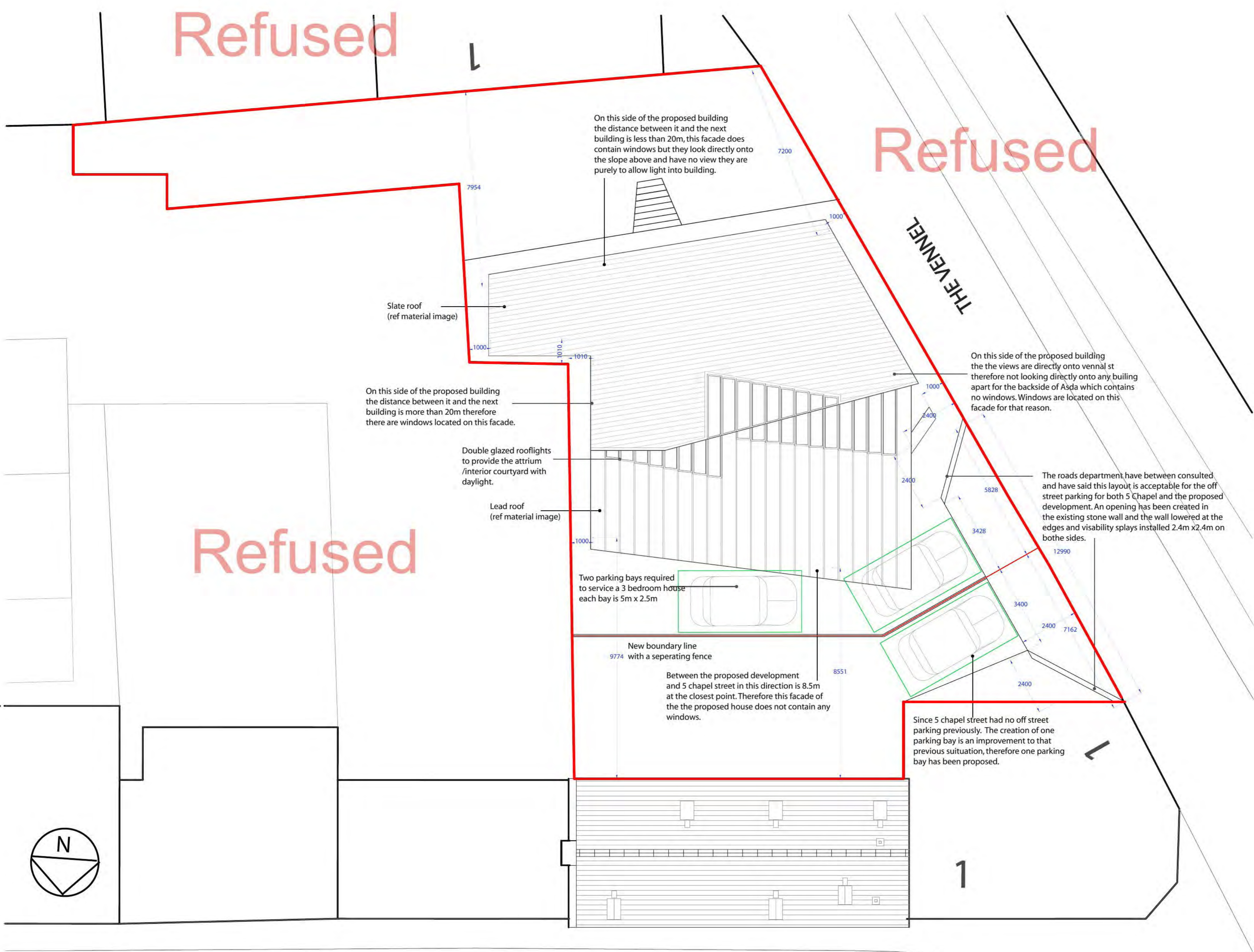
Lead roof (ref material image)



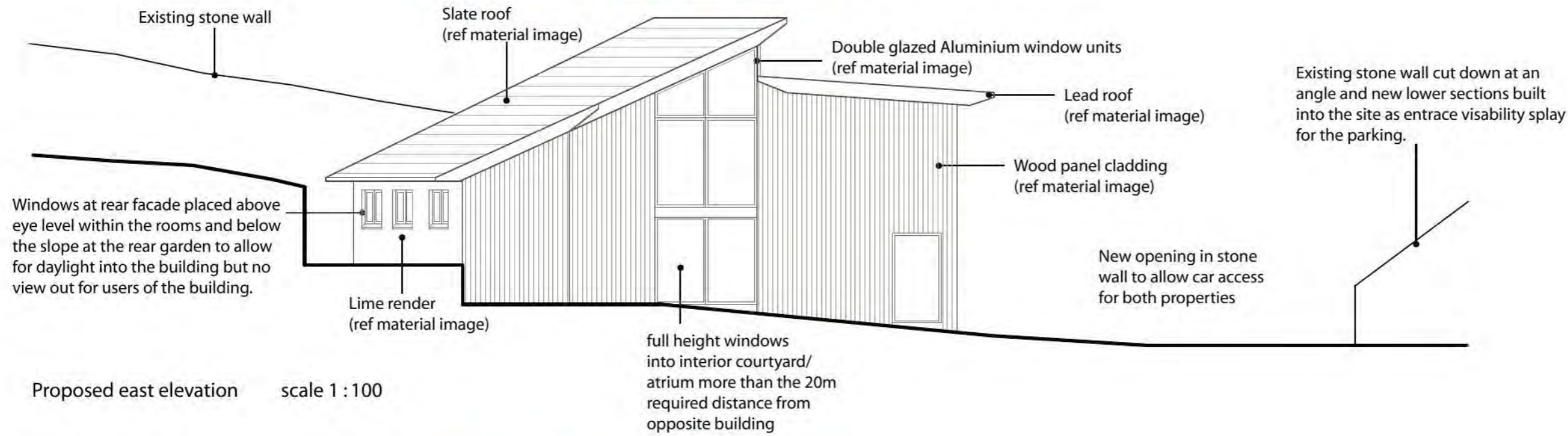
CHAPEL STREET

1

THE VENNEL

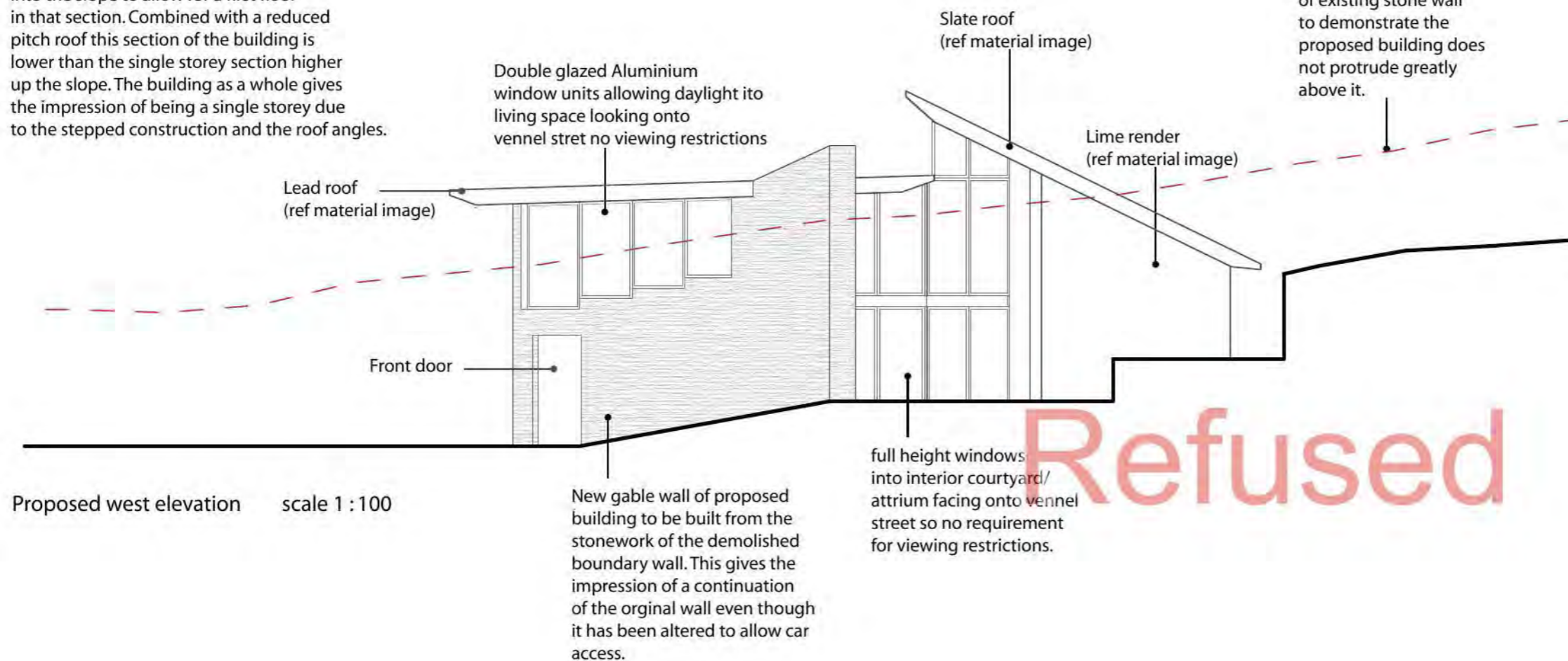


# Refused



# Refused

The lower building has been recessed into the slope to allow for a first floor in that section. Combined with a reduced pitch roof this section of the building is lower than the single storey section higher up the slope. The building as a whole gives the impression of being a single storey due to the stepped construction and the roof angles.



**AC12**  
DAVID  
DARLING  
DESIGNS

PROJECT: Formation of new plot from existing garden and 3 Bedroom house proposal

CLIENT: C Morris

ADDRESS: 5 Chapel street  
Fofar  
DD8 2AB

DATE: 01/10/2018

DRAWING NAME: East/west elevations

DO NOT SCALE FROM DRAWING

# Refused



D **AC12** D  
DARLING  
DESIGNS

PROJECT : Formation of new plot from existing garden and 3 Bedroom house proposal

CLIENT : C Morris

ADDRESS : 5 Chapel street  
Fofar  
DD8 2AB

DATE : 01/10/2018

DRAWING NAME : First floor/Roof plan  
Section A-A

DO NOT SCALE FROM DRAWING

The lower building has been recessed into the slope to allow for a first floor in that section. Combined with a reduced pitch roof this section of the building is lower than the single storey section higher up the slope. The building as a whole gives the impression of being a single storey building due to the stepped construction and the roof angles.

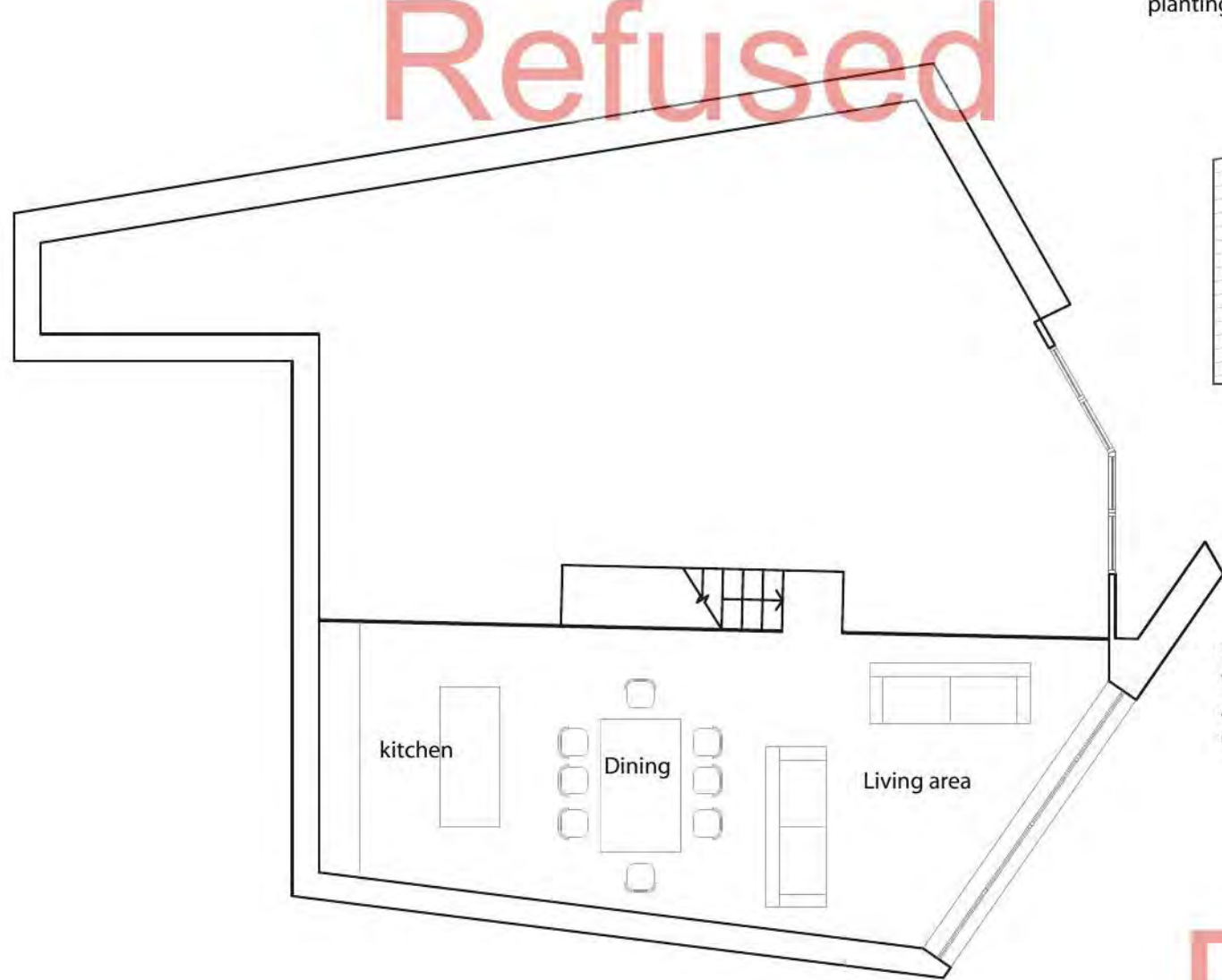
indication of height of existing stone wall to demonstrate the proposed building does not protrude greatly above it.

The windows at the rear are set at 1800mm from floor to prevent direct views of the neighbours properties and just function to introduce light into these areas.

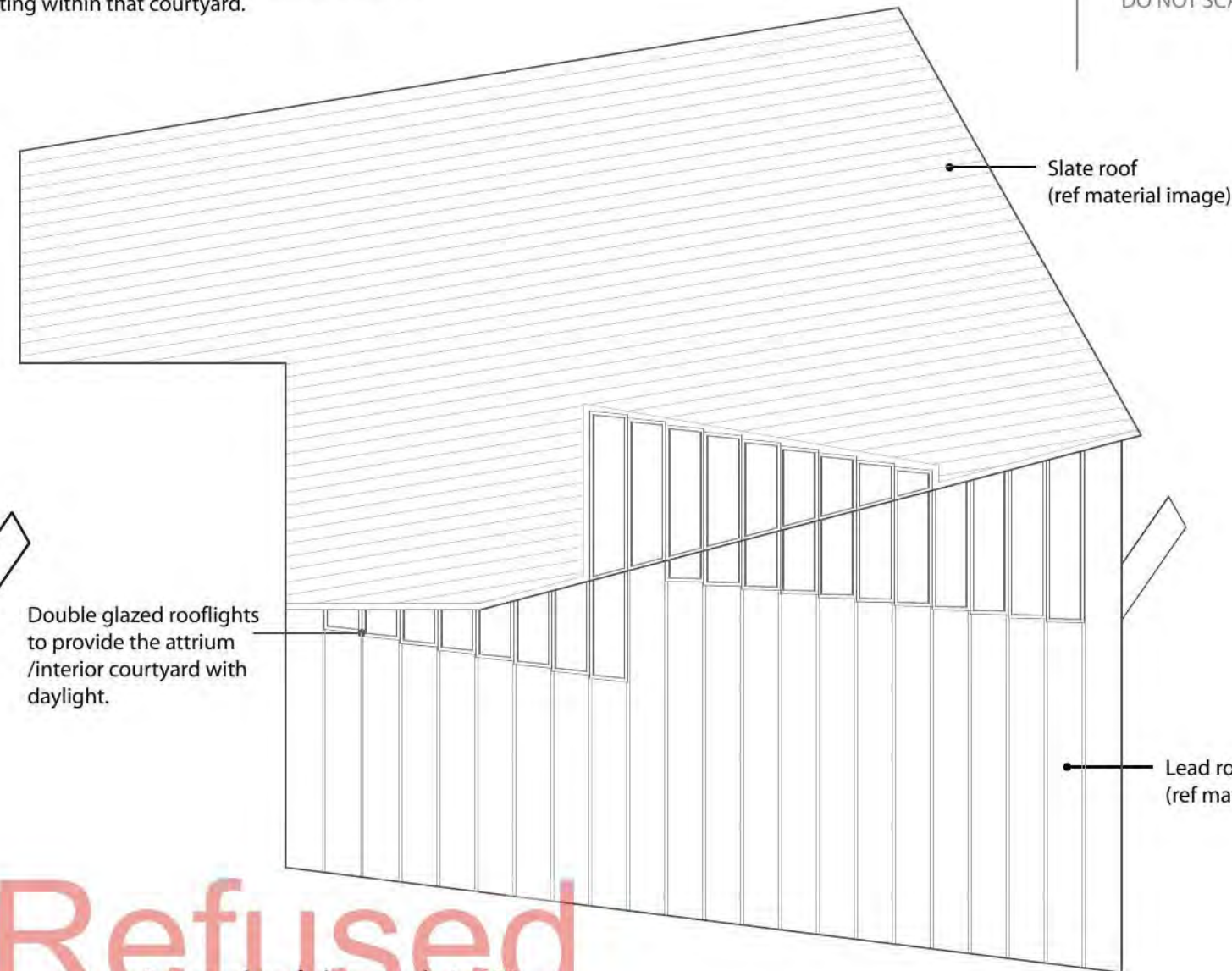
Double height atrium/interior courtyard supplied with daylight from roof lights above to illuminate the central core of the building which all the bedrooms and living area are set off allowing the bedrooms to receive the light required and present views of the planting within that courtyard.

Proposed section A-A elevation scale 1 : 100

# Refused



Proposed first floor plan scale 1 : 100



Double glazed rooflights to provide the atrium /interior courtyard with daylight.

Slate roof (ref material image)

Lead roof (ref material image)

# Refused

Proposed roof plan scale 1 : 100



PROJECT: Formation of new plot from existing garden and 3 Bedroom house proposal

CLIENT: C Morris

ADDRESS: 5 Chapel street Fofar DD8 2AB

DATE: 01/10/2018

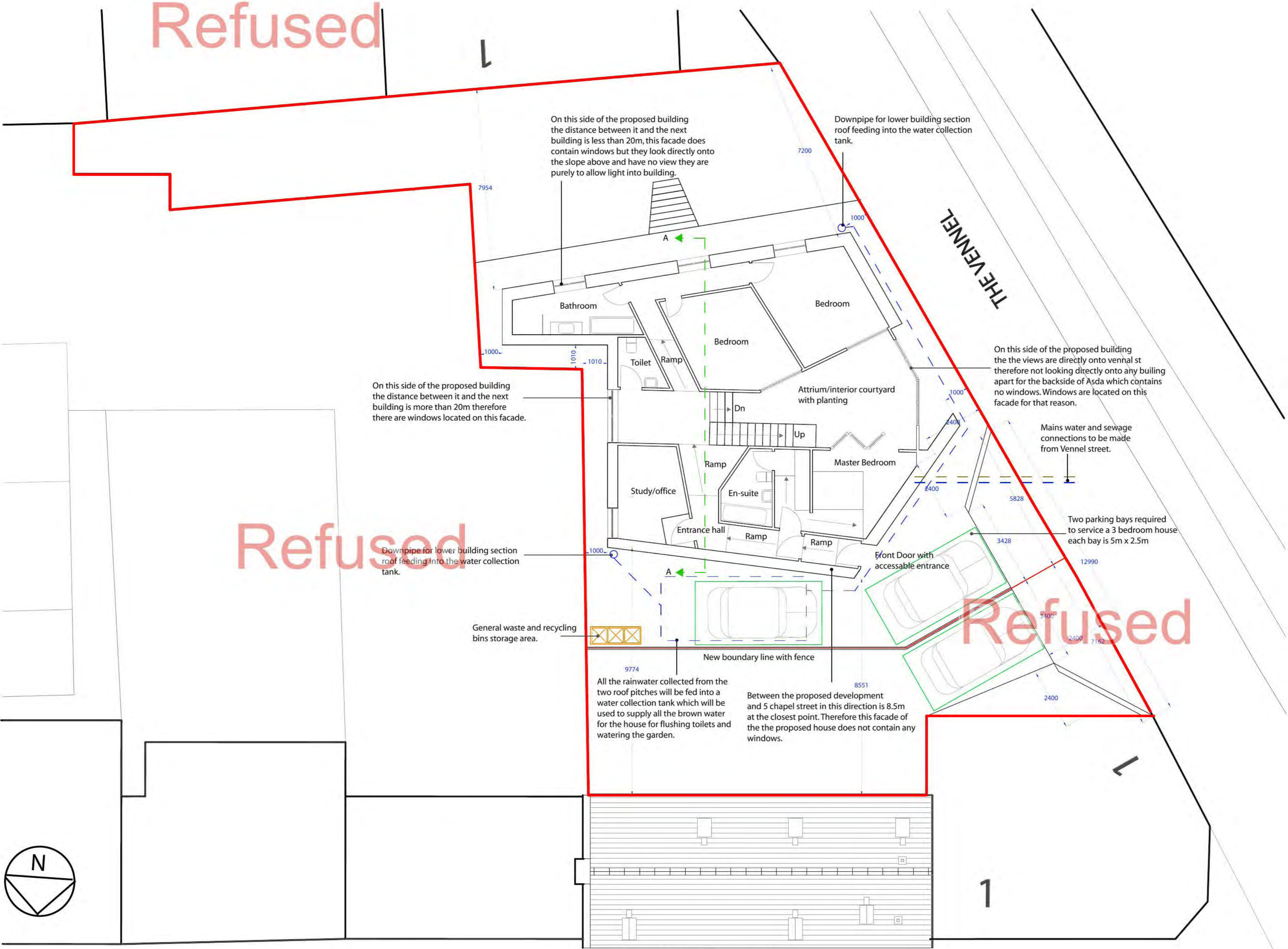
DRAWING NAME: Ground floor plan

DO NOT SCALE FROM DRAWING

Refused

Refused

Refused



On this side of the proposed building the distance between it and the next building is less than 20m, this facade does contain windows but they look directly onto the slope above and have no view they are purely to allow light into building.

Downpipe for lower building section roof feeding into the water collection tank.

On this side of the proposed building the distance between it and the next building is more than 20m therefore there are windows located on this facade.

On this side of the proposed building the views are directly onto vennal st therefore not looking directly onto any building apart for the backside of Asda which contains no windows. Windows are located on this facade for that reason.

Mains water and sewage connections to be made from Vennel street.

Two parking bays required to service a 3 bedroom house each bay is 5m x 2.5m

Downpipe for lower building section roof feeding into the water collection tank.

General waste and recycling bins storage area.

All the rainwater collected from the two roof pitches will be fed into a water collection tank which will be used to supply all the brown water for the house for flushing toilets and watering the garden.

Between the proposed development and 5 chapel street in this direction is 8.5m at the closest point. Therefore this facade of the the proposed house does not contain any windows.

Proposed Ground floor plan scale 1 : 100

PROJECT : Formation of new plot from existing garden and 3 Bedroom house proposal

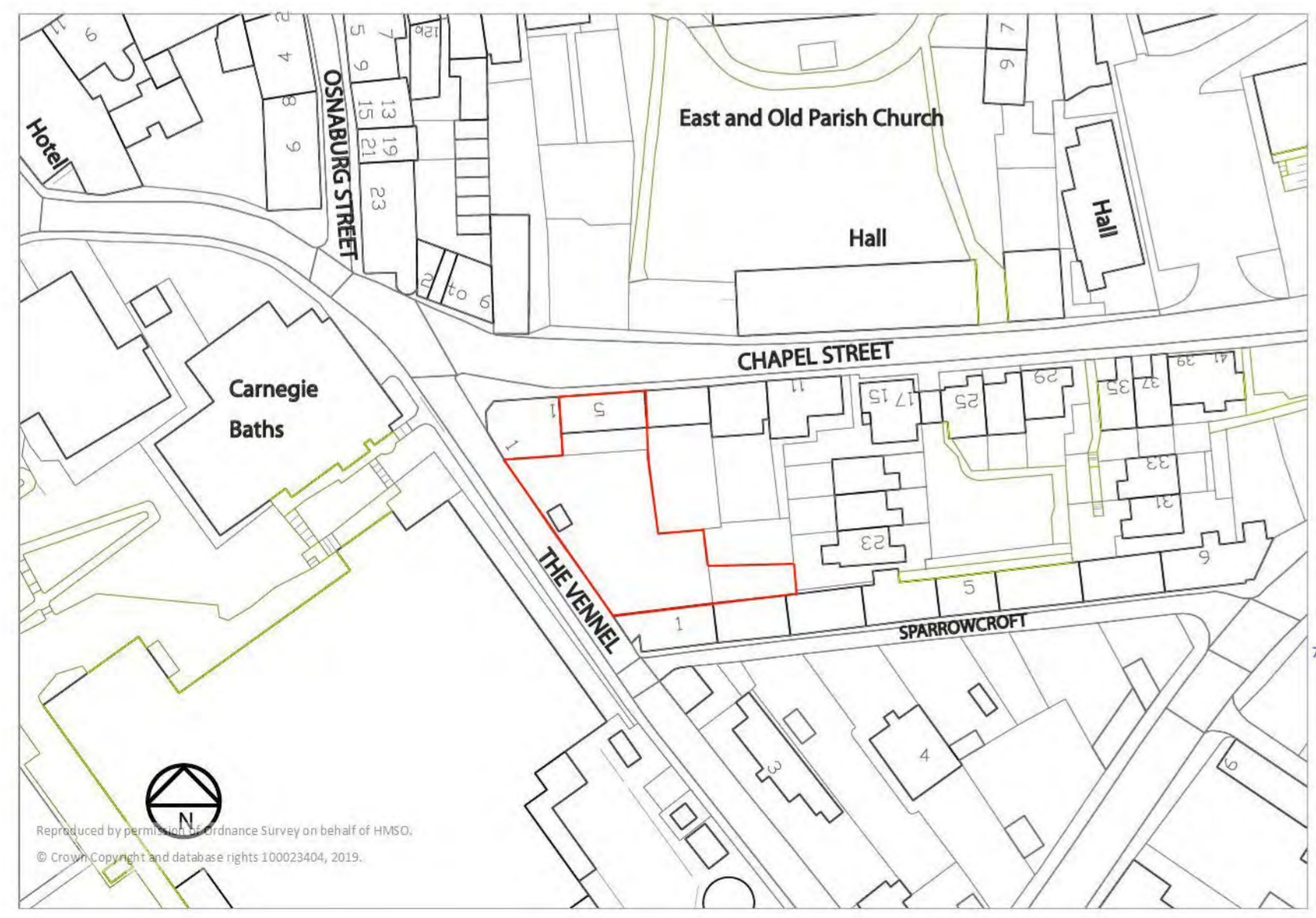
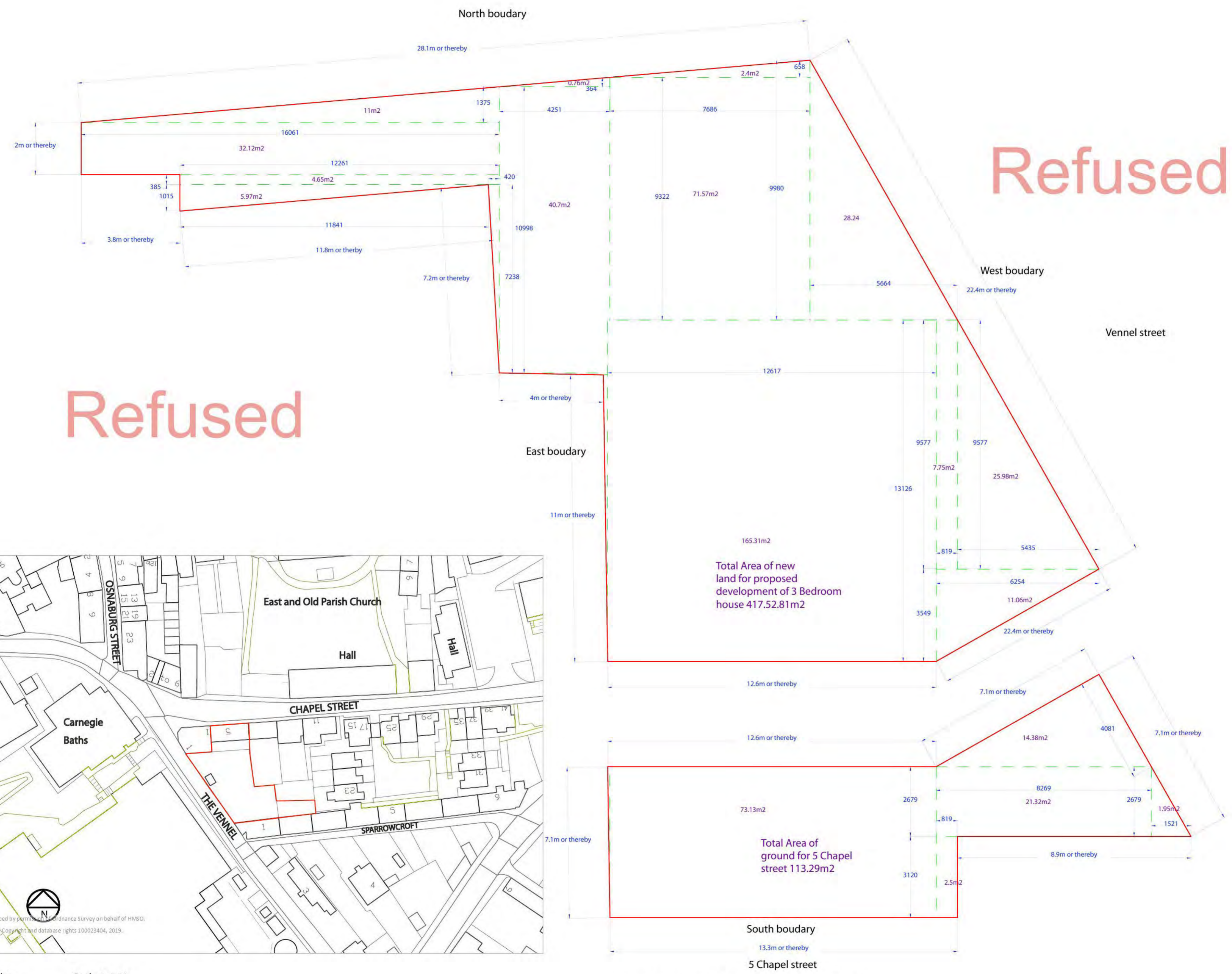
CLIENT : C Morris

ADDRESS : 5 Chapel street  
 Fofar  
 DD8 2AB

DATE : 01/10/2018

DRAWING NAME : Proposed plot areas

DO NOT SCALE FROM DRAWING



Site plan Scale 1 : 250

Proposed separation of garden ground scale 1 : 100



PROJECT : Formation of new plot from existing garden and 3 Bedroom house proposal

CLIENT : C Morris

ADDRESS : 5 Chapel street  
Fofar  
DD8 2AB

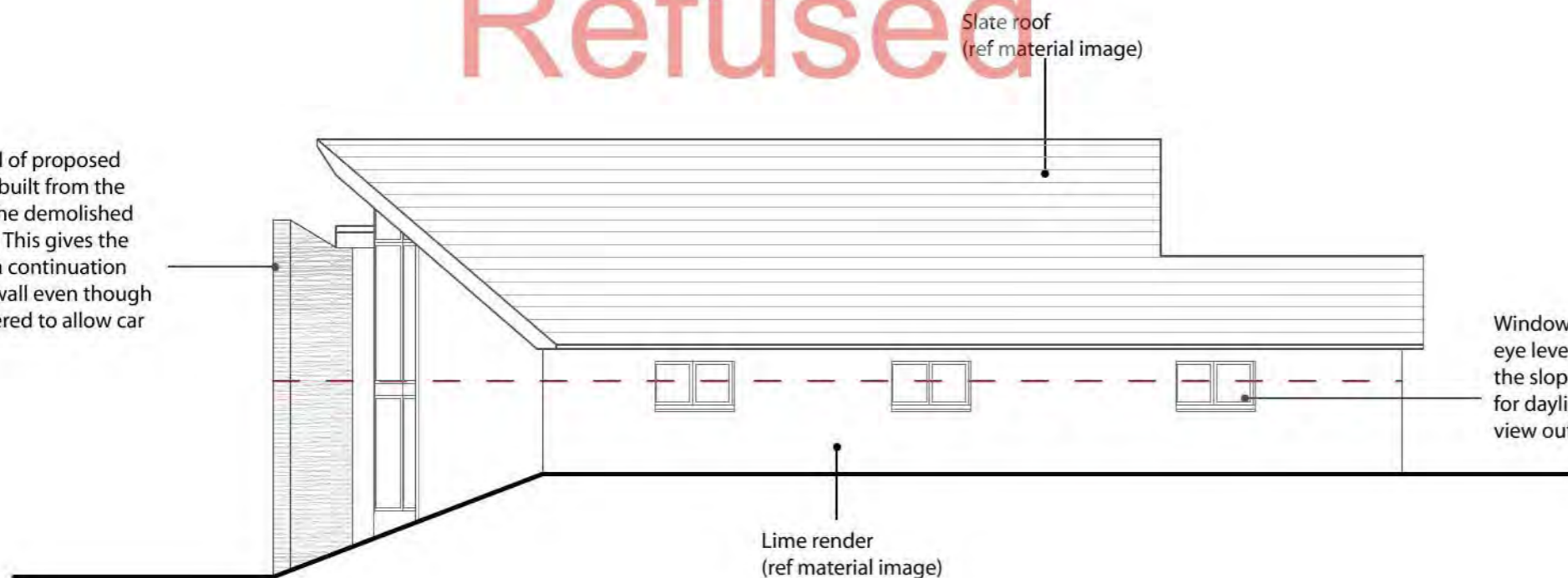
DATE : 01/10/2018

DRAWING NAME : North/South elevations

DO NOT SCALE FROM DRAWING

Refused

New gable wall of proposed building to be built from the stonework of the demolished boundary wall. This gives the impression of a continuation of the original wall even though it has been altered to allow car access.



Proposed south elevation scale 1 : 100

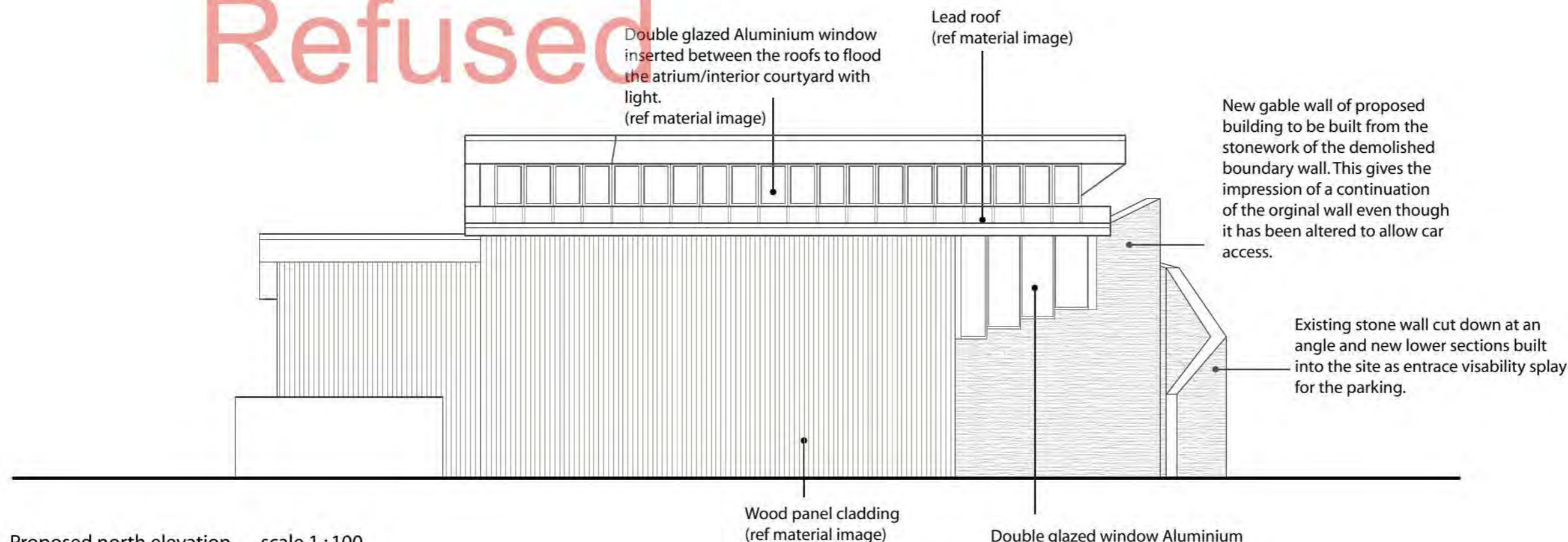
Refused

Double glazed Aluminium window inserted between the roofs to flood the atrium/interior courtyard with light.  
(ref material image)

Lead roof  
(ref material image)

New gable wall of proposed building to be built from the stonework of the demolished boundary wall. This gives the impression of a continuation of the original wall even though it has been altered to allow car access.

Existing stone wall cut down at an angle and new lower sections built into the site as entrance visibility splay for the parking.



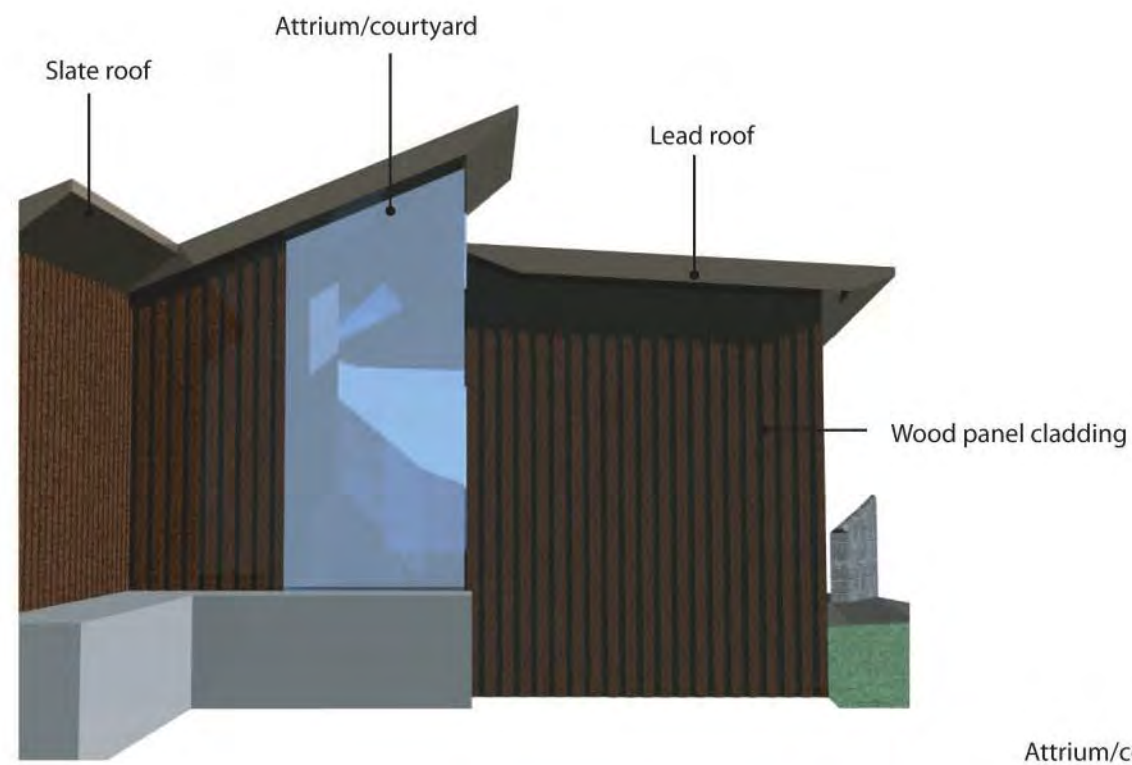
Proposed north elevation scale 1 : 100

Refused

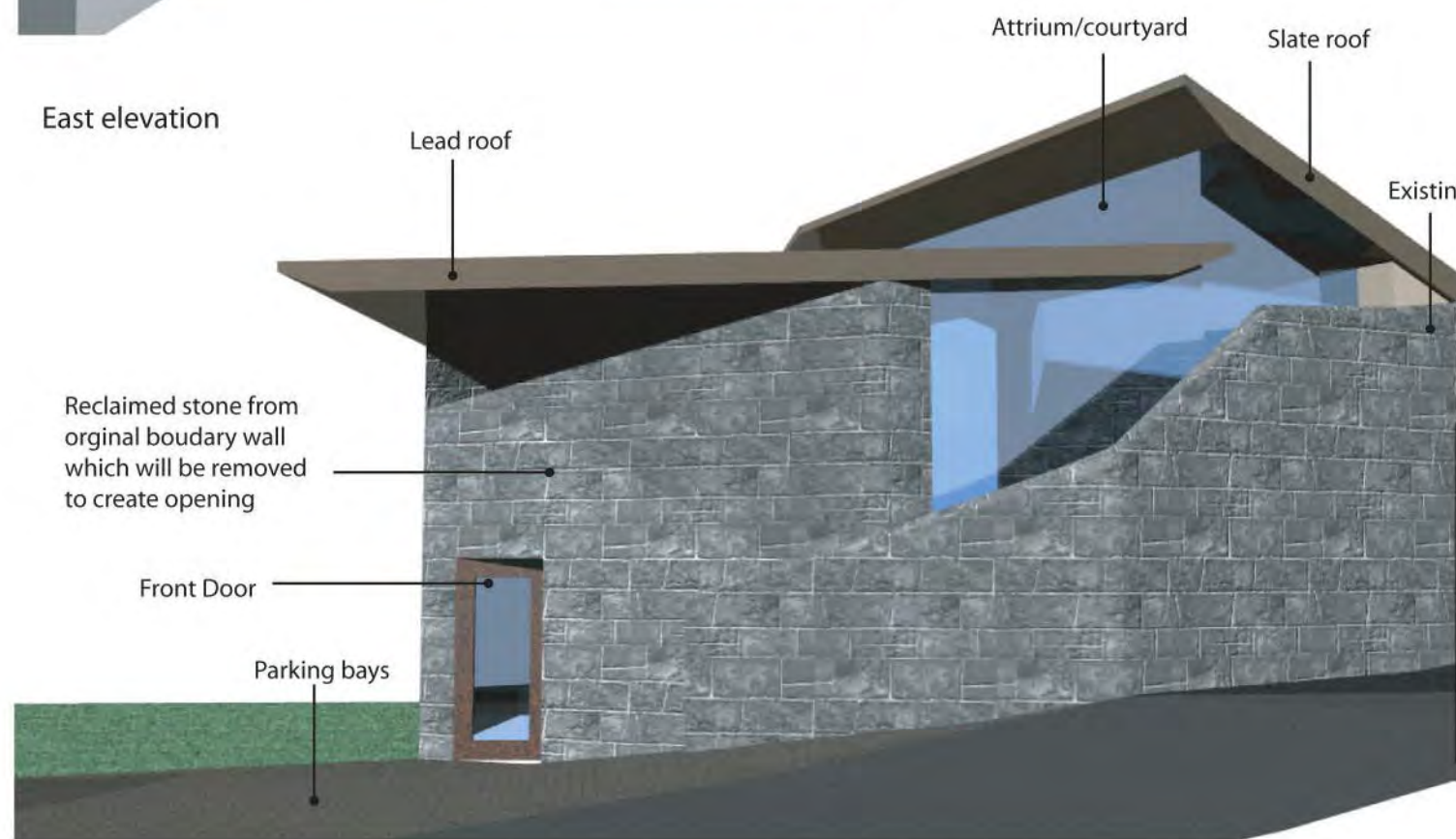


Note: 3D model images are indicative of the form of the building and how it sits within the landscape the colours and materials are not representative of the physical finish of the building. Please reference the material images to the right for how the building surfaces will present once completed.

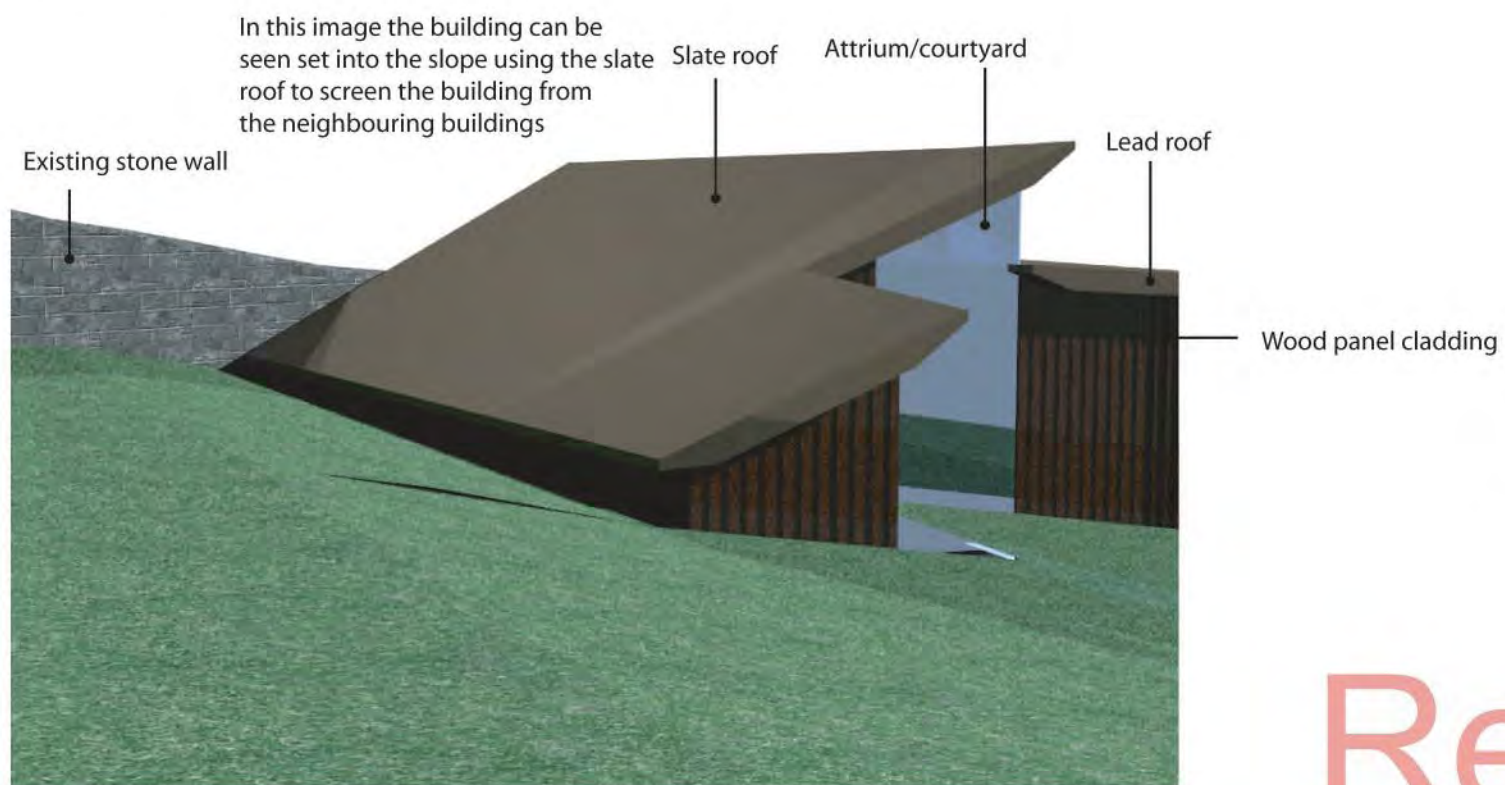
# Refused



East elevation



West elevation



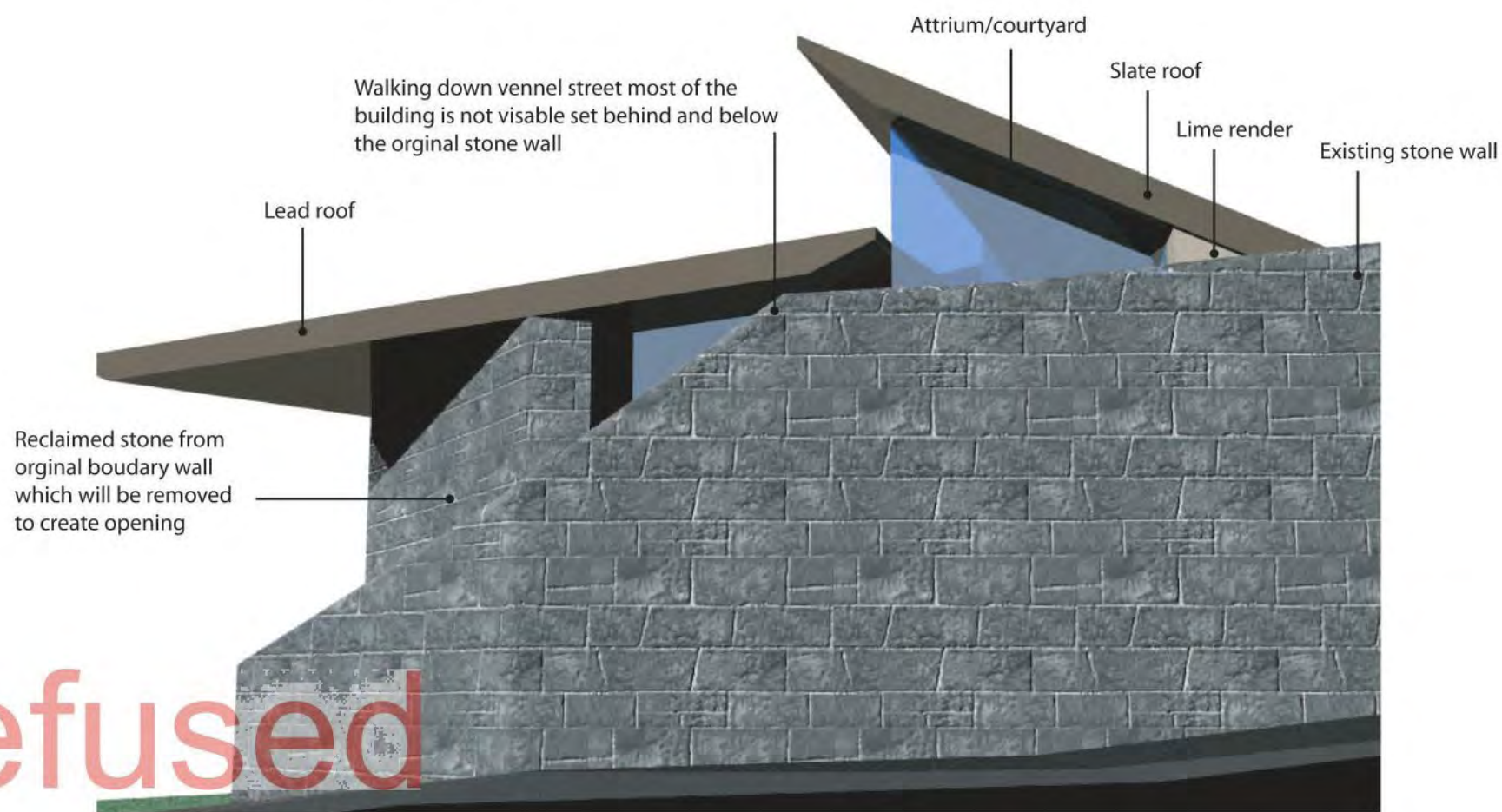
North elevation



West elevation



South elevation



West elevation



Lead



Slate



Wood panel cladding



Lime render

PROJECT: Formation of new plot from existing garden and 3 Bedroom house proposal

CLIENT: C Morris

ADDRESS: 5 Chapel street  
Fofar  
DD8 2AB

DATE: 01/10/2018

DRAWING NAME: 3D models/materials

DO NOT SCALE FROM DRAWING

# Refused















CHAPEL STREET







CHAPEL STREET

FORFAR GIRLS' GUIDES  
HEADQUARTERS



TAXI

Notice









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

PLANNING PERMISSION REFUSAL  
REFERENCE : 18/00776/FULL

To **Mr Christopher Morris**  
**c/o David Darling Designs Ltd**  
**9 Dorward Place**  
**Montrose**  
**DD10 8RU**

With reference to your application dated 8 October 2018 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Erection of Dwellinghouse and Formation of New Access at 5 Chapel Street Forfar DD8 2AB for Mr Christopher Morris**

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

**The reasons for the Council's decision are:-**

1. The proposal is contrary to policies DS3, TC2 and PV8 of the Angus Local Development Plan (2016) because proposed alterations to the boundary wall would adversely impact on the character and appearance of the conservation area; and because the proposed house would not fit with the character and pattern of development in the surrounding area; and would not successfully retain and integrate the important townscape feature provided by the stone boundary wall.
2. The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) because it is not possible to provide safe and suitable visibility sightlines at the proposed vehicular access onto The Vennel on land within the applicant's control.
3. The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because it has not been demonstrated that the proposal would not materially increase the probably of flooding due to lack of information relating to the proposed surface water management arrangements within the site.
4. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in of an appropriate scale and nature and is contrary to other policies of the local development plan, namely policies DS3, DS4, TC2, PV8 and PV12.

**Amendments:**

The application has not been subject of variation.

Dated this **20 February 2019**

**AC14**

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
<b>Development Standards Committee/Full Council</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>
<b>Delegated Decision</b>	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.	<b>Local Review Body –</b> <b>See details on attached Form 2</b>
<b>Other Decision</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>

**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](mailto:planning@angus.gov.uk)

Website: [www.angus.gov.uk](http://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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<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:-**

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>It does not apply</b>
<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?**

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

**OUTCOME:** Outcome of the application:

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

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

**Q.9 Were you the:-** Applicant  Agent  Third Party objector who made a representation

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

**From:** [David](#)  
**To:** [PorterSG](#)  
**Subject:** Re: 5 Chapel street Title deed documents  
**Date:** 22 January 2019 10:43:01

---

Dear Stephanie,

The path on the tile deeds is not within the red line of the proposed site I took the sizes for the red line directly from the title deed. So to avoid any issues of overlap of paths.

As indicted on the title deeds there are no other paths shown. So unless the person making the objection can produce alternative legal title deeds indicating these extra paths, we have to proceed with my clients title deeds.

Kind Regards

David Darling

On 22 Jan 2019, at 18:33, PorterSG <[PorterSG@angus.gov.uk](mailto:PorterSG@angus.gov.uk)> wrote:

Good Morning David,

Firstly I apologise for the delay in getting back to you, I am only now in a position to progress with this application again.

Having viewed the submitted deeds it appears as though the path at the south-eastern corner of the site is in mutual ownership.

Is this ground within the red line site?

If the path is within the red line site and in shared ownership then the land ownership plan is incorrect and needs to be rectified.

Could you please clarify the above?

Also the one of the objections makes reference to another two paths, could you please clarify the situation with these?

Kind Regards

**Stephanie Porter** | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 473365)

<image001.png>

[www.angus.gov.uk/angusdesignawards](http://www.angus.gov.uk/angusdesignawards)

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**From:** David [[mailto:david\\_darling12321@yahoo.co.uk](mailto:david_darling12321@yahoo.co.uk)]  
**Sent:** 13 December 2018 14:27  
**To:** PorterSG

**Subject:** 5 Chapel street Title deed documents

Dear Stephanie,

Please find attached title deed documents for 5 Chapel street.

Kind regards

David Darling

This message is strictly confidential. If you have received this in error, please inform the sender and remove it from your system. If received in error you may not copy, print, forward or use it or any attachment in any way. This message is not capable of creating a legal contract or a binding representation and does not represent the views of Angus Council. Emails may be monitored for security and network management reasons. Messages containing inappropriate content may be intercepted. Angus Council does not accept any liability for any harm that may be caused to the recipient system or data on it by this message or any attachment.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**5 CHAPEL STREET, FORFAR**

**APPLICATION NO 18/00776/FULL**

**APPLICANT'S SUBMISSION**

**Page No**

- |               |  |
|---------------|--|
| <b>ITEM 1</b> | Notice of Review                                 |
| <b>ITEM 2</b> | Statement of Appeal<br><b>(4 x A4 documents)</b> |



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 100154714-001

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" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Christoper"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Morris"/>	Address 1 (Street): *	<input type="text" value="Denholm Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Letham"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD8 2XT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="5 CHAPEL STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="FORFAR"/>
Post Code:	<input type="text" value="DD8 2AB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="750544"/>	Easting	<input type="text" value="345691"/>
----------	-------------------------------------	---------	-------------------------------------



## 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 Dwellinghouse and Formation of New Access at 5 Chapel Street Forfar DD8 2AB for Mr Christopher Morris

## 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 supporting documents

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)

4 A4 PDF documents

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00776/Full

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

01/10/2018

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

20/02/2019

## 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

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## 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 David Darling

Declaration Date: 29/04/2019

Having read the related policy documentation underpinning the decision making process leading to the rejection of the planning application for building a dwelling house at 5 Chapel street Forfar DD8 2AB my responses to the points raised are outlined below.

**TC2**

I would suggest that the ASDA building and the pink harled buildings to the east which are highlighted in my application are inconsistent with context of the surrounding area. Not withstanding this both have been given planning permission.

The design statement clearly sets out the reasons why the proposed development would be sensitive to the surrounding area. These include:

- the low profile design
- the conservation materials being used in the build. These materials have been available for a significant number of years and all have been used in the construction of the buildings surrounding the plot.

**Pictures of Asda and the pink harled apartments along with some other examples.**



showing a large metal cylinder not appropriate architecture in a conservation area



mordern sheet cladding panels inconsistant with a conservation building materials



Not consistant architectural building type when compared to the traditional buildings in the area.



Random harled garage in open site again inconsistant with the structure and buildings of the area



Industrial building type at odds with the domestic scale and traditional stone building type of the area



Pink harled apartments which are out of place when compared to the tradioal brown stone buildings

**PV8**

Only a small section of the stone wall would be removed; the minimum required to allow access to both properties. The character of the area would not change markedly as the stone will be reused in the proposed new building directly behind the opening giving the impression of the continuation of the wall.

The same stone wall is standing on the other side of Vennel Street. Part of that wall has been demolished in the development of the ASDA site and has been replaced by a modern white rendered wall which is totally unsympathetic to and not in keeping in any way with the existing stone wall.



I consulted with the Roads Department in advance of submitting the planning application and used the document they gave on how to lay out the vehicular entrance which included the correct sizes of opening and areas for sight lines. This was clearly indicated on the drawings.

**Some of the many examples off street parking with no sight lines.**

**PV12**

The surface water run off was dealt with in my proposal. I proposed that the surface water be collected and stored in an underground tank. The brown water could then be reused for flushing toilets and watering the garden. Any excess water could be tied to a soak away within the large garden ground which is not being developed. This issue, I feel, does not warrant a refusal of the proposal at planning stage as it is a technical issue which would be better dealt with at building warrant stage.

**DS1**

Page 9 of the Angus Council Development Plan clearly states that one of the guiding principles of planning is to prevent the unnecessary spread of development into the countryside. As this was cited as a reason for refusal I would suggest that the proposal meets the principles set out in the Development Plan by utilising a piece of land that is currently unused and in fact has been unused for many years.

**DS3*****Distinct in character and identity***

I would suggest that the proposal meets this criteria. It is a modern design making it distinct. It does however incorporate materials which relate back and clearly identify with the older buildings in the area.

***Resource efficient***

I would say the proposal meets this target in two ways:

- by reusing the stone from the site to form the facades of the building
- by building into the slope of the site to integrate the building within the landscape and not overly intrude on the buildings surrounding it.

**DS4*****Air quality***

The proposed building does not have an open fire and chimney so pollutants will not be emitted from the building. The dwelling house does have a large planted atrium at its centre which will enhance rather than reduce the air quality of the surrounding environment.

***Noise and vibration***

The roads surrounding the site on three sides will produce far more noise and vibration than the new dwelling house would ever produce. The insulation and glazing used in the build itself will ensure that noise and vibration are kept to a minimum.

***Light pollution***

The building has an internal atrium. Most rooms within the building have internal windows which are orientated towards the atrium. The light pollution will be minimal due to the fact that there are very few external windows visible.

***Levels of odour fumes and dust***

The properties in the area have withstood the effects of the odours, fumes and dust emanating from the buildings for many years. I do not believe the new build will contribute significantly to any increased effect due to the fact that:

- this is a relatively small development complying with all agreed building standards
- the development is positioned centrally as far from neighbouring properties as possible so odours, fumes and dust will be minimised.

**Suitable provision of refuse collection on site**

This has been taken into account and has been dealt with in the design brief - please refer to the drawings.

**The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety**

The layout of the parking has been designed clearly following the advice received from the Roads Department thus meeting this requirement.

**Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.**

The low level building with internal windows will ensure that overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing will not be an issue.

**TC2*****The site is not allocated or protected for another use***

This does not relate to the site of the proposal.

This proposed building is consistent with the character and pattern of development in the surrounding area. The dwelling house will be built with materials consistent with and clearly in keeping with the surrounding properties. It is in fact more in character visually than the pink modern apartments built recently on Chapel Street.

The pattern of the buildings is not consistent anywhere within the area. A variety of different building types having been developed over the years which is clearly evident from the photographs. These buildings have presumably all received planning permission.

In conclusion I would suggest that this building proposal is more appropriate and in keeping with the area when compared with buildings in the adjacent sites.

In responding to the points raised in the planning application refusal all I am looking for is that this design is given the same consideration and parity that other builds in the area have had from the Planning Department

Please be in touch if further information or clarification is needed in regard to any points addressed. I look forward to your response in due course.

**FURTHER LODGED  
REPRESENTATIONS**



**From:** [REDACTED]  
**To:** [ForsythSL](mailto:ForsythSL)  
**Subject:** Re: Application for Review - Chapel Street, Forfar  
**Date:** 16 May 2019 11:05:36

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Hi Sarah

I am surprised with the new situation and cant understand how it could be up for more discussions. There has been a few attempts for this unwanted application to succeed and none have been successful. The situation in this area will not change. It is always going to be unsafe for any vehicle access via vennel wall onto what is a very narrow road, it would not be safe for other vehicle users and pedestrians in the area at the time a vehicle was exiting. Any problems with road can not be solved. It is not a good situation as it is, when accessing the pedestrian gate putting out bins etc. Old established trees have been already been felled, don't know why this was done ? The historic value of the area will not change. We as residents appreciate the security we have with the enclosed gardens

Regards Jack

On Thursday, 16 May 2019 10:01:20 BST, ForsythSL <ForsythSL@angus.gov.uk> wrote:

Dear Sir/Madam

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

**Application for Review – Erection of Dwellinghouse and Formation of New Access at 5 Chapel Street, Forfar – Mr C Morris**

**Application No 18/00776/FULL - DMRC-3-19**

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Leader – Planning and Communities. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this letter to make such representations. These should be sent directly to me.

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by appointment at this office.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Place Directorate | Angus Council  
|Angus House | Orchardbank Business Park | Forfar | DD8 1AN | T: 01307 491985|  
[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)

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**From:** [REDACTED]  
**To:** [ForsythSL](mailto:ForsythSL)  
**Subject:** Re: Application for Review - Chapel Street, Forfar  
**Date:** 21 May 2019 19:21:14

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Dear Sarah

Thankyou for informing me of the development in this case. I stand by my reasons for objecting to this proposal. I do have a further concern regarding the proposed development site. In the last month the door/gateway to the site entered from The Vennel has been opened up. The opening has been widened and the lintel and the masonry above has been removed. I fear this may have made the wall unstable as it was tied into the former police station/guide hall building at its north end but is now free of support. This ancient wall is part of the character of the site and within the conservation area. Should this work have received permission? If this is not the platform for raising this issue please guide me.

Kind regards

Craig Kearns

Sent from my iPad

On 16 May 2019, at 10:01, ForsythSL <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Sir/Madam

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

Sarah

Sarah Forsyth | Committee Officer | Legal & Democratic Services | Place  
Directorate | Angus Council | Angus House | Orchardbank Business Park |  
Forfar | DD8 1AN | T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)

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<decision notice.pdf>

**From:** [REDACTED]  
**To:** [ForsythSL](#)  
**Subject:** Re: Application for Review - Chapel Street, Forfar  
**Date:** 23 May 2019 11:13:48

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Further to my previous comments I would like to add that if the site is to be levelled from the bottom of the plot it could endanger the foundations of my house. 1 Sparrowcroft. Forfar and to the Vennel road. I would also like to advise you that the lintel and stonework above the garden gate has been removed plus the gate opening has been widened by approximately 400mm without any planning consent that I am aware of. This will have weakened the stone wall considerably. Mr James Mitchell,

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**From:** ForsythSL <ForsythSL@angus.gov.uk>  
**Sent:** 16 May 2019 10:01  
**Subject:** Application for Review - Chapel Street, Forfar

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Erection of Dwellinghouse and Formation of New Access at 5 Chapel Street, Forfar – Mr C Morris**  
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Kind regards

Sarah

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T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)

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