

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 MARCH 2020

LAND AT BARRY ROAD/WESTFIELD STREET, CARNOUSTIE

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 the erection of six dwellinghouses, landscaping and parking, application No. 19/00481/FULL, at Land at Barry Road/Westfield Street, Carnoustie.

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**);
- (iii) consider the further lodged representations (**Appendix 3**); and
- (iv) consider the applicant's response to the further representations (**Appendix 4**).

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 to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

4. NEW INFORMATION

The Planning Review Statement submitted by the applicant's agent includes information which was not raised in the first instance to the planning authority when the application was determined.

The Town & Country Planning (Scotland) Act 1997 clearly states as follows:-

43B Matters which may be raised in a review under section 43A

- (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate –
 - (a) that the matter could not have been raised before that time, or

- (b) that its not being raised before that time was a consequence of exceptional circumstances.

Accordingly, the applicants must not raise new matters unless those matters could not have been raised before or exceptional circumstances explain which matters were not raised before.

The applicant's agent explains the reasons for the new information in the review statement.

The Committee requires to determine if the foregoing statutory requirements have been met. Should the Committee decide that the requirements have not been met, then the Committee must not take those new matters into account when determining the Review.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

6. 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

Appendix 4 – Applicant's Response to Further Representations

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 19/00481/FULL****APPLICANT- GS BROWN CONSTRUCTION LTD****PROPOSAL & ADDRESS - ERECTION OF SIX DWELLINGHOUSES, LANDSCAPING
AND PARKING AT LAND AT BARRY ROAD/WESTFIELD STREET CARNOUSTIE****CONTENTS**

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Angus Council

Application Number:	19/00481/FULL
Description of Development:	Erection of Six Dwellinghouses, Landscaping and Parking
Site Address:	Land At Barry Road/ Westfield Street Carnoustie
Grid Ref:	354557 : 734421
Applicant Name:	GS Brown Construction Ltd

Report of Handling**Site Description**

The application site is located to the south of Barry Road, Carnoustie and measures approximately 1591sqm. The site currently contains an area of open space to the north and an area of the public road on Greenlaw Place (namely a footpath and parking area) to the south. The site is bound by Westfield Street to the east and Greenlaw Place to the south. Housing surrounds the site on its east, south and west sides. The site also contains a fenced off area which appears to be used for parking associated with the property at 14 Greenlaw Place. There are trees in the north west corner of the site.

Proposal

Planning permission is sought for the erection of 6no. semi detached dwellings. The proposed semi detached dwellinghouses (all 3 bedroomed properties) would front onto Greenlaw Place to the south and would be 8.2metres in height (to ridge). The plot sizes range between 178sqm and 228sqm. Off-street parking is proposed from Greenlaw Place to the south and 1.8m high timber fencing is proposed along the north and east boundaries of the site (Barry Road and Westfield Street). The application form indicates that the dwellings would connect to the public foul drainage network but arrangements for surface water management are unclear.

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 12 July 2019 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

00/00925/OUT – Outline Erection of Eight Dwellinghouses and Associated Parking on the site was withdrawn prior to determination.

Applicant's Case

A Planning Statement and an Open Space Assessment Report were submitted as part of the application and can be summarised as follows:

Planning Statement & Cover Letter (Dated 21 June 2019):

- o Site is within ownership of GS Brown;
- o The applicant has been unable to ascertain responsibility for management of the current road and parking and therefore consider the site is not formally adopted for parking, recreation or any other function;
- o Describes planning history (advises no site specific history) and content of pre application advice;
- o Advises existing trees retained and only thinning proposed;
- o Provides a development plan policy context (DS1, DS2, DS3, TC1, TC2, DS4, PV2, Advice Note 14: Small Housing Sites) and also refers to Scottish's Planning Policy 2014.
- o Refers that the open space assessment report prepared seeks to comment on the significance of the loss of a small open space which has limited functional benefit, and which will be in part retained to provide the setting and landscape background to Barry Road. It concludes that the small loss of open space is justified;

Open Space Assessment Report (Addressing ALDP Policy PV2) Dated June 2019

- o The report indicates that there is an excess of accessible open space serving the neighbourhood in question. It indicates that the quantity of open space in Carnoustie overall already more than meets the council's own standard, indicated in policy PV2;
- o Indicates that the site is not considered to be protected open space;

Further supporting e-mails from the applicant have been submitted and these are again summarised as follows:

E-mail 29/07/19 from agent:

- o Indicates that in the absence of Angus having their own open space strategy the applicant produced their own assessment based on assessment made by other authorities.
- o Raised concerns that the Parks Department response is general and requested a copy of the open space audit.

E-mail from agent 13/08/19:

- o Noted Open Space Strategy does not currently exist;
- o Noted the Open Space Audit (Technical Report) on the Carnoustie Action Plan states "In terms of the quantity of open space Carnoustie is just below the Angus Council standard with 2.10 hectares of open space (public parks & gardens, publicly accessible privately owned parks and amenity greenspace) per 1,000 population;
- o Opines that the supporting information provided by the applicant justifies the small open space loss. Within a short accessible distance on foot or cycle, the quality of open spaces nearby is able to compensate for the small reduction in provision;
- o In terms of the Priority Actions as recommended in the audit, the Action Plan for Carnoustie does not signal any need or priority for 'adding to open space provision' inferring satisfaction of the high quality of available space that compensates for this small shortfall;
- o Concludes that the open space type being scrutinised in this planning application did not merit inclusion in the Open Space Audit. Angus Council has no Open Space Strategy in place and therefore cannot fully justify the full application of Policy PV2 (Open Space Protection);
- o Highlights that the Carnoustie Action Plan states that the quality of facilities and their accessibility can compensate for a short fall in quantity of provision. The current application site area of open space is negligible in terms of its provision and there are ample other quality open spaces nearby of high quality and good accessibility;
- o Concludes the Action Plan does not single out the protection or retention of amenity spaces as part of the Priority Actions for Carnoustie.

Consultations

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

Angus Council – Roads - Objects to the application because the footprint of the development would

encroach on to the existing public footway and carriageway which is currently used as a car parking area for residents in Greenlaw Place.

Scottish Water - No objections.

Angus Council – Flood Prevention - There was no response from this consultee at the time of report preparation.

Angus Council – Parks And Burial Grounds - Angus Council appointed a consultant in 2017 to undertake an Open Space Audit in Angus and the preparation of the associated Angus Open Space Strategy is currently underway. The Open Space Audit assessed open space areas against quantitative, qualitative and accessibility standards and indicates that Carnoustie does not meet the required quantity standard of 2.43 hectares of open space per 1000 head of population. The Parks and Burial Grounds Department concluded that the Open Space Assessment Report on the provision in Carnoustie carried out by Gray Planning is not comparable to the Angus Council Open Space Audit.

The Parks and Burial Grounds Department also raised concerns regarding the proposal because the remaining areas of open space following completion of the development would severely restrict the usability of the area for the wider public and the remaining areas would not represent usable open space.

Representations

23 letters of representation and a petition of 43 names objecting to the proposal were submitted and the content of these can be summarised as follows:

- Loss of car parking spaces / insufficient parking at present;
- Roads safety matters / visibility at roundabout being impaired; traffic congestion; pedestrian safety;
- Impacts on Environment (CO2 emissions);
- Loss of green spaces and loss of wildlife;
- Amenity impacts;
- Drainage concerns – existing drainage system not functioning properly;
- Concerns regarding refuse collection problems due to narrow road;
- Medical centre at capacity;
- Contrary to the development plan.

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 PV2 : Open Space Protection and Provision within Settlements
Policy PV7 : Woodland, Trees and Hedges
Policy PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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

Assessment

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

Policy DS1 in the Angus Local Development Plan (ALDP) states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

Policy PV2 relates to open space protection and provision within settlements. It states that Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. It indicates that development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted in certain circumstances which include:-

- where the proposed development is ancillary to the principal use of the site as a recreational resource; or
- where it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- where the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- where replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

In addition to the more formal parks and larger areas of open space, Policy PV2 also applies to smaller areas of open space not identified on the proposals map such as the application site. The narrative associated with the policy indicates that open spaces will be protected from development which would erode the function or characteristics for which they are valued.

The proposal to build new housing on this area of open space is contrary to the bullets one, three and four of Policy PV2 because the loss of open space to accommodate a housing development would not be ancillary to the principal use of the site as a recreational resource (i); retention or enhancement of the existing facilities in the area would not be best achieved by the redevelopment of part of the site for private housing and the development would adversely impact on the amenity and biodiversity value of the open space (iii); and the proposal does not propose replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost (iv).

The applicant has provided supporting information suggesting that there is an identified excess of open space in the area and they consider that the proposal is compatible with the second test of Policy PV2.

Angus Council's 2017 Open Space Audit identifies that Carnoustie has a deficiency in the quantity of available open space, with approximately 2.10 HA of open space per 1000 head of population against a standard of 2.43 HA per 1000 head of population. While the Council's Audit does not deal with smaller sites of less than 0.2HA including the application site, it cannot reasonably be concluded that Carnoustie has an excess of open space justifying the loss of this area for new housing where the Council's audit identifies a deficiency; and it would be undesirable to see the piecemeal loss of areas of open space which are valued by the community.

The development proposed would result in the majority of that area of open space being removed to make way for new housing. The open space within the site falls into the typology of 'amenity greenspace' or 'semi-natural greenspace' as defined by Planning Advice Note 65 and that document is clear in indicating that 'poor maintenance and neglect (of a greenspace) should not be used as a justification for development for other purposes'. Small greenspaces such as that found within the site are typical of the housing development around the Westfield Street / Ravensby Road area to the south of Barry Road and they are valuable in providing a spacious and green setting to those housing areas. They provide amenity value to residents and also have a biodiversity value, particularly in areas where there are trees or other vegetation. Greenspaces such as the site (whether maintained or more natural in appearance) also have a townscape value which would be lost were the site developed. That value would be lost even if compensatory greenspace was provided elsewhere. It is clear from the objections to the application that the greenspace within the site is valued by the local community and it would not be desirable to see open space areas such as this removed to make way for new housing, particularly where

the Council's Audit identifies a deficiency in the quantity of open space in the town. The Parks Service has been consulted on the proposal and has indicated that the area of open space that would remain after the proposed housing is constructed would offer limited usability and would be severely restricted for use by the wider public. The remaining area would not offer the same benefit as the existing space to the amenity of the area.

The proposal is considered to be contrary to Policy PV2 because the proposal fails to satisfy any of the circumstances where the loss of open space is acceptable. The proposal is also contrary to Policy TC2 because proposals for residential development in development boundaries are only supported where the site is not protected for another use and the site is protected open space under Policy PV2.

The development would also involve the loss of a parking area and footway on the north side of the public road at Greenlaw Place. Policy DS4 indicates that the Council will consider impacts of development on a number of matters including car parking and impacts on highway safety (amongst other things) and states that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of occupiers of adjoining or nearby properties. The proposal has attracted objection from residents in the area raising concerns regarding the loss of the parking area and footway. Those objections indicate that there is a demand for parking in the surrounding area and the parking area that would be lost as a result of the proposal is needed by residents in the area. The Roads Service shares those concerns and has objected to the proposal on the basis that the proposed development encroaches onto the public footway and an area which is currently used as a car parking for residents in Greenlaw Place. On that basis the proposal is considered to be contrary to Policy DS4 because the development would result in unacceptable adverse impact on the amenity of occupiers of nearby properties due to the loss of car parking on Greenlaw Place.

The proposal is contrary to policies PV2, DS4 and TC2 for the reasons given above. For completeness, the remaining policy tests are addressed below.

Policy TC2 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.

The application site is located in a predominantly residential area and there are no conflicting land uses which would render residential use of the site unsuitable.

In terms of the residential environment to be provided, the plots would be relatively small but it is noted that the surrounding area is characterised by terraced and semi-detached properties with similar plot sizes. The houses would have a reasonable degree of privacy and a reasonable quantity of private garden ground. Adequate space would be provided for vehicle parking and turning, and bin and recycling storage.

The site contains no designation for natural or built heritage. The proposal is broadly consistent with the character and pattern of development in the area and provides an acceptable design solution as considered against the Design Quality and Placemaking Supplementary Guidance. The proposed rear timber boundary fences would not be appropriate along Barry Road and the Design Quality and Placemaking Supplementary Guidance indicates that *boundaries that abut public spaces and routes should be attractive using high quality materials including walls, quality landscaping and railings. Large areas of fencing... will not be acceptable where they form a public/private interface.* This matter could be dealt with by planning condition requiring erection of a boundary wall were the proposal otherwise acceptable. The development would not result in any significant direct or indirect impacts on the natural or built environment.

There would be adequate separation between the proposed dwelling and existing dwellings having regard to council guidance. There would be no unacceptable impacts on surrounding privacy resulting from the proposal.

The proposed dwellings would connect to the public drainage network and public water supply. Scottish Water has offered no objection to the proposed foul drainage and water supply arrangements. The application form indicates that surface water would not be managed by means of sustainable drainage. However there is a requirement for sustainable drainage of surface water to allow compliance with Policy PV15. This matter could be regulated by condition were the proposal otherwise acceptable.

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance and there is no reason to consider it would result in unacceptable impacts on infrastructure.

A number of representations have been submitted objecting to the proposal. The loss of open space and an area of footpath and parking on Greenlaw Place to facilitate the erection of new housing is contrary to policies of the development plan for the reasons described in the assessment above. The comments regarding visibility at the junction are noted but the proposed development would not impinge on visibility at the roundabout at the junction of Westfield Street and Barry Road. In terms of drainage, the houses would connect to the public foul drainage network and Scottish Water has offered no objection to that arrangement indicating that there is currently capacity in Hatton Waste Water Treatment Works. Surface water arrangements could be dealt with by planning condition were the proposal otherwise acceptable. There is no current requirement to contribute towards increasing capacity at the medical centre in Carnoustie identified in the Council's Developer Contributions and Affordable Housing Supplementary Guidance.

In conclusion the application for erection of housing located on an area of open space and on an area of the adopted road used for parking and pedestrian access is contrary to policies of the development plan. There are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The proposal is contrary to Policy PV2 of the Angus Local Development Plan (2016) because the development would result in the loss of open space and the proposal does not meet any of the circumstances that allow for the loss of open space.
2. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the site is protected open space and residential development is not supported where the site is protected for another use.

3. The proposal is contrary to Policy DS4 of the Angus Local Development Plan (2016) because the development would result in the loss of a vehicle parking area and a section of footway on the adopted road which would have an unacceptable adverse impact on the amenity of existing occupiers of nearby properties.

4. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV2 and DS4.

Notes:

Case Officer: James Wright
Date: 29 August 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 PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource;
- or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network

wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV7 : Woodland, Trees and Hedges

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

11th July 2019

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



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

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

Dear Local Planner

**DD7 Carnoustie Barry Road Land At
PLANNING APPLICATION NUMBER: 19/00481/FULL
OUR REFERENCE: 779739
PROPOSAL: Erection of Six Dwellinghouses, Landscaping and Parking**

Please quote our reference in all future correspondence

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

Water

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

Foul

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

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

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

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

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

Subject:FW: 19/00481/FULL Consultation
Attachments:1900481 PARKS.pdf

From: ScharnbergerJ
Sent: 17 July 2019 14:21
To: WrightJ
Cc: RobertsonK
Subject: FW: 19/00481/FULL Consultation

James,

With regards to application 19/00481/FULL Erection of Six Dwellinghouses, Landscaping and Parking, Land At Barry Road/ Westfield Street Carnoustie this service has following comments:

The Open Space Assessment Report as part of this planning application seeks to demonstrate that there is an overprovision of open space in Carnoustie (the report states a calculation of 3.1 hectares of open space for every inhabitant) and therefore a loss of open space in this location would be justified. For this purpose the methodology of open space strategies and audits of other planning authority areas have been consulted. It should be pointed out that of four authorities three are urban in nature (Aberdeen, Edinburgh and Dundee) that are not comparable to the Angus area.

Angus had appointed a consultant in 2017 to undertake an Open Space Audit in Angus and the preparation of the associated Angus Open Space Strategy is currently underway. This audit assessed open space areas against quantitative, qualitative and accessibility standards. The audit report demonstrated that Carnoustie is not meeting the required quantity standard of 2.43 hectares of open space per 1000 head of population but falls slightly below with 2.10 hectares of open space.

The Open Space Audit included 155 No. open space sites that are over 0.2 hectares in size, owned or managed by Angus Council and are publicly accessible. Smaller open spaces were not part of the calculations.

For the evaluation of the quantity standard only certain types of open space were assessed. These included Public Parks & Gardens (including Playspace), Publicly accessible privately owned parks and Amenity Greenspace.

As such the Open Space Assessment Report on the provision in Carnoustie carried out by Gray Planning is not comparable to the Angus Open Space Audit.

With regards to the design of the development of 6 no. residential dwellings, the public open space is designed in narrow strips along two roads with high volume of traffic. Both the shape and the location of the open spaces are severely restricting the usability of the area for the wider public and would therefore not be deemed usable open space. Moreover, the open space should be designed with its function in mind, such as amenity space, landscape screening or a green network element.

Regards,

Jutta

Jutta Scharnberger, Landscape Services Manager, Angus Council, Environmental Services - Parks, Angus House, Orchardbank, Forfar, DD8 1AN,

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

19/00481/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

17	07	19
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES
WILL BE PROVIDED ON REQUEST**

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



Memorandum

Place Directorate – Infrastructure
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 31 JULY 2019

SUBJECT: **PLANNING APPLICATION REF. NO. 19/00481/FULL – PROPOSED ERECTION OF 6 NO. DWELLINGS, LANDSCAPING AND PARKING AT GREENLAW PLACE, CARNOUSTIE**

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 on land between the A930 Dundee to Carnoustie to Muirdrum road and Greenlaw Place, Carnoustie.

Submitted drawing no. BRC-A-001A shows that the footprint of the development encroaches on to the existing public footway and carriageway which is currently used as a car parking area for existing residents in Greenlaw Place.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. No development should be permitted within the existing public road and therefore I object to the application.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 2036.

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

Subject:FW: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

From: GwynneAG

Sent: 26 August 2019 12:05

To: WrightJ

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

James

The title plan supplied in your previous e-mail shows the parking area, however our plans show that car parking area is part of the public road. (See plan below) I also have shown an older plan that were used in Tayside Region Council which shows that the footpath and carriageway are adopted by the local authority and its successors.

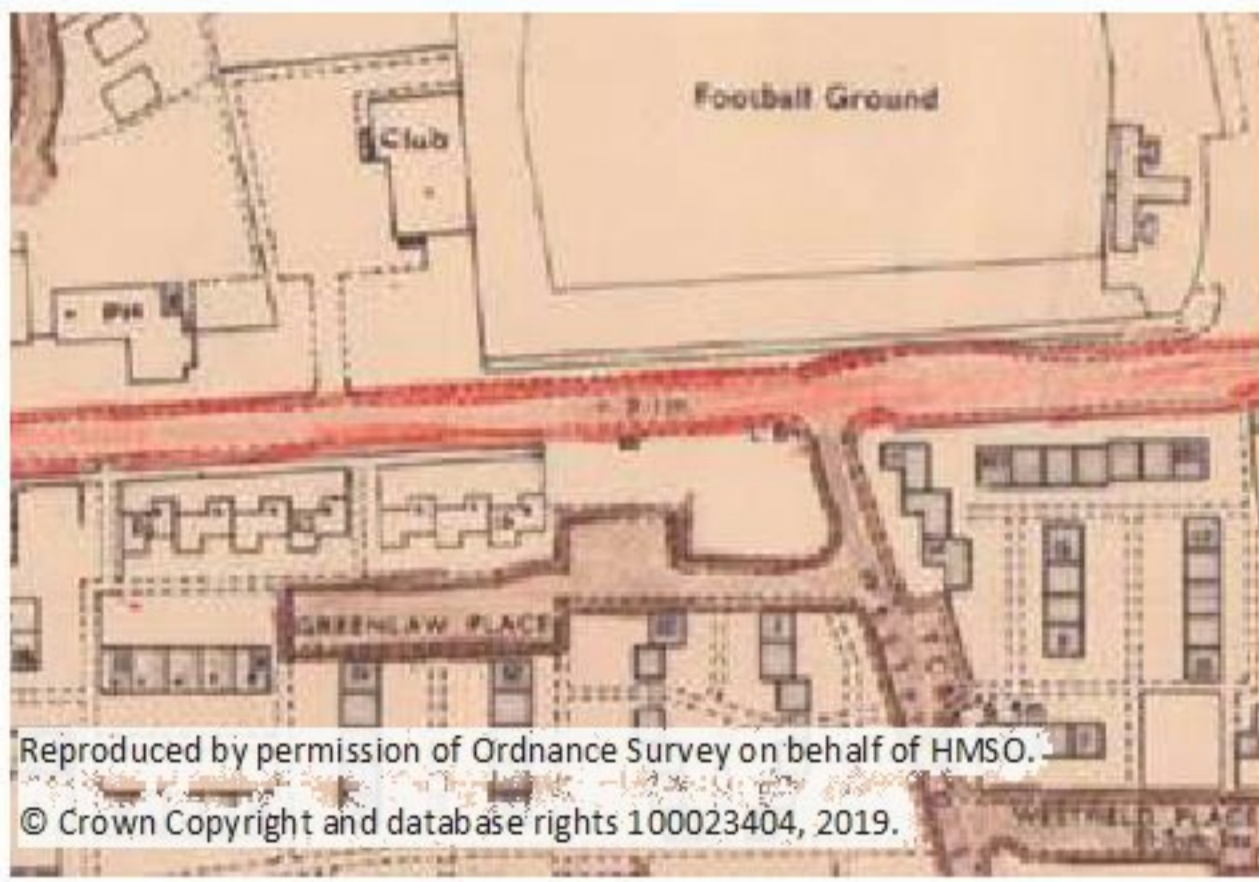
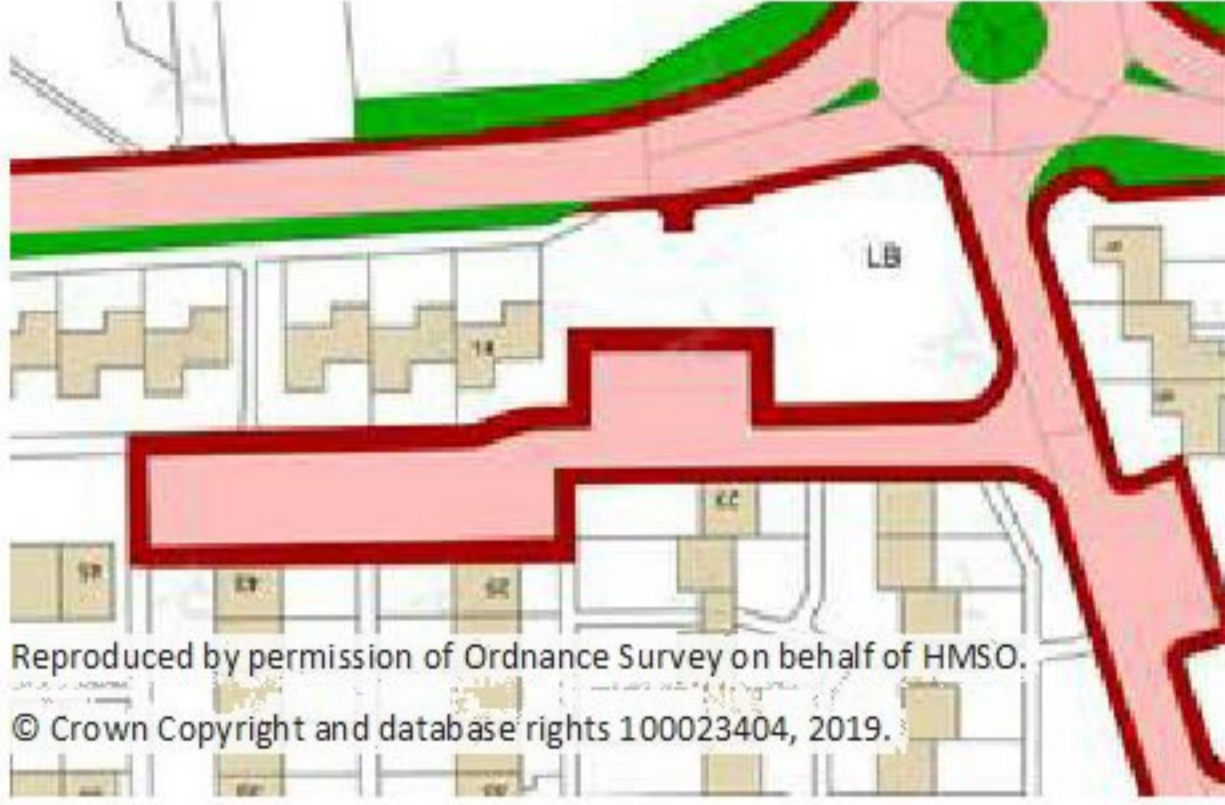
The submitted drawing No BRC-A-001 also shown below shows the proposed development "encroaching" onto the adopted road .

Therefore we believe that the development "encroaches" onto the public road network and therefore the Roads Scotland Act 1984 supersedes the land ownership. Our out response remains the same.

I understand that colleagues in Legal and Democratic have conformed as much to the developer/landowner

Regards

Adrian



Comments for Planning Application 19/00481/FULL

Application Summary

Application Number: 19/00481/FULL

Address: Land At Barry Road/ Westfield Street Carnoustie

Proposal: Erection of Six Dwellinghouses, Landscaping and Parking

Case Officer: James Wright

Customer Details

Name: Mr Kenneth Senkel

Address: 5 Westfield place Forfar

Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My Fiancee lives in Greenlaw Place Carnoustie and I find it hard to park there at the best of times and do not see why you need to build another 6 houses when you are actually taking away parking for 6 cars. I have seen the refuse lorry reverse up the pavement which is being done away with. Also the visibility from the roundabout is going to be impaired causing further accidents as I have also witnessed several near misses. There is a safety issue for children walking to school with no pavement. There is also very little green space around that area why take away another last piece.

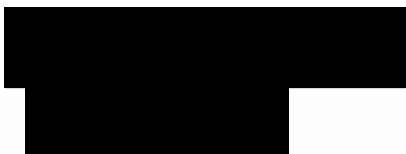
Angus Council Planning Service,
 Angus House,
 Orchard bank Business Park,
 Forfar.
 DD8 1AN.

To Whom It May Concern,
 Re- Proposed Development of land at Barry Road/ Westfield Street,
 Carnoustie.

I wish to put in a formal objection to the building of six, two story, three-bedroom semi-detached dwelling houses in the above noted area.

1. There will be an impact on the adjacent property (14 Greenlaw Place). The boundary goes right up to their property. A six-foot fence next to their three-foot fence. These properties are only one story high. They will be dwarfed by the proposed and are not comparable to the surroundings.
2. Parking bays that are already in place are being taken away, so where do the residents park now. There is insufficient parking at present. Six houses with the potential of fourteen- sixteen cars requiring parking!
3. Congestion- There is a high volume of traffic in the area at the present moment. At peak times the traffic is horrendous, especially on the school run. It is very difficult at present to cross the Barry Road and Westfield Street. There is no pedestrian crossing. Extra housing will make it more difficult.
4. Impact on the environment. With an obvious increase of traffic, there will be an increase of Carbon Dioxide Emissions. Bad for health, environment, and the health of our children and future generations.
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6. Even though it is a very small piece of land, there is an abundance of wildlife and an eco-system. Start breaking the chain and it's lost forever. Bird life is prominent. Wagtails, which are on the decline. The infamous Crow, which Carnoustie is named after!! Blackbirds, starlings, buzzards and the more common seagulls and pigeons.
7. With six-foot fences to look at as you are entering the town down The New Road, not a very welcoming site.
8. Sewerage. The system is struggling at the moment. Residents drains are blocking. The sump station is being pumped out more and more frequently. I have constants smells coming up my drains.
9. After studying the plans, it has become obvious that the build of these houses will take the footpath/pavement on the North side of Greenlaw Place.
10. The refuse collection is very difficult at the moment. The lorries at present have to reverse up the cul-de sac on the pavement in question.

Signed



14 Ravensby Rd.
 14 Ravensby Rd.

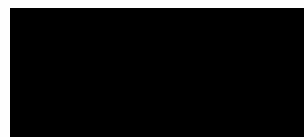
Angus Council Planning Service,
 Angus House,
 Orchard bank Business Park,
 Forfar.
 DD8 1AN.

Rene FOLA CAIRNIE
 5 WESTFIELD STREET
 CARNoustie DD7 74B

To Whom It May Concern,
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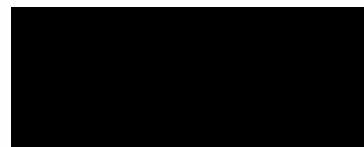


Angus Council Planning Service,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

To Whom It May Concern,
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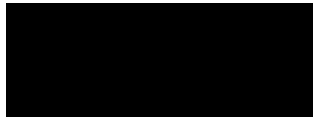
Angus Council Planning Services,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

To Whom It May Concern,

Re- Proposed Development On Land At Barry Road/Westfield Place.

I wish to object strongly of the building of six semi-detached two-story houses on the above-mentioned plot of land.

As a resident with a car, there is insufficient parking spaces at the moment. Residents as far away as No 33 Greenlaw Place and the adjacent rows to this are struggling to park. The cul-de-sac is very narrow at the moment with vehicles parking. The parking being taken away will cause more problems. This area is used by up to or more than 30 houses with vehicles. It is also very dangerous for school children to cross over to go to Burnside Primary School. With high sided vehicles parked, there are blind spots for vehicles leaving and entering the cul-de-sac.



18 Greenlaw Place
DD7 7NG.

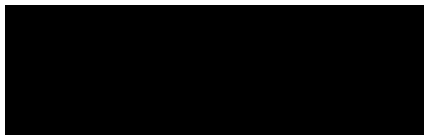
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Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

AC10
3, Greenlaw Place
Carnoustie
Angus
DD7 7NG
21/7/19

To Whom It May Concern,
Re- Proposed Development of land at Barry Road/ Westfield Street,
Carnoustie.

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Angus Council Planning Service,
 Angus House,
 Orchard bank Business Park,
 Forfar.
 DD8 1AN.

To Whom It May Concern,
 Re- Proposed Development of land at Barry Road/ Westfield Street,
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2, WESTFIELD PLACE
 CARNoustIE,
 DD7 7LE

7 Greenlaw Place

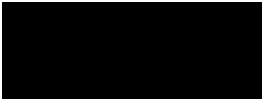
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To Whom It May Concern,

Re- Proposed Development On Land At Barry Road/Westfield Place.

I wish to object strongly of the building of six semi-detached two-story houses on the above-mentioned plot of land.

As a resident with a car, there is insufficient parking spaces at the moment. Residents as far away as No 33 Greenlaw Place and the adjacent rows to this are struggling to park. The cul-de-sac is very narrow at the moment with vehicles parking. The parking being taken away will cause more problems. This area is used by up to or more than 30 houses with vehicles. It is also very dangerous for school children to cross over to go to Burnside Primary School. With high sided vehicles parked, there are blind spots for vehicles leaving and entering the cul-de-sac.

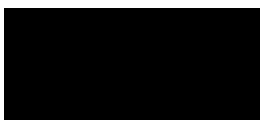


Angus Council Planning Service,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

To Whom It May Concern,
Re- Proposed Development of land at Barry Road/ Westfield Street,
Carnoustie.

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11a Ravensby Road

Carnoustie

07 744

Angus Council Planning Service,
 Angus House,
 Orchard bank Business Park,
 Forfar.
 DD8 1AN.

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 Carnoustie.

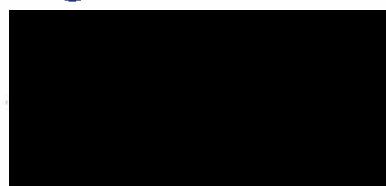
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D Lawrence
 25 Greenlaw Place
 Carnoustie
 DD7 7NG



G Lawrence
 25 ~~Greenlaw~~
 Greenlaw Place
 Carnoustie
 DD7 7NG



Angus Council Planning Services,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

27, Greenlaw Place
Carnoustie,

To Whom It May Concern,

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[Redacted]

[Redacted]

Angus Council Planning Services,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

18 Ravensby Road

To Whom It May Concern,

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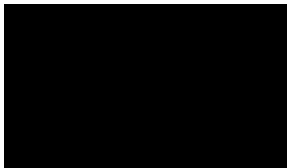
Angus Council Planning Services,
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Orchard bank Business Park,
Forfar.
DD8 1AN.

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RECEIVED

05 AUG 2019

PLANNING & PLACE
COUNTY BUILDINGS

60a Barry Road

Carnoustie

DD7 7QW

Dear Sir/Madam

I am writing to lodge an objection to the proposal to build 6 dwellings in Greenlaw Place.

My objections are due to the fact that this will cause overcrowding and congestion in this area. This will cause excessive traffic and parking issues in an already crowded environment.

Myself and my husband are both 81 and are unable to walk far. Building these houses will reduce parking in the area which will make visiting my daughter extremely difficult

Yours faithfully



M Mudie

1 Greenlaw Place

Carnoustie

DD7 7NG

Dear Sir/Madam

I am writing to lodge an objection to the proposal to build 6 dwellings in Greenlaw Place.

My objections are due to the fact that this will cause overcrowding and congestion in this area. This will cause excessive traffic and parking issues in an already crowded environment. This is taking away the last small piece of green space we have in this area and feel there is no need for a further 6 houses in what is already a considerable sized housing estate.

I also have huge concerns around the fact that this will increase the risk of accidents. There was a serious bump a few years ago where someone's car actually landed on this piece of ground after a two car collision on the roundabout. I constantly hear cars peeping at one another on this roundabout and feel that building these houses will add to obscuring the view of traffic on the road.

Yours faithfully

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

H Smith

1 Greenlaw Place

Carnoustie

DD7 7NG

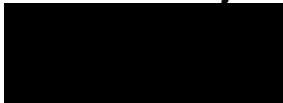
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Yours faithfully

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J Mudie

Comments for Planning Application 19/00481/FULL

Application Summary

Application Number: 19/00481/FULL

Address: Land At Barry Road/ Westfield Street Carnoustie

Proposal: Erection of Six Dwellinghouses, Landscaping and Parking

Case Officer: James Wright

Customer Details

Name: Mr Peter Burke

Address: 14 Collier Street Carnoustie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I refer to the Angus Local Development Plan page 47 which states " Open spaces within our settlements are part of the Green Network, contribute towards the amenity and character of an area and are an important sporting, recreational and social resource.

Angus Council is undertaking an audit of the quantity, quality and accessibility of open space in the Angus towns which will identify existing levels of open space provision and deficiencies at a local level. This will form the basis of an Open Space Strategy which will establish standards for the provision of open space in new development and identify opportunities for improving and extending green networks in and around the Angus towns.

Policy PV2 seeks to protect open spaces within settlements (based on the typology of open spaces set out in the Scottish Government's Planning Advice Note 65) from development which might erode the function or characteristics for which they are valued.

The policy aims to ensure that where development is proposed the loss is justified and that compensatory provision is made. " Also page 956 which states:

"The development strategy for Angus is set out in the introduction to the ALDP, for Carnoustie and Barry this means:

supporting the redevelopment of vacant, underused and brownfield sites within the defined Development Boundary, including Woodside/Pitskelly, Barry Road, Greenlaw Hill and the former Maltings;

phased release of green field land at Pitskelly for residential development."

Given the above and that the land in question - currently a green space, is next to one of the busiest roundabouts in Carnoustie, we should be preserving this not removing it.

As this proposed plan runs counter to the ALDP, is not the development of a brownfield site, will be in addition to new housing at Pitskelly, and has no compensatory replacement, it should be rejected

Comments for Planning Application 19/00481/FULL

Application Summary

Application Number: 19/00481/FULL

Address: Land At Barry Road/ Westfield Street Carnoustie

Proposal: Erection of Six Dwellinghouses, Landscaping and Parking

Case Officer: James Wright

Customer Details

Name: Mrs Carol Venables

Address: 1 a knowes loan barry

Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

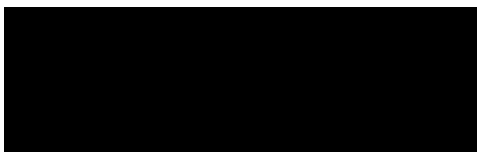
Comment: I own a property at Greenlaw Place, there isn't much green area around and this planning will ruin a lovely green space, home to daffodils. Medical centre cannot cope with more houses and there isn't sufficient parking for residents already there

Angus Council Planning Service,
 Angus House,
 Orchard bank Business Park,
 Forfar.
 DD8 1AN.

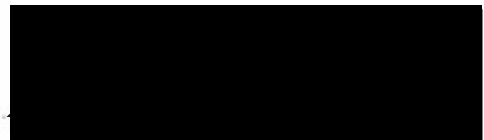
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11 Greenlaw Place



11 Greenlaw Place

AC24

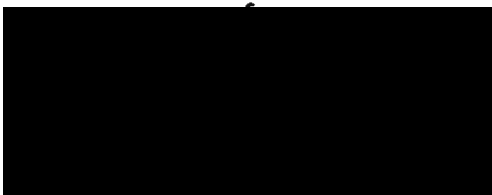
MR & MRS. R. BRUCE.
1 WESTFIELD STREET
CARNoustie
DD7 7LB

Angus Council Planning Service,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

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Comments for Planning Application 19/00481/FULL

Application Summary

Application Number: 19/00481/FULL

Address: Land At Barry Road/ Westfield Street Carnoustie

Proposal: Erection of Six Dwellinghouses, Landscaping and Parking

Case Officer: James Wright

Customer Details

Name: Mr j bowen

Address: 107 ravensby rd carnoustie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As with all these developments, inadequate parking arrangements seem to escape developers over cost. The area has a parking bay which would keep 10 vehicles ish. This is being done away with! (where do the cars go?) The houses have 3 bedroom each, so a potential of 4 cars each (2 parents and 2 children) with only enough space for 2! So where do these cars go? At least there should be enough room on site of each house for all the cars from the new development.

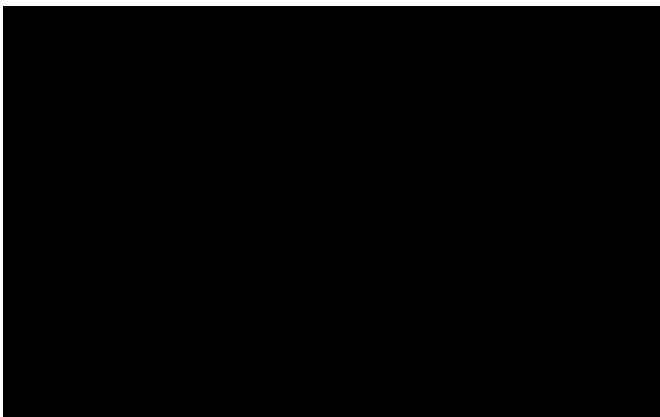
Angus Council Planning Service,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

AC26
9 Westfield Place
Carnoustie
DD7 7LD

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AC26

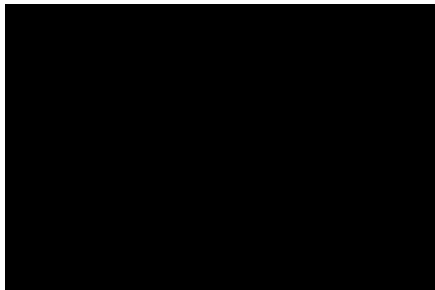
3, Greenlaw Place
Carnoustie
Angus
DD77NG
23/7/19

Angus Council Planning Service,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

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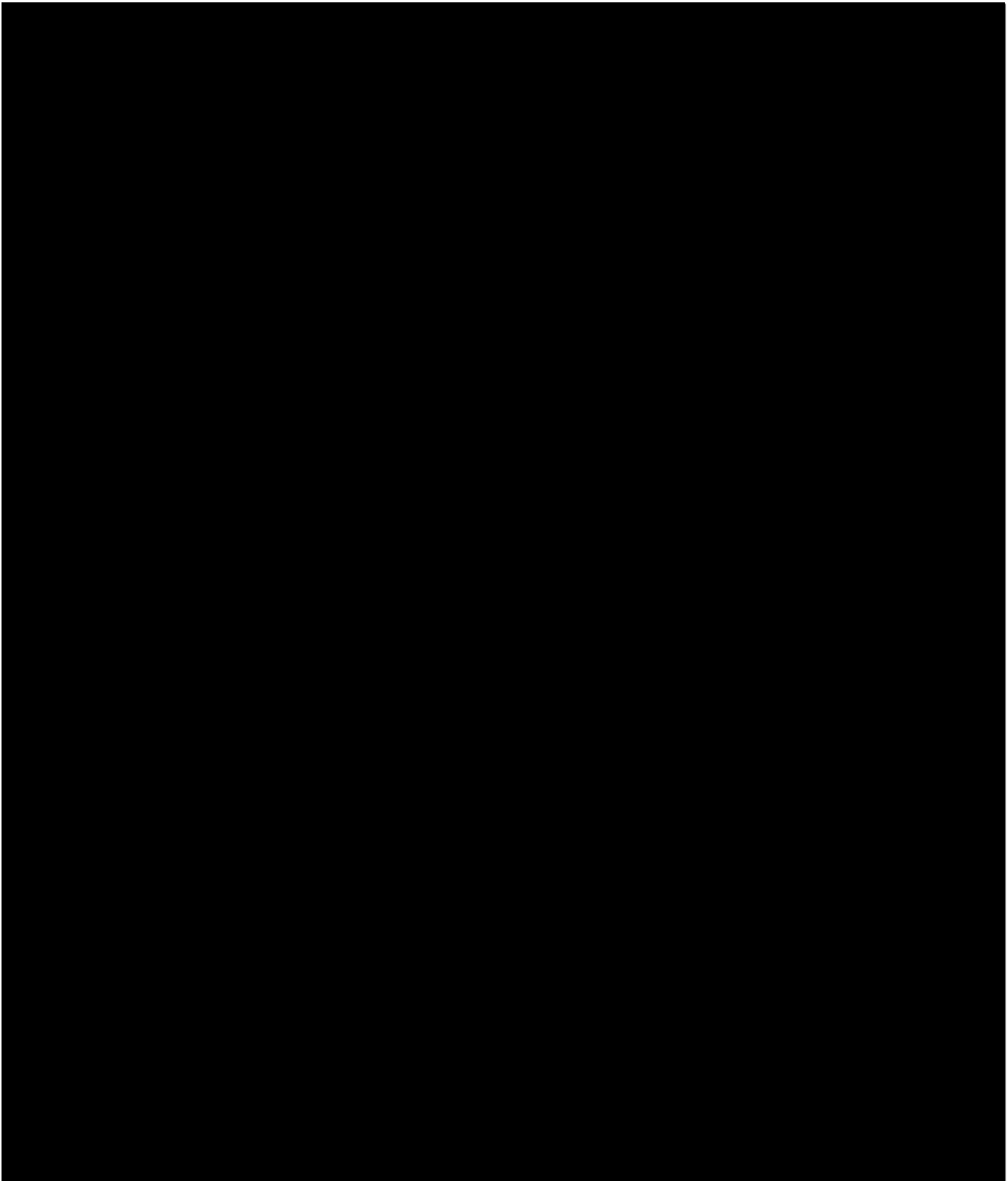
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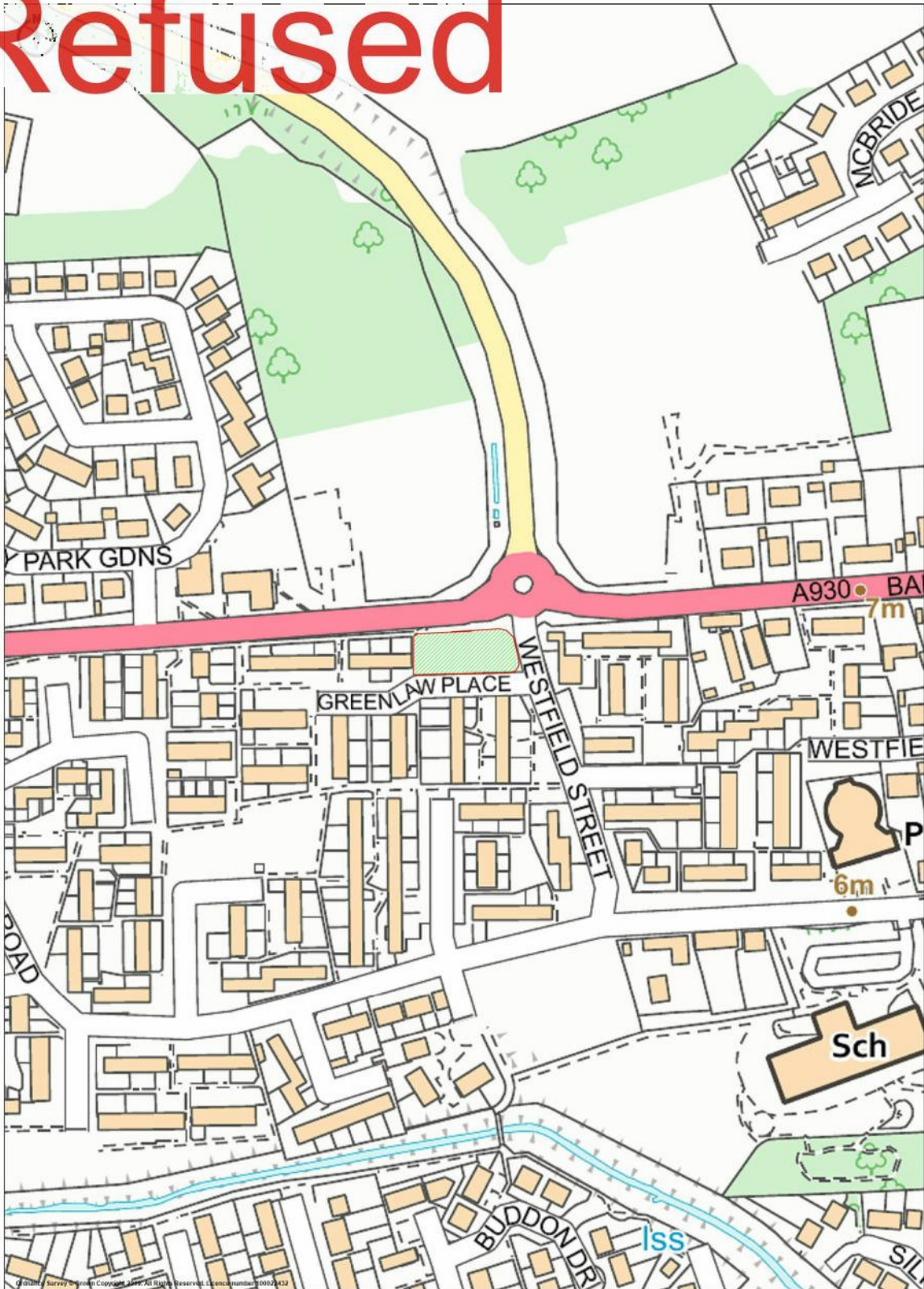
Angus Council Planning Service,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

Re- Proposed Development At Land At Barry Road/Westfield Street.

The undersigned wish to object to the building of the above mentioned six two story houses on the land adjacent to Westfield Street and Greenlaw Place.



Refused

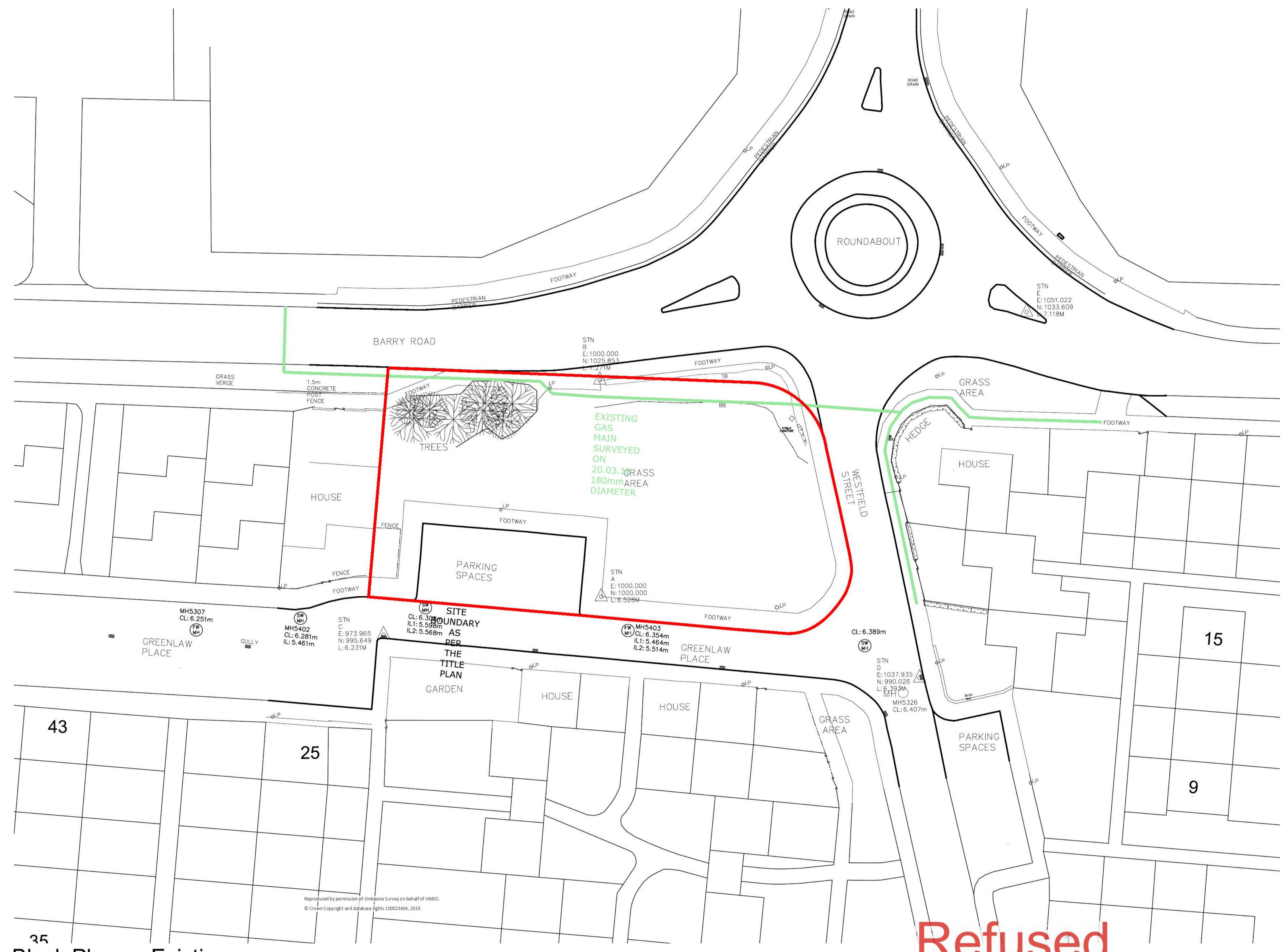


Promap v2
LANDMARK INFORMATION

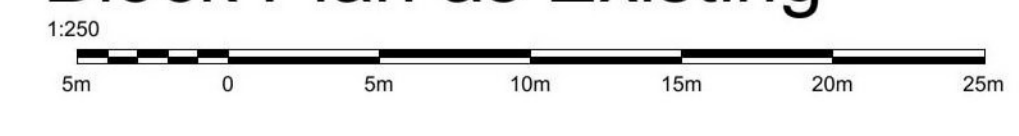
Ordnance Survey © Crown Copyright 2019. All Rights Reserved.
Licence number 100022432
Plotted Scale - 1:3000. Paper Size - A4

Refused

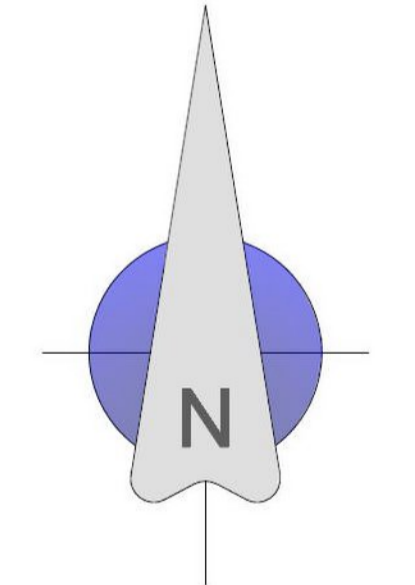
Refused



35
Block Plan as Existing



Refused



REV	DATE	BY	AMENDMENTS
JOB TITLE BARRY ROAD CARNOUSTIE			
DRAWING EXISTING BLOCK PLAN			
DATE	APRIL 2019	SCALE	1:250 @ A1
DRAWN	KS	DRG. NO.	BRC-A-000
DRG. STATUS		REV.	
 GS Brown CONSTRUCTION The Nurseries, St Madoes, Perth, PH2 7NF Tel. 01738 860591			

Refused



Streetscape as Proposed

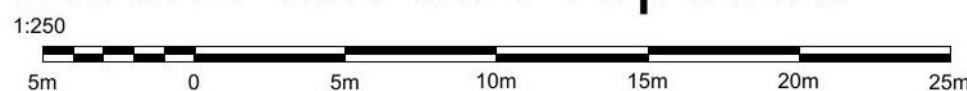


Plot Schedule					
Plot No.	House Type	Beds	GIA Area (m2)	No.	Amenity Area (m2)
1	Semi	3	89.34	1	80.05
2	Semi	3	81.48	1	110.17
3	Semi	3	81.48	1	98.33
4	Semi	3	81.48	1	99.71
5	Semi	3	81.48	1	103.01
6	Semi	3	89.34	1	84.25
Totals			504.6	6	575.52

Public factored amenity Space **Within Red line - 183.98sqm**
 Public amenity space out with red line - **30.83sqm**
 Total Public Amenity Space remaining - **214.81sqm**



Block Plan as Proposed



Boundary Treatment Legend:

- Site Boundary
- 1800mm High timber screen fence.
- 750mm High timber feu fence.
- 1200mm high metal feature fence.
- 1800mm high Facing Brick screen wall
- Undefined front garden fue boundary.
- Existing tree located as per topo survey
- Proposed tree indicative location
- Adoptable roads, make up as per Civil design
- Mono block/block sets forming shared surfaces. Finish to be agreed
- Adoptable footpath
- Drive and private footpaths, finishes to be agreed
- Open space (Maintained by factor)
- Private garden ground.

Refused

JOB TITLE		BARRY ROAD CARNOUSTIE	
DRAWING		PROPOSED BLOCK PLAN FENCING/SERVICES	
DATE	APRIL 2019	SCALE	1:250 @ A1
DRAWN	KS	DRG. NO.	BRC-A-001
DRG. STATUS		REV.	A
The Nurseries, St Madoes, Perth, PH2 7NF Tel. 01738 860591			

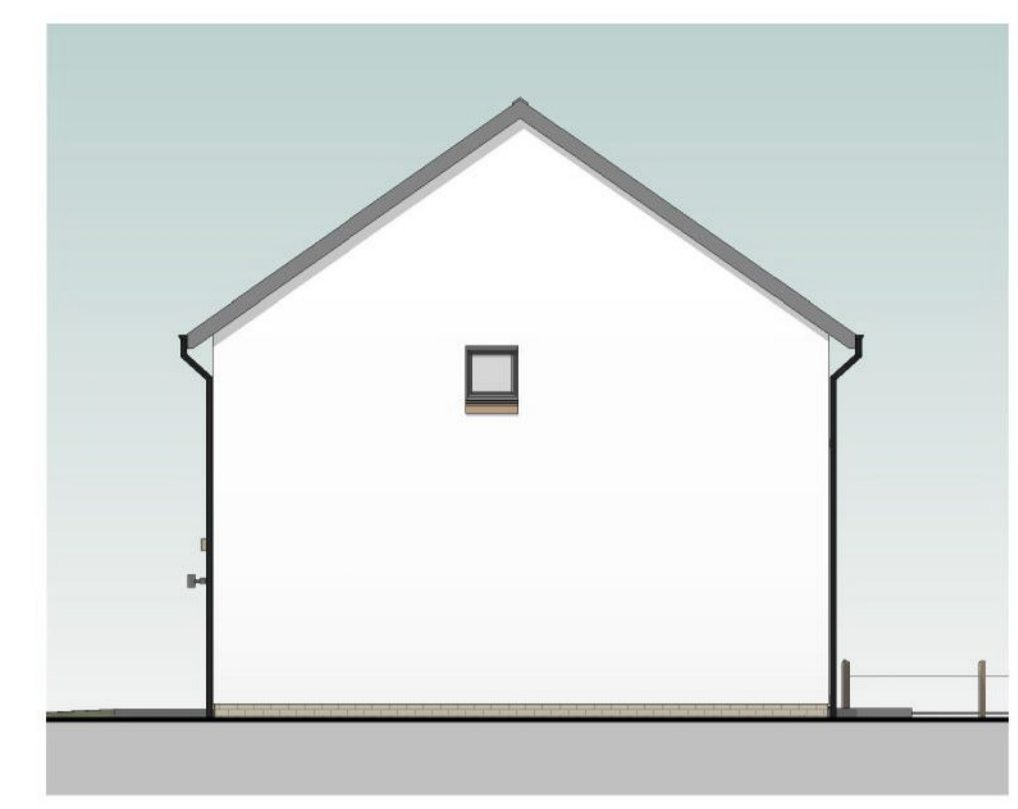
Refused



First Floor
1 : 50



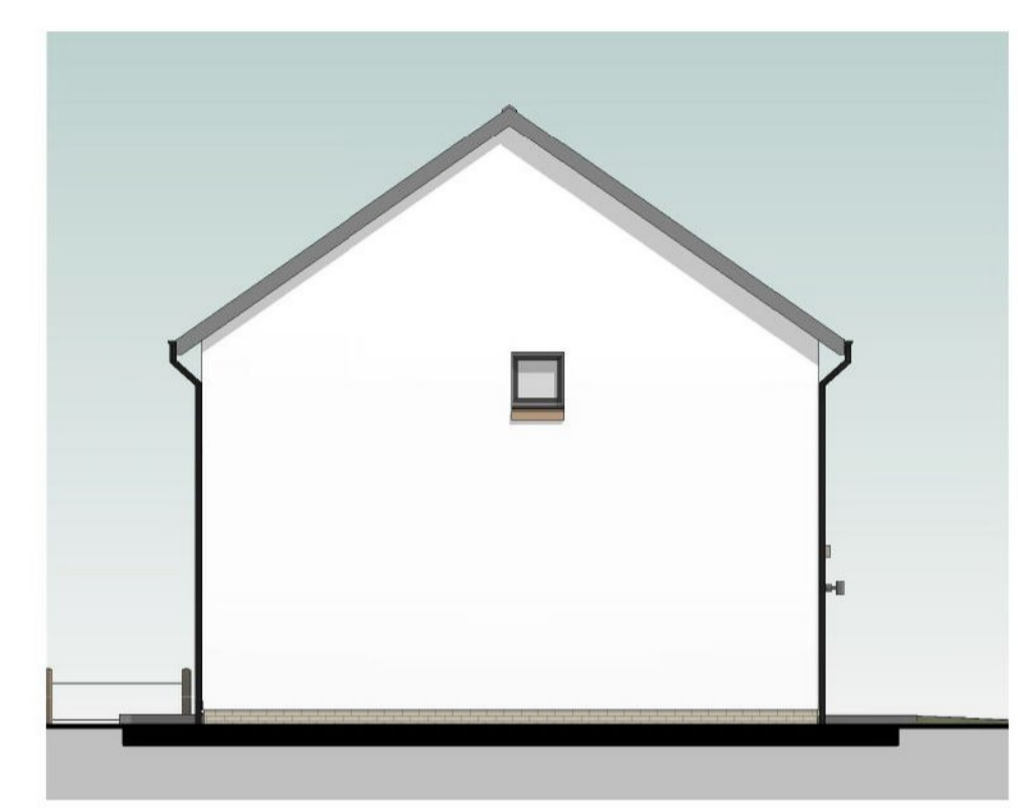
Front Elevation
1 : 100



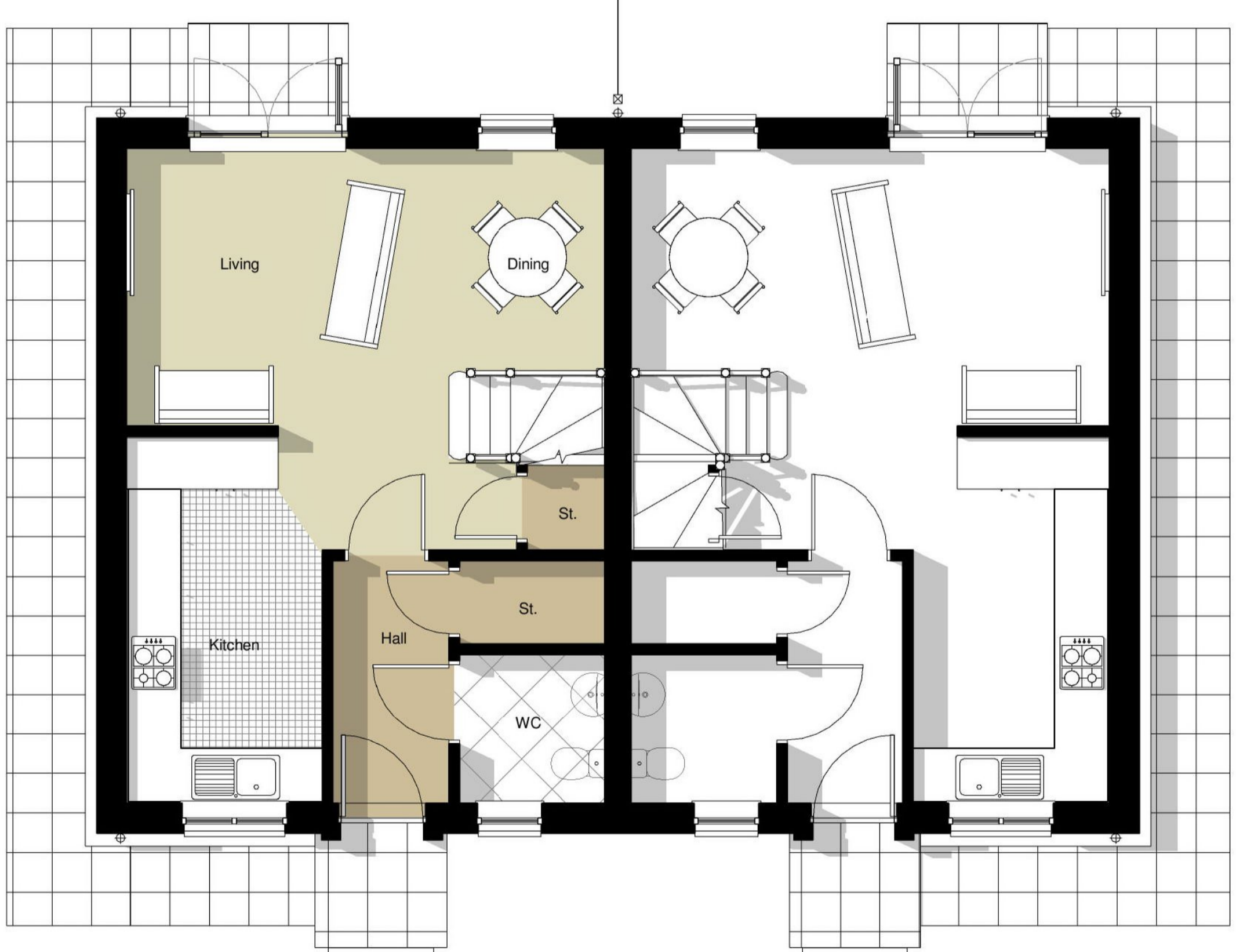
Side Elevation 01
1 : 100



Rear Elevation
1 : 100



Side Elevation 02
1 : 100



Ground Floor
1 : 50



Front Iso



Rear Iso

Refused

Rev	Description	Date

GS Brown
CONSTRUCTION
ST. MADDOES
GLENCARSE. TEL:- 01738 860591.

HOUSE TYPE
Barry Road - Semi Detached
Type 02

PROJECT
BARRY ROAD, CARNOUSTIE

PLANNING

DRAWN BY KS	CHECKED BY KS	DATE APRIL 2018
SCALE (@ A1) As indicated	PROJECT NUMBER BRC	
DRAWING NUMBER (PL) A110	REV	

Refused



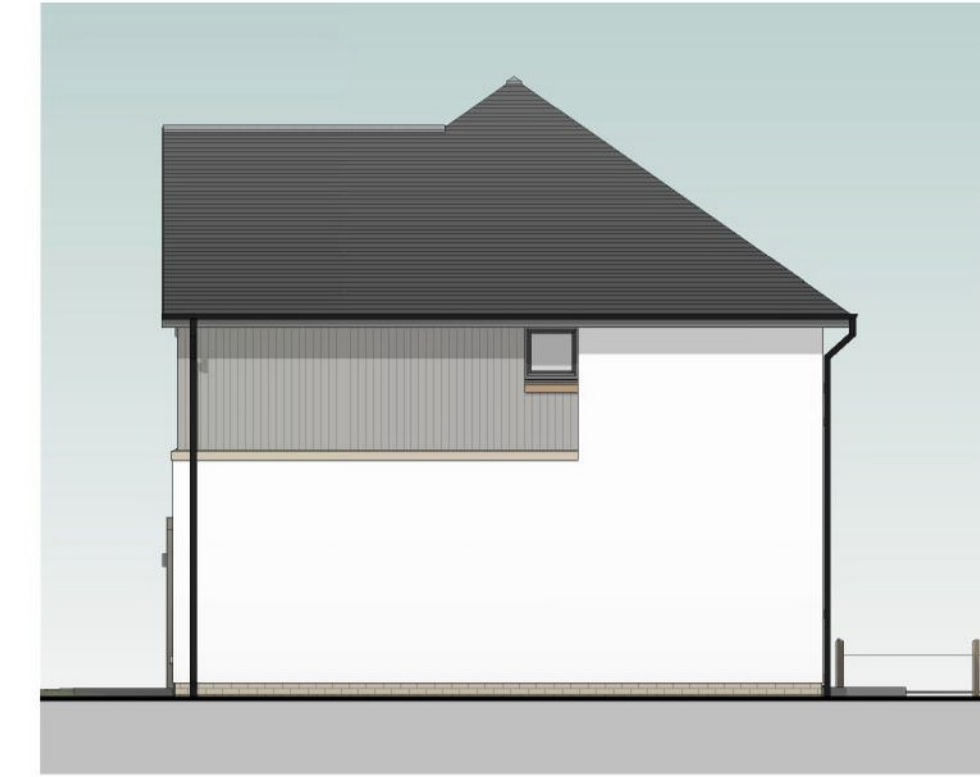
First Floor
1 : 50



Ground Floor
1 : 50



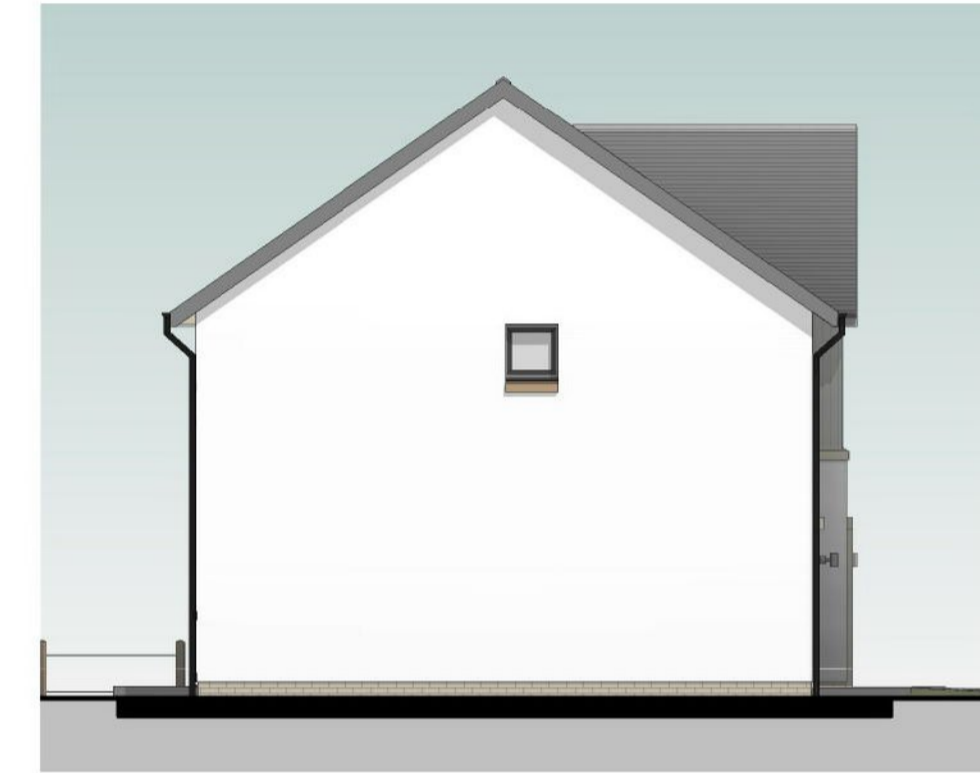
Front Elevation
1 : 100



Side Elevation 01
1 : 100



Rear Elevation
1 : 100



Side Elevation 02
1 : 100



Front Iso



Rear Iso

Refused

Rev	Description	Date

GS Brown
CONSTRUCTION
ST. MADDOES
GLENCARSE. TEL:- 01738 860591.

HOUSE TYPE
Barry Road - Semi Detached
Type 1 & 2

PROJECT
BARRY ROAD, CARNOUSTIE

PLANNING

DRAWN BY KS	CHECKED BY KS	DATE APRIL 2018
SCALE (@ A1) As indicated	PROJECT NUMBER BRC	
DRAWING NUMBER (PL) A100		REV

















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

PLANNING PERMISSION REFUSAL
REFERENCE : 19/00481/FULL

To **GS Brown Construction Ltd**
c/o Gray Planning & Development Ltd
Neil Gray
AYE House
Admiralty Park
Rosyth
Dunfermline
KY11 2YW

With reference to your application dated 3 July 2019 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of Six Dwellinghouses, Landscaping and Parking at Land At Barry Road/ Westfield Street Carnoustie for GS Brown Construction Ltd

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

The reasons for the Council's decision are:-

- 1 The proposal is contrary to Policy PV2 of the Angus Local Development Plan (2016) because the development would result in the loss of open space and the proposal does not meet any of the circumstances that allow for the loss of open space.
- 2 The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the site is protected open space and residential development is not supported where the site is protected for another use.
- 3 The proposal is contrary to Policy DS4 of the Angus Local Development Plan (2016) because the development would result in the loss of a vehicle parking area and a section of footway on the adopted road which would have an unacceptable adverse impact on the amenity of existing occupiers of nearby properties.
- 4 The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV2 and DS4.

Amendments:

The application has not been subject of variation.

Dated this **10 September 2019**

Kate Cowey - Service Leader
Planning & Communities
Angus Council
Angus House
Orchardbank Business Park
Forfar DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

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 492076 / 492533
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



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

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

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

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

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

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



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

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

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

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

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

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

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

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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

2018-52

21st June 2019

Angus Council
Planning & Building
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Emailed to: plnprocessing@angus.gov.uk

Dear Sir/Madam

APPLICATION FOR FULL PLANNING PERMISSION – ONLINE REFERENCE 100169900-001

**SITE AT GREENLAW PLACE / WESTFIELD STREET, BARRY ROAD, CARNOUSTIE DD7 7NG
ERECTION OF 6NO. DWELLINGS, LANDSCAPING AND PARKING**

We are instructed by GS Brown Construction Ltd, owner of the site at Greenlaw Place, to seek full planning permission for the above proposed development. The application has been electronically submitted with reference 100169900-001.

The application comprises the following:

- Location Plan
- Existing Block Plan Drawing Ref: BRC-A-000
- Proposed Block Plan Drawing Ref: BRC-A-001 (Rev A)
- House Types Floor Plan and Elevation Semi Detached House Type 1 Drawing Ref: (PL) A100 and House Type 2 Drawing Ref (PL) A110
- Open Space Assessment Report, prepared by Gray Planning & Development; and
- This letter which follows a Planning Statement in support of the proposals.

The requisite fee for a planning application of this nature, of £2,406, has been paid to Angus Council via telephone. Should you require any further information to assist in determining the application, please contact me in the first instance.

Yours sincerely,



Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd
E: neil@grayplanning.co.uk
M: 07514 278498

SUPPORTING PLANNING STATEMENT

1. INTRODUCTION

PLANNING STATEMENT PURPOSE

Erection of 6no. Dwellings, landscaping and parking site at Greenlaw Place / Westfield Street, Barry Road, Carnoustie DD7 7NG.

This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicants, GS Brown Construction Ltd. The purpose of this Planning Statement is to provide a clear description of the detailed proposals being submitted for the approval of Angus Council; to set out the facts relating to location; content of the proposals; planning history, and an assessment of the relevant development plan policies that are considered pertinent to the determination of the planning application; and any other material considerations relevant to the application. To that end, please refer to the submitted Open Space Assessment Report which justifies the proposals in terms of the change of use from public grassed area and its suitability for residential use as proposed.

This detailed planning application provides information about the type, form and location of the proposed new houses, access and parking arrangements, garden ground and amenity arrangements, drainage and infrastructure proposals and a justification for the development of the site as per the accompanying Open Space Assessment Report. Detailed drawings to describe and explain these proposals is submitted.

In line with the Development Management Regulations (Scotland) 2013 (DMR), should the planning authority consider that it requires further information to enable it to properly assess these proposals, then the applicant will make reasonable effort to provide the additional information, if requested (DMR Regulation 10).

2. SITE DESCRIPTION

The application site is flat, grassed / softly landscaped, with a few trees on the north western corner boundary. The site includes a tarmacked surfaced hard-standing area where it is currently noted cars and other vehicles are parked informally. Desire lines indicate the grassed area is used to short cut to Barry Road, whereas there are several existing footway systems also available. The site appears to be used for dog exercising but no evidence of formal or informal play or recreation. It has little or no sporting, recreational, landscape, wildlife, amenity, food production, access or flood management value. The site hard standing appears to be used for informal public car parking, presumably for nearby residents.

The red line boundary for the site, measuring 1636 sq m, is entirely within the private ownership of GS Brown Construction Ltd. The land was disposed by the then Provost of the Burgh of Carnoustie District to Edinview Properties in 1975. GS Brown Construction assumed the Edinview Properties portfolio in the early 1980's. Recent enquiries (during 2018) to Angus Council to clarify the responsibility for management of the current road and parking position, has to date, not been responded to confirm or deny the Council's adoption of the road way. Therefore we consider the site is not formally adopted for parking, recreation or any other function.

The site sits on the corner of Greenlaw Place and Westfield Street and fronts Barry Road. This is a predominately residential location. The surrounding street scape comprises semi-detached and terraced 2-storey dwellings positioned in gardens laid to front and rear, with private parking in driveways (no garaging noted). These existing homes date from around 1970-1980.

On Barry Road itself, the site sits opposite vacant ground on both the east and west arms of the existing roundabout. We note these two sites are allocated in the Angus Local Development Plan for future residential development (Sites C2 and C3). Barry Road transecting these two development sites is the main entrance into Carnoustie from the west via the A92.



Figure 1. Indicative Location Plan

Barry Road itself is a main public transport route. There is a bus stop lying 10m from the development site (Stop Reference 26423878), offering StageCoach Services 73, 73A and 81, linking to Carnoustie High Street and onward to Dundee and other local stops.

The site is accessed via Greenlaw Place, off Westfield Street, from a point 20m from the Barry Road roundabout. It provides excellent access to the following local amenities and services:

- Burnfield Primary School, about a four minute walk (0.2 miles)
- Carnoustie High School to the north east via the promoted Carnoustie Path Network cycle and footpath (being Core Paths 175 and 176) starting just off Barry Road across farm tracks to the High School.
- Carnoustie Rail Station at (just over 1 mile walk) or Barry Rail halt 14 minutes walk.
- Leisure Centre, shopping and amenities in the town centre about 1 mile walk.
- Dundee and Angus towns beyond, via the A92 nearest junction about 5 miles.

PLANNING HISTORY OF SITE

There are no specific planning applications historical to this site. However it is relevant in the context of material considerations to note the following, which is a nearby planning proposal for change of use of open space or other amenity spaces, to uses of a residential character – such as change to private garden ground.

Planning Reference	Description	Address	Status
13/00657/FULL	Change Of Use From Public Grassed Area To Garden Ground (With Three Foot Wooden Fence)	Land 5M West of No 1 Westfield Place, Carnoustie About 50m from the proposal site.	Permitted with no conditions

In the Council's report of handling, recommending approval to Committee in 2013, the report states:

"This area of land is characteristic of the layout of the housing estate but is of little sporting, recreational, or nature conservation value. Whilst the open space has some amenity value in terms of contributing to the appearance of the area such contribution is limited and its incorporation into the garden of the property is not considered to adversely affect the amenity of the area. It is relevant to note that there are larger open space amenity areas in the vicinity. As such, the loss of this small area is considered acceptable under Policy SC32. "

PRE-APPLICATION ADVICE

The applicants formally requested pre-application advice by reference 18/00329/PREAPP which was received from Angus Council on 29th May 2018, from planning officer James Wright.

In the officer's initial assessment expressed concerns with the principal of housing on the site.

The officer advised it was his view the site appears to be classified as open space, where Policy PV2 of the Angus LDP relates to this. He opined development involving the loss of open space (including

smaller spaces such as this land, not identified on the Proposals Map) may only be permitted in certain circumstances. He felt the proposed development is not ancillary to the principal use of the site as a recreational resource and it had not, at that time, been demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site. Please refer to the applicant's submission of an Open Space Assessment Report in response to the concerns.

The officer noted at the time, no information was available to show that the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site (where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting) and there is no indication that replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area. The submitted plans show retention of open space, including the existing tree belt with new replacement tree planting, for the north and north east boundary of the site. This goes some way to replacing the open space, but also defines the boundary of the land more strongly and will encourage people to use the assigned adopted public footway, rather than through the existing space.

3. PROPOSED DEVELOPMENT

It is proposed to erect 6no. semi detached dwellings, formed in 3 blocks with front and rear garden space, car parking driveways and soft landscaping within private amenity garden spaces. The existing tree belt to the north of the site will be retained, with only thinning proposed, along with the introduction of new tree planting to provide amenity and screening to the new garden spaces on the boundary.

The proposed dwellings will be 2no. Type 1 (100) 2-storey, 3-bedroom with kitchen and living/dining over 89.34sq m and 1no. Type 2 (110) 2-storey, 3-bedroom with kitchen and living/dining over 81.48 sq m. Both are nearly identical in terms of space and internal layout. The external features differ slightly with the 100 type shaped to accommodate a slightly larger living space. The 100 types will be positioned at either end of the block to provide shape and form and variety to the streetscape pattern.

Both house types external garden and amenity space are identical, comprising front and rear gardens (with bin stores and drying areas), with 2no. car parking spaces in driveways.

The houses would be accessed to the front driveways laid to mono-block via Greenlaw Place. The plots would be fence enclosed by an 1800 mm high timber screen fence and feus divided by a 750 mm high timber fence. New feature tree planting would be provided to the front of the new plots.

With regard retained public open space, this will be around 214.81 sq m (current public open space area is 1400 sq m) or 15% retained. A significant proportion of this retained public open space (183.98 sq m) would be privately maintained by a factor. The remainder, outside the feu plots, 30.83 sq m would be public open space not maintained by a factor.

The plots would be drained by soakaways in the rear gardens for the surface water and porous block paving to driveways. For foul drainage, it is foreseen that the applicant will connect into the existing foul sewer located in Barry Road.

4. DEVELOPMENT PLANNING POLICY

The planning assessment in Section 6, is based on the following relevant development planning policies and guidance, and material considerations outlined in Section 5.

DEVELOPMENT PLAN

Under Section 25 of the Town and Country (Scotland) Planning Act 1997 (as Amended 2006), the determination of the planning application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the area comprises TAYplan the Strategic Development Plan 2016-2036 (approved 2017), and Angus Local Development Plan, adopted 2016.

The proposal is not of strategic significance and the policies of TAYplan have therefore not been referred to in this assessment. The relevant policies of the Angus Local Development Plan in brief and where relevant or applicable are summarised below:

Policy DS1 Development Boundaries and Priorities

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

Policy DS2 Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- *are or can be made accessible to existing or proposed public transport networks;*
- *make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;*
- *allow easy access for people with restricted mobility;*
- *provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and*
- *are located where there is adequate local road network capacity or where capacity can be made available*

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, specifically:

- *To be distinct in character and identity “provides a coherent structure of streets, spaces and buildings”*
- *To be safe and pleasant “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”*

- To be well connected “Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in ‘Designing Streets’ are addressed”
- Adaptable, to “accommodate changing needs” and is
- Resource efficient to be “sited and designed to minimise environmental impacts”.

Policy TC1 Housing Land Supply

In addition to allocated sites and existing sites with planning permission there may be other currently unidentified sites suitable for residential development. To provide additional flexibility in the Housing Land Supply the ALDP supports appropriate “windfall” sites within development boundaries to come forward.

It follows, sites which come forward will be expected to deliver a mix of house types and tenures to meet the housing needs of the area.

Policy TC2 Residential Development

All proposals for new residential development, must:*

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

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

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

Policy DS4 Amenity

Proposals 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 relating to:

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.

Policy PV2 Open Space within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- *the proposed development is ancillary to the principal use of the site as a recreational resource;*
or

- *it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or*
- *the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or*
- *replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.*

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.*

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

Policy/ Guidance Notes Guidance Note 14: Small Housing Sites

This Guidance note for small housing sites is relevant. The note does allow for flexibility when relevant to semi-detached housing. The requirements, particularly in respect of plot sizes, amenity space, etc. will be interpreted flexibly.

The guidance suggests:

- The plot area of a proposal must bear some affinity with the surrounding plots.
- The proportion of the plot, in relation to its garden space, and surroundings must also be respected.
- the proposed house should not cover more than 30% of the plot in order to provide amenity space and privacy
- Plot area restricted to 1.5 or 2 storey
- Minimum 100 sq m for garden space
- Blank wall to blank wall minimum distance allowance is 2m
- Where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres
- Avoid garages in front of houses

It will be explained in the planning assessment section 6, that these guidance notes have been followed to ensure the small housing site is designed appropriately to the plot sizes, proportions, ratios and measurements.

5. MATERIAL CONSIDERATIONS

SCOTTISH PLANNING POLICY (SPP) 2014

SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is a material consideration that carries significant weight in the determination of planning applications.

- Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources (para. 2). The proposal is a good quality of design which makes efficient use of land through modest intensification of existing surplus land capacity in a suburban area.
- There is a presumption in favour of development that contributes to sustainable development (p9). The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term (para 28).
- In Paragraph 34 of SPP it is stated that infill sites can often make a useful contribution to the supply of housing land. Planning authorities should ensure it respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing areas. These principles apply equally in garden grounds and in suburban or village environments.
- The proposals are therefore consistent with the relevant aspects of SPP, which is a material consideration in support of this planning application.

OPEN SPACE ASSESSMENT REPORT

The applicants are supporting the planning application and responding to the detailed policy requirements of LDP Policy PV2, with the submission of an Open Space Assessment report. This audits and quantifies, then seeks to qualitatively assess the provision and supply of open spaces and other amenity areas in the vicinity. It seeks to comment on the significance of the loss of a very small open space which has limited functional benefit, and which will be in part retained to provide the setting and landscape background to Barry Road. It concludes that the small loss of open space can be justified and that the addition of 6 new homes to this area is both compatible and acceptable in land use and making places design terms.

6. PLANNING ASSESSMENT

DETERMINING ISSUES

The key issues in this case relate to: the principle of developing vacant land for residential use, any effects on surrounding residential amenity and the alleged loss of open space and the significance of that.

DEVELOPMENT PLAN

Broad Principles

The Development Strategy of the Angus Local Development Plan (ALDP) seeks to guide the majority of development, including local housing and employment opportunities, to locations within the towns that have the capacity to accommodate new development well-integrated with existing infrastructure, and which serve as locally accessible centres serving a diverse rural hinterland; and maintain the quality of valued landscapes, the natural, built and historic environment, and biodiversity. The proposed formation of six houses of the scale proposed does not raise issues that are contrary to the intentions of this development strategy.

The site is located within the Carnoustie development boundary and as such, Policy DS1 is supportive of development within development boundaries which is of a scale and nature appropriate to its location and where it complies with other relevant policies of the ALDP. These tests will be explored through the assessment of the proposals against other policies of the ALDP below.

In this case, the site is located within an established area of similar styled housing in the Westfield housing estate, on the western periphery of the town. The application proposes the retention of open space to the north and north east boundary, which retains definition of the streetscape to Barry Road. In time, it is anticipated two larger housing development proposals positioned opposite Barry Road (C3 and C4), may be constructed, providing a much more 'contained' housing frontage onto Barry Road. i.e. building up to the frontage on all four corners of the roundabout if these plans came forward. We do not consider such a change would be detrimental to the streetscape. In planning and future placemaking terms, it is the future streetscape appearance of the new and planned housing, arranged overlooking the roundabout on Barry Road which we consider to fit and be compatible with the general form and layout of the streetscape on this main thoroughfare – not just the currently proposed infilling of a small area of open space within a predominately residential estate. We therefore wish to emphasise the 'bigger picture' of these surrounds and the factors of change, which are just as relevant to the planning assessment in this case.

The existing amenity space (of about 1400 sq m) proposed for development is a small area of land, characteristic of the layout of the housing estate but is of little sporting, recreational, or nature conservation value, as required by Policy PV2. About 15% of this amenity area is to be retained for public use (with the majority of this retained open space to be private factor maintained). Whilst the open space has some amenity value in terms of contributing to the appearance of the area, such a contribution is limited (for the reason given above in terms of Barry Road and the development plan strategy promoting further housing development on the north overlooking the roundabout to which all the new development would be formed and set out). The position of the development is not considered to adversely affect the amenity of the area. It is relevant to note that there are larger open space amenity areas in the vicinity (which are commented upon within the submitted Open Space Assessment Report).

As such, the loss of this small area (and its reasonable retention of 15% of the area and its means of future management) is considered acceptable under Policy PV2 – a more detailed justification follows below and repeated again within the results of the Open Space Assessment Report (see detailed Appendices to that report).

Policy TC2 Residential Development is the main policy consideration for housing. It indicates that all new residential development must represent a compatible land use; provide a satisfactory residential environment; not result in unacceptable impacts on the built and natural environment, amenity, access and infrastructure; and include (as appropriate) a mix of house sizes, types and tenures. In terms of current land uses in the area, residential properties appear to bound the site to the east, south and west. Barry Road bounds the site to the north and there are 2 sites allocated in the local plan as opportunity sites to the north of the road (C3 and C4 refers). In terms of compatibility with proposed uses, it is considered the proposed use is not out of keeping. The application site was designated as open space by the Angus Local Development Plan but due to its position fronting Barry Road it is evident that it does not provide any function other than a 'desire line' to the bus stops or to the adopted public footways and as a car park for nearby residents (despite there being driveways and on-street availability). The applicant considers its purpose is purely to enhance the character of the surrounding area and adjacent housing development. That being the case, some retention of the amenity space would not remove the amenity or detract from the character as the proposed houses layout and design is entirely in form and appearance to the existing streetscape.

Policy DS3 Design Quality and Placemaking indicates that proposals should deliver a high design standard taking account of aspects of landscape and townscape that contribute positively to the character and sense of place of the area in which they are located. Policy DS4 requires an assessment of the impacts of proposals on neighbouring amenity. Given that the application site is bound to the west by housing on Greenlaw Place, and to its east on Westfield Street, the erection of 6 houses on the site extending the existing streetscape to the end of the street, would not only be compatible with the surrounding land use but would also allow for the long term maintenance and implementation of a woodland management plan for this area of open space as the amenity space would be factor maintained and remove that burden from the Council.

In terms of Policy TC2, the maintenance of neighbouring residential amenity and privacy, the proposed dwellings shall be situated on plots that are of a scale comparable with neighbouring houses, located on flat, accessible (without disrupting existing access or frontages within the residential streetscape). The plots will be positioned more than 2m from the nearest gable to gable to its west, and some 10m or thereby from the facing windows of neighbouring properties to the south. The distances between the proposed houses and neighbouring properties are in line with the guideline distances outlined in Angus Council Guidance. In addition to the acceptable distance between neighbouring properties the proposed houses would be partially screened from neighbouring properties by existing trees and new enhanced tree planting, as well as a proposed 1.8m timber fence that will enclose the development from the public road other than the Greenlaw Place road boundary. In terms of residential environment to be provided, the garden ground would be available for each plot (ranging from 80 to 110 sq m). The relationship between the proposed development and the existing surrounding properties does not give rise to any significant amenity issues. The proposal would be compatible with the Council's Advice Note 14 (small scale housing) as it allows more flexibility for semi detached house plot schemes in terms of provision of amenity and, as such, a satisfactory residential environment would be provided for the proposed dwellings and the amenity and privacy of neighbouring properties would be maintained. Taking account

of the above design parameters we believe that the proposals satisfy the requirements of Policy DS3. The development is not required to make provision for affordable housing in accordance with Policy TC3.

Policy DS4 deals with amenity and indicates that regard will be had to opportunities for maintaining and improving environmental quality. The impacts upon residential amenity in relation to overlooking have been considered above under Policy TC2 and the proposal would not result in any significant issues in terms of privacy. Many of the aspects of DS4 are considered compliant to enable detailed design of the proposed houses. It has been demonstrated by the submitted block layout plan and the through the satisfaction of Policy TC2 that a design solution is possible which addresses the requirements of Policy DS4 (all houses will be afforded generous garden grounds and off street parking facilities in line with the requirements of the Local Development Plan and associated planning guidance).

Policy PV2 states that Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

A full Open Space Assessment Report has been provided to support this application. There has not been an Angus Open Space Strategy, so the applicants have researched methodologies applicable from Dundee City, Aberdeen City and Fife to form its analysis. In summary the findings of the Report are:

- The development site at Greenlaw Place is designated as ‘white space’ not protected open space in the ALDP
- According to Greenspace Scotland guidance, the proposal site is open space at the lowest tier of the standard hierarchy of Greenspace: it is unprotected local residential amenity land.
- Nearby, there are examples of protected greenspace at local, neighbourhood and settlement-wide grades, including the following uses: public parks, residential amenity land, play-parks, wooded areas and recreation pitches.
- In particular, Pitskelly Park, which at almost 10Ha would be classified as a “city-wide public park” if it were in Dundee and assessed in its Open Space Strategy approach, and is just 190m from the proposal site.
- There are @13.6 Ha of publicly accessible open-space within 300m of the development site.
- There are @13.6 Ha of publicly accessible open-space within 600m of the furthest reaches of the datazone within which the proposal site resides.

The Open Space Assessment Report demonstrates that locally there is an excess (13.6Ha) of open-space of a wide variety of types (public parks, residential amenity land, play-parks, wooded areas and

recreation pitches) within accessible distances from the site, according to and if applying the same methodology practice from Aberdeen and Dundee's threshold standards – in the absence of any Angus Open Space strategy methodology.

Regarding residential amenity space itself (Policy PV2 requires “*an identified excess of open space of that type*” to be shown), it can be shown that within the datazone in which the proposal site is situated, there is already around 0.8 Ha of Residential Amenity space, not including the development site. In addition, just on the fringe of the datazone, there is a further 0.6 Ha of residential amenity space. In the absence of a policy in the ALDP defining the threshold standard of required residential amenity space, no assessment of whether this amount of residential amenity space is enough can be made.

In light of the above, it is contended that the requirements of policy PV2 have been met, and that it has been “*demonstrated that there is an identified excess of open space*” in the area (including discounting Carnoustie championship golf course), enough to justify the development of this particular area of residential amenity land.

The application site's purpose as an area of “open space” is assumed to enhance the existing visual amenity and character of the Barry Road / Westfield Place streetscape and adjacent housing developments. However, at present the open grassy come-car-park site impacts on both the visual and residential amenity of Barry Road and neighbouring houses due to the informal use of the site for parking and the obvious use of the grassed area for short-cutting to access public transport or to exercise dogs. The applicants, who are reputable and long-established family house building business across Scotland have owned this site for a considerable period of time (since 1985). Therefore, the proposed re-development of part of the site for six houses would safeguard: the partial retention and enhancement of this designated area of open space particularly to the streetscape setting of Barry Road (a key gateway); the retention of the amenity and biodiversity value of the site, particularly by enhanced and new tree planting (rather than just mowed grass of little to no biodiversity value); and, the character and visual amenity of the Barry Road and Westfield Place streetscape would not be harmed. The Open Space Assessment Report also demonstrates there are plentiful other (more functional) open spaces in the residential estates of the town, notwithstanding there are other more formal and organised open spaces within a short walking distance (many via the Core Path network connections) to enjoy. There is not a lack of appropriate and accessible spaces and the loss of this space would not result in a significant reduction in the quality or quantity of the open space available. For these reasons we believe the proposals to satisfy the requirements of Policy PV2.

Policy PV15 relates to drainage infrastructure. The application form indicates that the proposal would connect to the public water supply and public drainage system and would not make provisions for sustainable drainage of surface water at the site as detailed in the description of the proposed development above as soakaway drainage is seen as acceptable for the small scale nature of this proposal. Taking account of this information the proposal accords with Policy PV15.

In conclusion, the proposal complies with the relevant provisions of the development plan and there are no material considerations that justify refusal of the application. It is respectfully requested therefore that full planning permission should be granted for these proposals.

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GS BROWN CONSTRUCTION LTD

Open Space Assessment Report (Addressing ALDP Policy PV2)

**SITE AT GREENLAW PLACE / WESTFIELD STREET,
BARRY ROAD,
CARNOUSTIE DD7 7NG**

June 2019
Our Ref: 2018_52

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Appendices

Policy PV2 Open Space Protection and Provision within Settlements

Appendix 1: ALDP 2016 Overview for Carnoustie

Appendix 2: Open Space study - Town

Appendix 3: Open Space study – close-up of the site and its surrounding Datazone

Appendix 4: Images of amenity land and recreational sites within the datazone boundary of the area, or at the fringes (see numbers on map in appendix 3)

Appendix 5: Calculations

1 INTRODUCTION

REPORT PURPOSE

- 1.1 The purpose of this Open Space Assessment Report is to present a case for the principle of development at the site in question. Angus Council considered the site to be “protected open space” and any development proposals for it are subject to assessment against Policy PV2 of the adopted Angus Local Development Plan.
- 1.2 Angus Council Planning Department has indicated during a pre-app consultation that “*there are concerns with the principal of housing on the site.*” Their primary objection to development on the site lies in the contravention of Policy PV2, specifically that “*it has not been demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.*” (Policy PV2 can be read in full in the appendix).
- 1.3 This report contains an initial open-space audit of Carnoustie. It identifies that there is in fact an excess of accessible open space serving the neighbourhood in question. It also demonstrates that the quantity of open space in Carnoustie overall already more than meets the council’s own standard, indicated in policy PV2.
- 1.4 On the basis of this initial assessment, the applicant has decided to progress with a planning application for the erection of 6 semi-detached homes, including all private amenity space, and retention of the available open space to create a much stronger streetscape in the vicinity.

2 DEVELOPMENT SITE

2.1 Comprises 1636sqm (0.16Ha).of amenity ground at Greenlaw Place, Carnoustie (DD7 7NG)

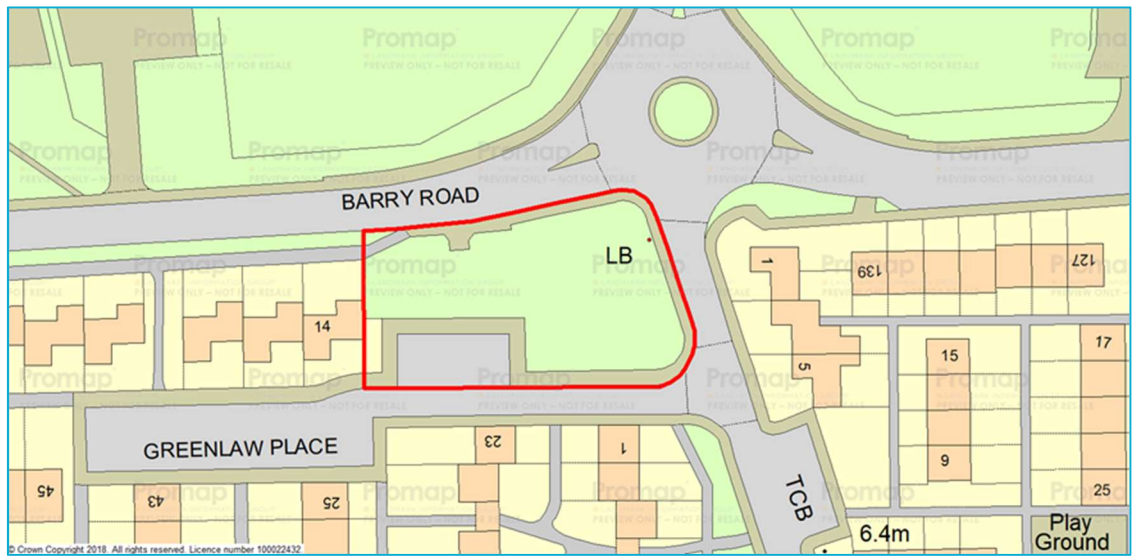


Figure 1 – Site Location Map Data ©2019 Google



Figure 2 – StreetView Looking south from Barry Road towards Greenlaw Place - Data ©2019 Google

3 POLICY CONTEXT

- 3.1 Please note the important distinction between open-space and green-space. Open-space can refer to the whole range of types of open-space that can be encountered. The standard categorisation can be found in an appendix to a planning document called PAN 65.
- 3.2 Greenspace refers to only certain types of open space that includes vegetation, woodland or grass.
- 3.3 The Angus quantity standard for provision is “*2.4Ha of open-space per 1000 inhabitants*” (see Policy PV2 in the appendix). This includes civic space like public squares and cemeteries for example, as well as residential amenity land and parks/woodland etc. It seems to leave open the question of whether this open-space should be private or public.

POLICIES THAT APPLY TO THE SITE IN QUESTION INCLUDE:

SCOTTISH PLANNING POLICY

- 3.4 Requires each local authority area in Scotland to undertake the production of a Public Open Space Strategy. Angus Council has not produced a Public Open Space Strategy. The nearest such document we have researched for the purpose of the policy context for practical advice, is prepared by Aberdeen City Council.

PAN 65 – OPEN SPACE (2008)

PAN 52: PLANNING AND SMALL TOWNS (APRIL 1997)

- 3.5 Emphasises the need to understand how open space in towns is used and supports analysis of the characteristics and functions of spaces.

GREENSPACE SCOTLAND

- 3.6 Greenspace Quality: A Guide to Assessment, Planning and Strategy Development; Greenspace Scotland & Glasgow & Clyde Valley Green Network Partnership
- 3.7 Used by Aberdeen City Council in their Audit (we have reviewed Aberdeen City Council's document in the absence of a Public Open Space Strategy for Angus).

ANGUS LOCAL DEVELOPMENT PLAN (ALDP) REVIEW (2009): CARNOUSTIE AND BARRY.

- 3.8 This document was created for the first local development plan but not reviewed for the adopted ALDP.

ANGUS LOCAL DEVELOPMENT PLAN (ALDP) – ADOPTED SEPT 2016

- 3.9 We note An Angus Open space Audit or Strategy has not been produced. Therefore to guide the methodology and conduct comparable assessment approach we have consulted:

3.10 Open space Strategies and Audits for the following planning authority areas;

- Aberdeen Council Open space Audit & Strategy
- Edinburgh Council Open space Audit 2009
- Dundee Open space Audit Dec 2016
- Fife Open space strategy only
- Fife Greenspace audit July 2010

4 SUMMARY OF RESULTS (CALCULATIONS CAN BE FOUND IN APPENDIX 5)

4.1 Based on other planning authorities' Open Space Strategies methodologies and practical application of these, we have set out below, first what is found to be the significance of the development site:

4.2 The development site at Greenlaw Place is designated as 'white space' in the ALDP.



- It is not considered to be “protected open space”.
- According to Greenspace Scotland guidance, the proposal site is open space at the lowest tier of the standard hierarchy of Greenspace: it is unprotected local residential amenity land.
- Nearby, there are examples of protected greenspace at local, neighbourhood and settlement-wide grades, including the following uses: public parks, residential amenity land, play-parks, wooded areas and recreation pitches.
- In particular, Pitskelly Park, which at almost 10Ha would be classified as a “city-wide public park” if it were in Dundee and assessed in its Open Space Strategy approach, and is just 190m from the proposal site.

4.3 In terms of our findings for the “Town-wide” quantity of open-space:

- Carnoustie as a whole qualifies by Angus Council’s own open-space quantity standard (2.4Ha of open-space per 1000 inhabitants).
- Discounting the Championship golf course, but including every area of protected open space in the ALDP (green zones in Appendix 2), there are 3.1Ha of open-space for every inhabitant of Carnoustie.

- This does not even include a calculation of ‘white-space’ residential amenity land for Carnoustie.
- Within the datazone boundary surrounding the proposal site (the yellow line in Appendix 3), there is about 1 Ha of significant areas of Residential Amenity space. This does not include the Barry Burn riparian corridor that flows through the datazone, nor does it include all the smaller areas of Residential Amenity space that could be included.

4.4 Accessibility to other open-space from the site, and from the datazone in which it sits.

- All three types of open space hierarchy levels (Local, Neighbourhood and Settlement-wide) can be accessed within threshold standards from both the proposal site and its surrounding datazone.
- This includes public parks, residential amenity land, play-parks, wooded areas and recreation pitches. In addition, the datazone within which the site sits is also bisected by the Barry Burn riparian corridor.
- There are @13.6 Ha of publicly accessible open-space within 300m of the development site.
- There are @13.6 Ha of publicly accessible open-space within 600m of the furthest reaches of the datazone within which the proposal site resides.
- Accessibility of all sites with regards the datazone boundary area or the development site fall within the threshold standards of both Aberdeen’s and Dundee’s Open Space strategies which were used in the absence of any Angus Open Space strategy for comparable purposes.

4.5 Summary regarding establishing the principle of development:

4.6 In the pre-app consultation response, Case Officer James Wright stated the following:

4.7 “Regarding Policy PV2, it has not been demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.”

4.8 This Open Space Assessment Report has demonstrated that there is an excess (13.6Ha) of open-space of a wide variety of types (public parks, residential amenity land, play-parks, wooded areas and recreation pitches) within accessible distances from the site, according to and if applying the same methodology practice from Aberdeen and Dundee’s threshold standards – in the absence of any Angus Open Space strategy methodology.

4.9 Regarding residential amenity space itself (Policy PV2 requires “*an identified excess of open space of that type*” to be shown), it can be shown that within the datazone in which

the proposal site is situated, there is already around 0.8 Ha of Residential Amenity space, not including the development site.

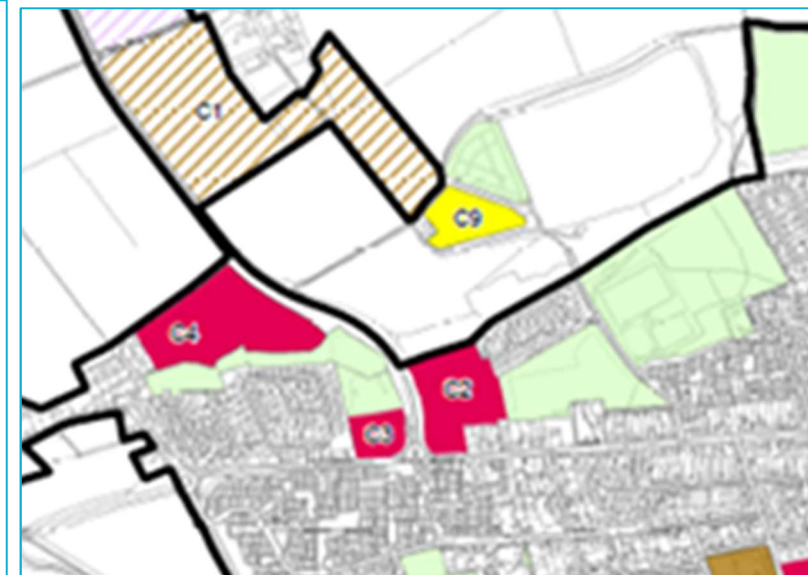
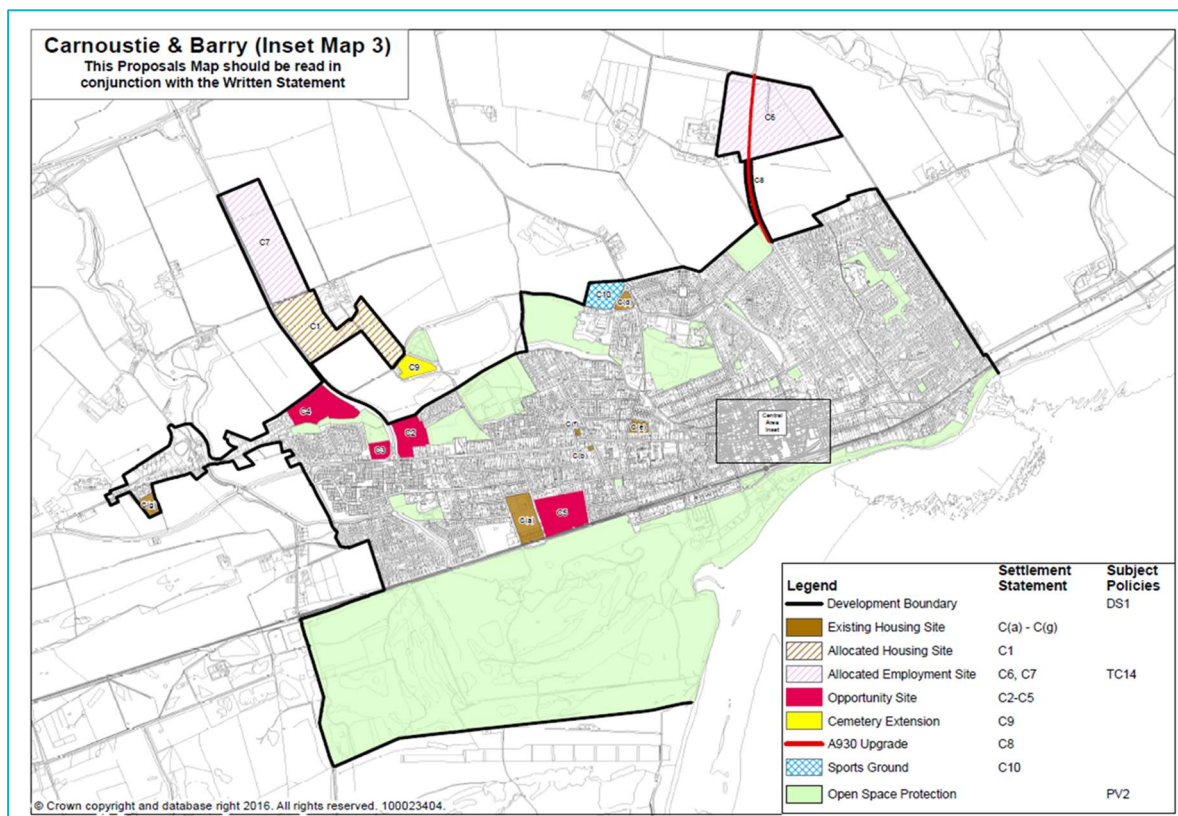
- 4.10 In addition, just on the fringe of the datazone, there is a further 0.6 Ha of residential amenity space. (These are indicative figures and do not include every single small pocket of residential amenity (grass verges for example), that could be taken into account within the datazone).
- 4.11 In the absence of a policy in the ALDP **defining the threshold standard of required residential amenity space**, no assessment of whether this amount of residential amenity space is enough can be made.
- 4.12 In light of the above, it is contended that the requirements of policy PV2 have been met, and that it has been “*demonstrated that there is an identified excess of open space*” in the area, enough to justify the development of this particular area of residential amenity land.
- 4.13 Development resulting in the partial loss of open-space at the designated site in Greenlaw Place is therefore justified against Policy PV2.

5 APPENDICES

5.1 Policy PV2 Open Space Protection and Provision within Settlements (source: ALDP 2016) (relevant passages highlighted in blue).

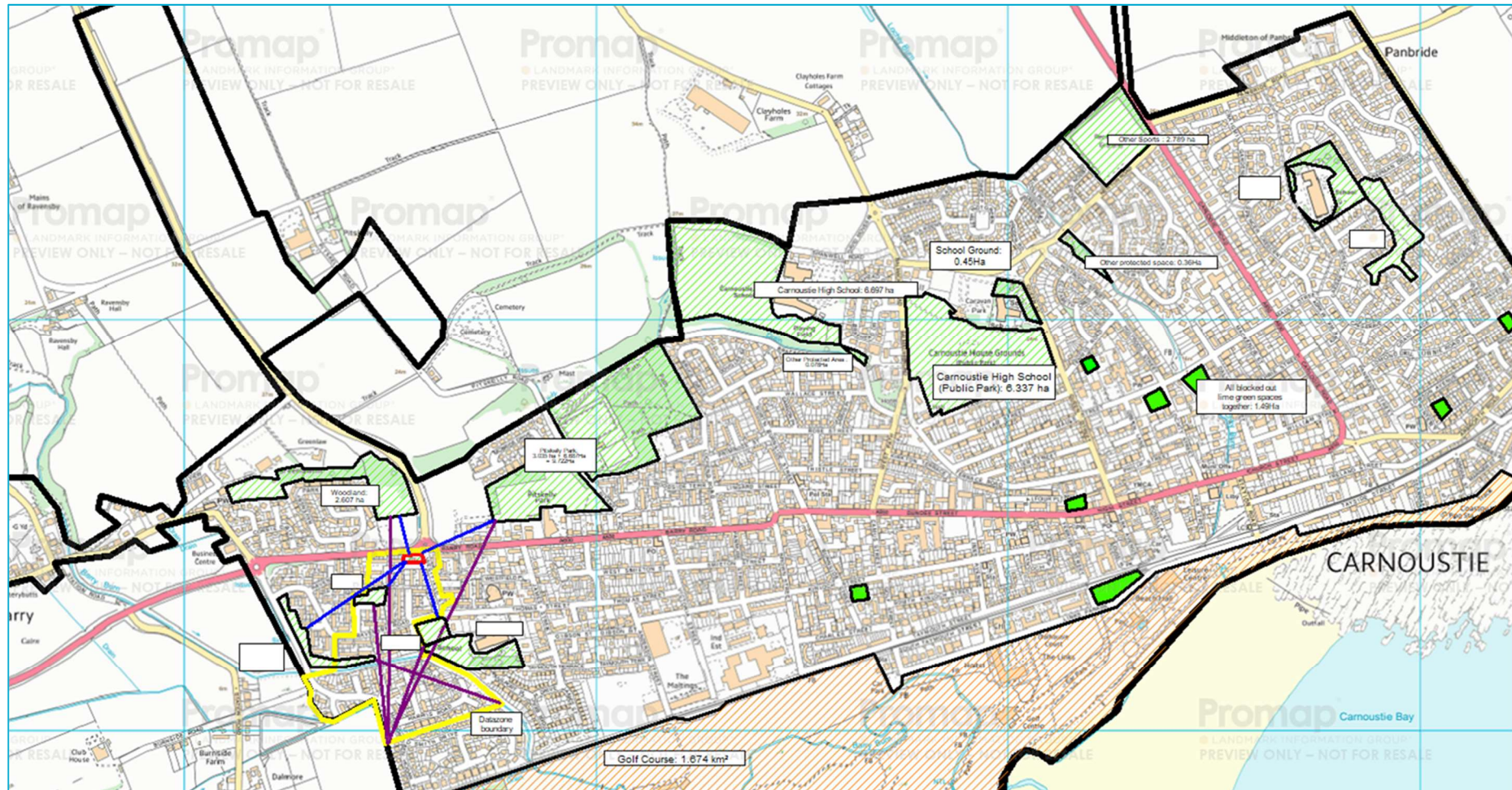
- Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:
 - the proposed development is ancillary to the principal use of the site as a recreational resource;
 - or it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site;
 - or the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting;
 - or replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.
- Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.
- Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.
- All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible

Appendix 1: ALDP 2016 Overview for Carnoustie



Inset showing White Land for the proposal site, not Open Space Protection (PV2)

Appendix 2 - Open Space Study Town Wide (Our Own Mapping Analysis)



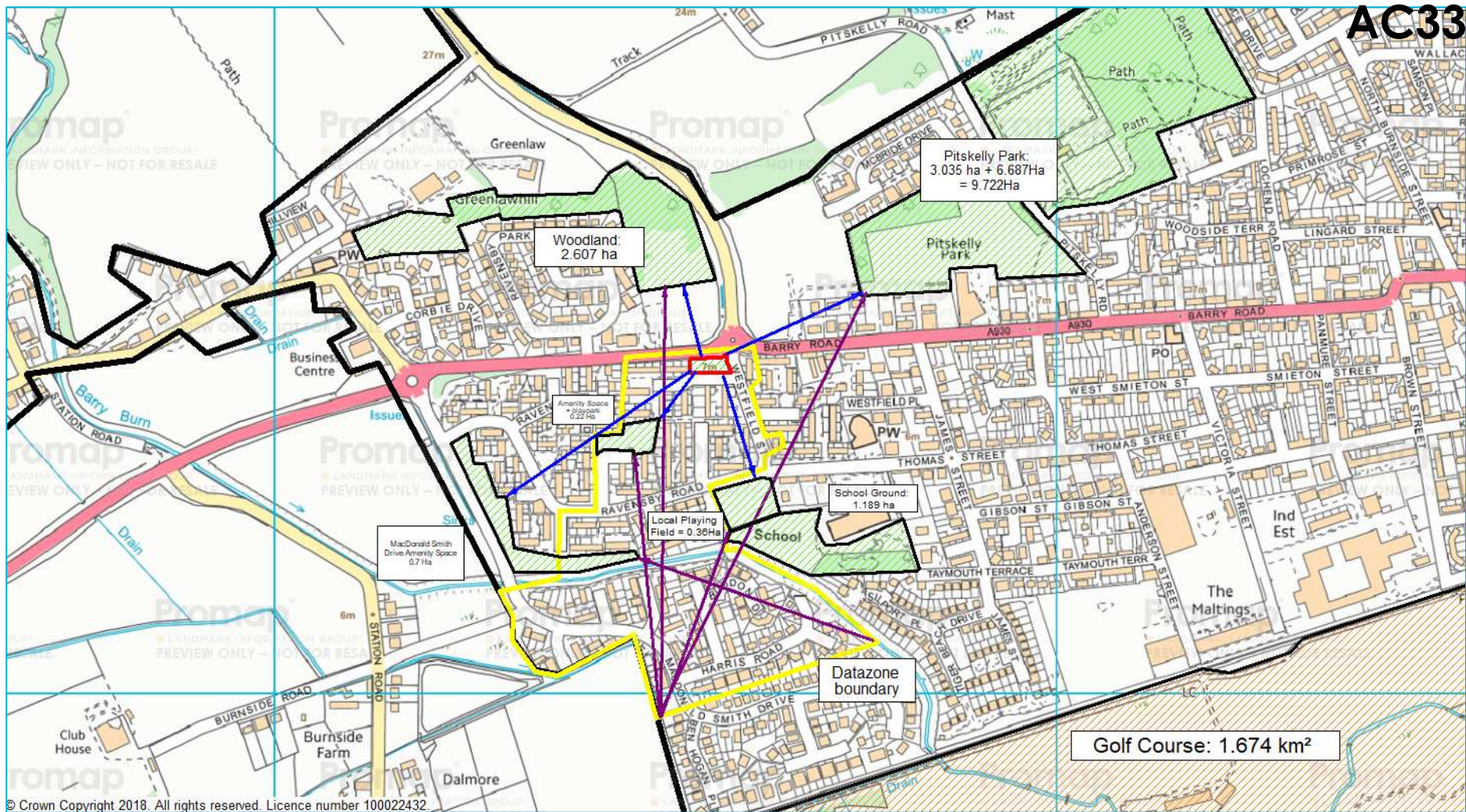
Red line denotes Proposal Site.

Yellow Line denotes Isochrone for demographic population area

Purple Lines denote - 600m walk distance

Blue Lines denote - 300m walk distance

Green space and open space areas all linking to purple and blue lines are shown. This local availability of green space is exceeding the recommended scale and amount



Blue arrows refer to distances measured between the site and accessible public open space nearby. Purple arrows refer to distances measured between the furthest parts of the SIMD datazone areas and accessible public open space nearby. Specific measurements can be found in blue and purple in the table in table B of Appendix 5 below.

Images of site numbered in red can be found in Appendix 4 below.

Appendix 4: Images of amenity land and recreational sites within the datazone boundary of the area, or at the fringes (see numbers on map in appendix 3)



1. Recreation Park next to Burnside Primary

2. Ravensby Road Amenity Space and Playpark



3. MacDonald Smith Drive

Appendix 6 - Calculations of Open Space used in analysis

Table A: Quantity Standard: covering entire Carnoustie Settlement Boundary

Angus Council's minimum threshold standard is 2.43 Ha of open space per 1000 inhabitants (policy PV2). The calculation method used is adapted

Type of ground (ALDP)	Area (Ha)	km2	Quantity of publicly usable Open Space in Carnoustie	Value
Public Park and Garden	17.521		Carnoustie Population 2011	11,394
School Ground	9.608		Index per 1000 people	11.394
Institutional Ground	0			
Amenity - Residential	0.22			
Amenity - Business	0			
Amenity - Transport	0			
Playing Field	3.15			
Golf Course (Carnoustie, private)	167.4	1.674		
Tennis Court	0			
Bowling Green	0			
Other Sports	0			
Green Access Route	0			
Riparian Route	0			
Woodland	2.607			
Open Semi-Natural	0			
Open Water	0			
Allotment	0			
Church Yard	0			
Cemetery	0			
Civic Space	0			
<i>Other protected ground</i>	1.928			
Playspace	0			
Total Openspace	202.4		Total area of open space within settlement boundary <i>inc. Golf Course</i>	202.4
Total Openspace w/out Golf Course	35.0		Quantity of open space per 1000 people (all Carnoustie) <i>inc. Golf Course</i>	17.8
Total area <i>publicly usable</i> open-space	25.4		Minimum Threshold standard: quantity of open space (Ha) per 1000	2.4
from Fife Council's Greenspace Strategy.			Total area of open space within settlement boundary <i>exc. Golf Course</i>	
			Quantity of open space per 1000 people (all Carnoustie) <i>exc. Golf Course</i>	3.1
			Minimum Threshold standard: quantity of open space (Ha) per 1000	2.4
			Total area of <i>publicly usable</i> open space within settlement boundary	25.4
			Quantity of <i>publicly usable</i> open space per 1000 people (all Carnoustie)	2.2
			Minimum Threshold standard: quantity of open space (Ha) per 1000	2.4
			Total area of settlement (Ha) 536.1	

Table B: Minimum Access Threshold Standard:

Type of Open Space (as named by the Dundee Open Space Strategy)	Name of park	Area	Min (Dundee Standard)	size	Carnoustie: Distance from (DD7 7NG) as the crow flies	Carnoustie: furthest datazone point (S01007157) as the crow flies	Distance Catchment (Dundee Standard)	Distance Catchment (Aberdeen Standard)
City (Settlement-wide) Recreation Parks	Pitskelly Park	9.7	10 ha		190m	600m	2500	1500
Neighbourhood Parks	Park/Semi-natural ground to North of site	2.6	1 ha		94m	550m	1200	600
Local Parks and Open spaces	Playing field next to Burnside Primary	0.36	0.01ha		135m	250m	400	400
Local Parks and Open spaces	Ravensby Road Amenity Space and playpark	0.22	0.01ha		71m	335m	400	400
Local Parks and Open spaces	MacDonald Smith Drive amenity space	0.7	0.01ha		280m	320m	400	400
		13.58						

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Subject:FW: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

From: neil@grayplanning.co.uk [mailto:

Sent: 29 July 2019 13:27

To: ScharnbergerJ; WrightJ

Subject: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Good afternoon

I note the consultation response by Parks and Burial Grounds (Jutta Scharnberger) dated 17th July 19, and wish to comment on behalf of the applicant.

First of all, we requested at the pre application stage back in 7th September 18 to discuss the proposal with Jutta, which was not responded, but from our follow up of 1st October 18 a response from James Wright of 3rd October. In that response James mentioned "Whilst there is no adopted audit / strategy, Jutta is happy to discuss this in more detail if required"

We did not receive any further advice or guidance from the Council, so produced our own open space assessment. In the absence of Angus having one, we drew from several planning authorities that have an Open Space Strategy, including Aberdeenshire which is a rural authority and Angus' neighbour – along with the best practice from the other authorities we researched - whilst these are urban, in our view do reflect the local urban nature of the proposal site being within one of Angus' principal towns on a piece of ground that has some residential amenity within an established urban area.

We are not entirely clear what the consultation response concludes as it is too generalised – and if there is a copy of the Open Space Audit of 2017 sight of that would be appreciated given the criticism from the consultee that our methodology differs. We would prefer a discussion or a meeting on this matter, to see what further information we can provide to support the applicants case in relation to the small open space loss (and replacement with some public amenity open space) – as the final comments about the Open Space Assessment are very general and unclear as to what comparison is being made here, as we have not seen the documents the consultee refers to in the response.

Look forward to your response

Kind regards

Neil

Neil Gray MRTPI | Director

M:

e:

www.grayplanning.co.uk

AYE House, Admiralty Park, Rosyth, Dunfermline KY11 2YW



*Gray Planning & Development Limited. Town Planning Consultants. Company No. SC568143
Member of the Royal Town Planning Institute No. 42566*

Subject:FW: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

From: neil@grayplanning.co.uk [mailto:neil@grayplanning.co.uk]

Sent: 13 August 2019 16:50

To: ScharnbergerJ; WrightJ

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Sorry, I mis-typed a sentence at the close of the 5 bullet points in conclusion, at bullet 4 - and below reproduce the correct sentence which was written:

(Bullet 4) - The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is not reasonable – based on the answers above.

And should instead read:

(Bullet 4) - The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is reasonable – based on the answers above.

Neil Gray MRTPI | Director

M: 07514 278 498

e: neil@grayplanning.co.uk

www.grayplanning.co.uk

AYE House, Admiralty Park, Rosyth, Dunfermline KY11 2YW



From: neil@grayplanning.co.uk <neil@grayplanning.co.uk>

Sent: 13 August 2019 16:45

To: 'ScharnbergerJ' <'WrightJ' <

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Good afternoon

Thank you for sending over the Open Space Audit (2017) compiled by Ironside Farrar. You have explained that this is to inform a future Open Space Strategy which does not currently exist. We conducted a study on open space quantity, quality and accessibility in line with best practice and as undertaken in your Open Space Audit as well. This was provided in support of the planning application. Your initial response per below resulted in our response below, which requested sight of the Open Space Audit, which you have duly provided.

I have reviewed this report and note that whilst your comments given below only tell part of the story-suspect selectively. As you state in your response, presumably lifted straight from the Open Space Audit (Technical Report) on the Carnoustie Action Plan, it states "In terms of the quantity of open space Carnoustie is just below the Angus Council standard with 2.10 hectares of open space (public parks & gardens, publicly accessible privately owned parks and amenity greenspace) per 1,000 population" – this is not disputed as we assume the facts are as given by your open space consultants.

However, later on in this same Action Plan for Carnoustie, in fact the next paragraph down, your consultants also state on balance, the following "However, the overall quality of the open spaces is good with an average of 66.3% quality score, which is above the Angus average of 64.1%. The Carnoustie Sea Front park, promenade, sporting facilities and play area provide an attractive seaside facility for the town. **The quality of facilities and their accessibility can compensate for a short fall in quantity of provision** and does so in this town" (my highlighting). We emphasised this in our supporting information justifying the small open space loss – that within a short accessible distance on foot or cycle, the quality of open spaces nearby is able to compensate for the small reduction in provision – especially of a piece of ground that has limited scope for improvement or indeed as you state, was not even accounted for in the Audit itself.

In terms of the Priority Actions as recommended by your consultants, the Action Plan for Carnoustie does not signal any need or priority for 'adding to open space provision' inferring again, satisfaction of the high quality of available space that compensates for this small shortfall. None of the 8 Priority Actions refers to the concerns you raised in your comments about the need for such open space, indeed

as you states the open space type being scrutinised in this planning application did not merit inclusion in the Open Space Audit.

We can therefore conclude the following:

- Angus Council has no Open Space Strategy in place – and therefore cannot fully justify the full application of Policy PV2 (Open Space Protection) – and if it could, the open space under consideration in this application had not been deemed necessary to include in the Council’s Open Space Audit prepared by its consultants.
- The Open Space Audit is just that – a snap shot of the quantity and quality, with accessibility, of the open space resource – but did not include areas of amenity open space alleged in this application.
- In the Carnoustie Action Plan, as outlined above, whilst we wont dispute the consultant’s fact that the town as a whole falls short of the calculated quality formula, it does offer higher overall quality. The consultants report “the quality of facilities and their accessibility can compensate for a short fall in quantity of provision”. We agree with this statement and would point to that to further justify our case that the open space is negligible in terms of its provision, or indeed its loss and has ample other quality open spaces nearby of high quality and good accessibility.
- The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is not reasonable – based on the answers above.
- The Action Plan does not single out the protection or retention of amenity spaces as part of the Priority Actions for Carnoustie.

Therefore we would respectfully ask that these points are taken into account in the overall assessment, and taken on balance when assessing in particular the weight to be applied to Policy PV2 in this particular case.

Kind regards

Neil

Neil Gray MRTPI | Director

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*Gray Planning & Development Limited. Town Planning Consultants. Company No. SC568143
Member of the Royal Town Planning Institute No. 42566*

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION FOR ERECTION OF SIX DWELLINGHOUSES,
LANDSCAPING AND PARKING AT LAND AT BARRY
ROAD/WESTFIELD STREET, CARNOUSTIE**

APPLICATION NO 19/00481/FULL

APPLICANT'S SUBMISSION

Page No

- | | | |
|---------------|---|--|
| ITEM 1 | Notice of Review | |
| ITEM 2 | Statement of Appeal and Associated Documents
(Appendices 1-14) | |
| ITEM 3 | Application Form, Drawings and Elevations | |



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 100169900-004

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="GS Brown Construction Ltd"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="The Nurseries"/>
Company/Organisation	<input type="text" value="GS Brown Construction Ltd"/>	Address 2:	<input type="text" value="Glencarse"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perthshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 7NF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="neil@grayplanning.co.uk"/>		

Site Address Details

Planning Authority:

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

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

Please identify/describe the location of the site or sites

<input type="text" value="SITE AT GREENLAW PLACE / WESTFIELD STREET, BARRY ROAD, CARNOUSTIE DD7 7NG"/>
--

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------

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 Six Dwellinghouses, Landscaping and Parking

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.

Please refer to accompanying Grounds for Review Statement and supporting documents to be relied upon in the appeal.

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)

At the time of determination, the appellants were working closely with a Registered Social Landlord who had given interest to provide 100% affordable housing for the appeal proposals. The RSLs letter of support accompanies this appeal. It is a material consideration that the RSL is interested to build the site. They can provide much needed affordable housing. It is explained in the Grounds for Review Statement, that planning policy supports affordable housing delivery.

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)

Please refer to accompanying List of Documents which comprises supporting documents (particularly Open Space Assessment Report and the letter of support from the RSL).

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00481/FULL

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

21/06/2019

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

10/09/2019

Review Procedure

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

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

Yes No

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

Please select a further procedure *

Further written submissions on specific matters

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

The 1st and 2nd reasons for refusal allege loss of open space (Policy PV2) which is protected (Policy TC2). The Council has no approved Open Space Strategy in place which affirms this position. The appeal site is identified in the adopted Local Development Plan as 'white land' not Protected Open Space. The appellants produced an Open Space Assessment Report to support the planning application. Analysis in that report drawing on accepted methodologies concludes there is no shortfall of open space

Please select a further procedure *

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

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

Inspection of the land is essential. The 3rd Reason for refusal alleges development would result in the loss of a vehicle parking area and a section of footway on the adopted road which would have an unacceptable adverse impact on the amenity of residents in the area. Visual inspection will note vehicle parking be for mobile caravans (not domestic cars), and there is plentiful unrestricted parking within the street opposite the appeal site.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Neil Gray

Declaration Date: 02/12/2019

PLANNING APPEAL – ONLINE REFERENCE 100169900-004

ERECTION OF SIX DWELLINGHOUSES, LANDSCAPING AND PARKING AT

LAND AT BARRY ROAD/ WESTFIELD STREET CARNOUSTIE

LIST OF DOCUMENTS FOR APPEAL

The following documents are relied upon to support the appeal case:

Please note other documents such as Local Development Plan, Supplementary Planning Guidance, Advice Notes, Scottish Government policy and guidance are not reproduced. We have assumed, at this stage, Angus Council can provide these if necessary.

Document 01 – Decision Notice Application Ref: 19/00481/FULL dated 10.09.19

Document 02 – Report of Handling of Planning Application 19/00481/FULL

Document 03 – Planning Statement submitted with planning application 19/00481/FULL

Document 04 – Open Space Assessment Report submitted with planning application 19/00481/FULL

Document 05 – Google Aerial Photograph of appeal site with parking area shown

Document 06 – Google StreetView image taken 2008 of unrestricted parking and caravans

Document 07 – Google StreetView image taken 2009 of unrestricted parking and caravans

Document 08 – Google StreetView image taken 2016 showing Vehicle Parking and caravans

Document 09 – Letter of Support from Registered Social Landlord with correspondence indicating intent

Document 10 – 19/00481/FULL case file correspondence with case officer & agent about Open Space Strategy 14.08.19

Document 11 – 19/00481/FULL Roads manager email advice to planning officer 26.08.19

Document 12 – Planning Permission ref 13/00657/FULL – Change of open space to garden ground, at 12 Westfield Street Carnoustie (Minute of Meeting of Angus Council of 23rd August 2013, Item 6 Refers).

Document 13 – larger scale production of Appendix 3 from Open Space Assessment Report (Document 04)

Document 14 – larger scale production of Appendix 5 from Open Space Assessment Report (Document 04)

Full Planning application drawings and sections, application form, landowner certification all as submitted for planning approval 19/00481/FULL.



G.S BROWN CONSTRUCTION LTD

GROUNDS FOR REVIEW OF A PLANNING DECISION

**ERECTION OF SIX DWELLINGHOUSES,
LANDSCAPING AND PARKING**

**AT
LAND AT BARRY ROAD/ WESTFIELD STREET
CARNOUSTIE**

**ANGUS COUNCIL
APPLICATION REF: 19/00481/FULL**

Online E-planning ref: 100169900-004

December 2019
Our Ref: 2018_52

W: www.grayplanning.co.uk



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Planning & Development Limited, Town Planning Consultants. Company No. SC568143

Member of the Royal Town Planning Institute No. 42566

Contents

1	INTRODUCTION	2
2	THE APPEAL SITE AND PROPOSALS.....	4
3	GROUND FOR REVIEW.....	5
4	CONCLUSIONS	16

Appendices

The following documents are referred to in this Grounds for Review Statement.

All such documents have been electronically uploaded to the ePlanning.Scot online portal.

Document 01 – Decision Notice dated 10.09.19

Document 02 – Report of Handling of Planning Application

Document 03 – Planning Statement submitted with planning application

Document 04 – Open Space Assessment submitted with planning application

Document 05 – Google Aerial Photograph of appeal site with parking area shown

Document 06 – Google StreetView image taken 2008 of unrestricted parking and caravans

Document 07 – Google StreetView image taken 2009 of unrestricted parking and caravans

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Document 13 – larger scale production of Appendix 3 from Open Space Assessment Report (Document 04)

Document 14 – larger scale production of Appendix 5 from Open Space Assessment Report (Document 04)

Full Planning application drawings and sections, application form, landowner certification all as submitted for planning approval.

1 INTRODUCTION

THE PROPOSED DEVELOPMENT AND REASONS FOR REFUSAL

- 1.1 These are Grounds for Review of a decision to refuse full planning permission to erect six dwelling-houses, landscaping and parking at land at Barry Road/ Westfield Street Carnoustie.
- 1.2 The Review request is submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended 2006). The Notice of Review has been lodged within the prescribed three-month period from the refusal of planning permission dated 10th September 2019 (**Document 01**).
- 1.3 By Delegated Powers, the Service Leader of Planning & Communities of Angus Council decided to refuse the application, as recommended by a Planning Officer in the Report of Handling (**Document 02**). The four reasons for refusal are per the Decision Notice (**Document 01**), which state:
1. *The proposal is contrary to Policy PV2 of the Angus Local Development Plan (2016) because the development would result in the loss of open space and the proposal does not meet any of the circumstances that allow for the loss of open space.*
 2. *The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the site is protected open space and residential development is not supported where the site is protected for another use.*
 3. *The proposal is contrary to Policy DS4 of the Angus Local Development Plan (2016) because the development would result in the loss of a vehicle parking area and a section of footway on the adopted road which would have an unacceptable adverse impact on the amenity of existing occupiers of nearby properties.*
 4. *The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV2 and DS4.*

PROPOSED PROCEDURE TO BE FOLLOWED IN DECIDING THE REVIEW

- 1.4 We recommend two procedures should be followed by the Local Review Body in deciding the case. A combination of a site visit (accompanied) and further written representations.
- 1.5 With respect to the 2nd reason for refusal, visual inspection of the appeal site is necessary to confirm that the appeal site is vacant land that is of limited amenity value, quantity or quality (and is not 'Protected Open Space', as specified per Policy PV2).
- 1.6 The 3rd Reason for refusal alleges the proposed development would result in the loss of a "vehicle parking area" and a section of footway on the adopted road. It is further alleged this loss would have an unacceptable adverse impact on the amenity of residents in the area. Visual inspection of this area will note how vehicle parking prevails mostly for mobile caravans (not domestic cars), and there exists plentiful unrestricted parking within the street opposite the appeal site which can offer adequate amenity and convenience to residents for domestic car parking, all within a convenient walking distance of surrounding residential properties. **Documents 05 to 08** present various Google Street View and Aerial images (2008, 2009 and

2016) showing the presence of on-street parking of cars and caravans on the appeal site. A site visit will confirm this practice continues. These matters are discussed later in this Statement.

- 1.7 A site visit will also enable the Local Review Body to view the prevailing residential nature of the surroundings, and judge the compatibility of the proposed new dwellings with the similar scale and form of existing dwellings.

MATTERS ARISING AT TIME OF DETERMINATION OF APPLICATION

- 1.8 Another matter was emerging at the time of determination. Firm interest from a Registered Social Landlord (RSL) (Hillcrest Housing Association), to work with the appellant to deliver 100% affordable housing on the site. This interest remains despite the planning refusal. We can confirm that this matter could not have been raised with the council at the earlier stage (during assessment of the application), owing to commercial confidentiality at that time. Therefore, we consider the live interest for affordable housing delivery at the appeal site creates an exceptional circumstance and reasons why this matter is raised now at this appeal stage. The RSLs letter of support confirms they had discussions with Angus Council's Housing Delivery team, and the correspondence signals their intent (**Document 09**).
- 1.9 The Planning Appeal (Scotland) Regulations 2013 Regulation 3(6) makes it clear that the appellant may *"only raise additional matters or submit further documents, materials or evidence in accordance with and to the extent permitted by the 2013 Regulations"*. Further clarification is found on this issue in Scottish Government Circular 4/2013 Planning Appeals, at Paragraph 35. Here it explains the limitations on the introduction of new matters (i.e. issues relevant to the decision). We consider the submission of **Document 09**, which confirms the interest and intentions of a local affordable housing organisation to provide 100% affordable housing on the site, is competent for this Review. This is because we are also requesting the Local Review Body conducts proceedings by additional written representations (Under Regulation 11 of the Appeal Regulations) which provides all interested parties to this appeal to comment on this particular matter.
- 1.10 The RSL interest and intent is therefore a material consideration in this appeal. The RSL can provide much needed affordable housing for the East Angus Housing Market in Carnoustie. It is explained within this Grounds for Review Statement (at **Section 3.45 to 3.48**), that there is a need for this type of provision. Planning policy TC3 supports affordable housing delivery.

2 THE APPEAL SITE AND PROPOSALS

- 2.1 Full details of the planning application site, detailed site layout, technical land use considerations are contained in the planning application, supported by the Planning Statement and Open Space Assessment Report (**Document 03 and Document 04** respectively). These are all submitted with this Review.
- 2.2 Full justifications that explain the appellants view on the quality and quantity of the appeal site (in the context of the wider provision of open spaces in Carnoustie) is found in **Document 03** and **Document 04**. These are further referred to in Section 3 of this Grounds for Review Statement.
- 2.3 In the Council's Report of Handling (**Document 02**), the officer's description of the site states: *"The site currently contains an area of open space to the north and an area of the public road on Greenlaw Place (namely a footpath and parking area) to the south. The site is bound by Westfield Street to the east and Greenlaw Place to the south. Housing surrounds the site on its east, south and west sides. The site also contains a fenced off area which appears to be used for parking associated with the property at 14 Greenlaw Place. There are trees in the north west corner of the site"*.
- 2.4 The appellants do not dispute these facts, however the appellants wish to emphasise other facts not stated in the Council's site description, which we consider provides a more even balance to the site context and the sites effectiveness for the proposed development, being:
- The appeal site is flat, grassed / softly landscaped, with a few trees on the north western corner boundary. This provides an effective site free from topographical constraints;
 - The appeal site includes a tarmacked surfaced hard-standing area where it is currently noted cars and caravans are parked informally. There are plentiful un-restricted car parking spaces nearby.
 - The appeal site appears to be used for dog exercising but no evidence of formal or informal play or recreation. It has little or no sporting, recreational, landscape, wildlife, amenity, food production, access or flood management value. The site therefore offers limited residential amenity value and it is not 'open space' as it does not meet the above criteria.
 - The appeal site hard standing appears to be used for informal public car parking, presumably for nearby residents – however a site visit will confirm there is plentiful spare un-restricted parking opportunities for residents.
 - This is a predominately residential location. The surrounding street scape comprises semi-detached and terraced 2-storey dwellings positioned in gardens laid to front and rear, with private parking in driveways (no garaging noted). A residential development of the scale and types proposed would be compatible and the proposed design fits well with the prevailing street scape.

3 GROUNDS FOR REVIEW

3.1 Section 1 outlined the Planning Authority's four reasons for refusal. Based on the evidence presented in this appeal, the appellant contends all these reasons can be set aside, and planning permission should be granted for the proposed development. This is subject to the imposition of relevant, enforceable planning conditions.

3.2 This section will argue the following Grounds:

1. The proposed residential development is compatible with the predominately residential setting. The scale and type of houses proposed fits with the prevailing layout, pattern and amenity (garden space / parking) arrangements. The design and layout is not disputed by the Planning Authority. In the Report of Handling (**Document 03**) the Planning Authority state "*The application site is located in a predominantly residential area and there are no conflicting land uses which would render residential use of the site unsuitable*". The application site lies within the Carnoustie Development Boundary (as defined in the ALDP), and there is a need for affordable housing in the East Angus Housing Market Area.
2. The proposed residential development is not contrary to Policy PV2 of the Angus Local Development Plan (2016) (Reason 1). The development would not result in the loss of open space as is explained in **Document 04**. The proposal does meet specific circumstances or test criteria that allow for the loss of open space anyway. Policy PV2 does not require ALL test criteria to be met, as has been incorrectly applied by the planning authority in this case, see **Document 10**;
3. The proposed residential development is not contrary to Policy TC2 of the Angus Local Development Plan (2016) (Reason 2). The site is NOT 'protected open space' as it is shown as "white land" in the Angus Local Development Plan (2016). There are mitigating circumstances anyway, such that it would allow residential development of this site for affordable housing. These are explained in this section and supported by **Document 03**, **Document 04**, **Document 09**, **Document 10**, and **Document 14 and Document 15**.
4. The proposed residential development is not contrary to Policy DS4 of the Angus Local Development Plan (2016) (Reason 3). Whilst the development would result in a change of the character of the land, the alleged loss of "a vehicle parking area" has not been clearly demonstrated by Angus Council that this actually is a "vehicle parking area" (**Document 11**) - instead it is our view that local residents have informally used the vacant space to house caravans on it for several years. There is plentiful un-restricted car parking space surrounding the site, on Greenlaw Place (see **Document 05 to 08**). There would be no unacceptable adverse impact on the amenity of existing occupiers of nearby properties, as we understand the objectors' concern is about a loss of convenience to residents and not about harm to residential amenity (i.e. noises, smells, light, other disturbance).
5. With regard to the fourth reason for refusal, alleging the proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016), we note this is a repeat of the three reasons

already outlined above as the relevant policies PV2, TC2 and DS4 (being 'other policies') are to be read as part of Policy DS1. It will be argued in the sections ahead, that there are much wider policy considerations within Policy DS1 which support the appeal. They were not given the due weight they deserved when the application was assessed.

6. A material consideration of considerable weight, (and is admissible in this appeal), is the emergence of firm interest to build affordable houses on the site by a Registered Social Landlord (**Document 09**). As such the proposals support Policy TC3 of the Angus Local Development Plan (2016) and contributes to the wider Development Strategy of the Plan itself and meets a recognised shortage in Carnoustie and the East Angus Housing Market Area.

7. A further material consideration is there has already been a precedent set with the Council's approval of change of open space to garden ground for a residential property at 12 Westfield Street, lying 50m from the appeal site. In approving that application, there was no mention of there being a loss of open space, despite this land being identical in form, nature and function to the appeal site. More detail is found in Paragraph 3.45 and 3.46 and supported by **Document 10**.

3.3 Each of these points is expanded in the paragraphs below, with evidence presented and justification given to support the appellants case that planning permission should be granted. Not only do the proposals meet the provisions of the Development Plan, there are also material considerations which are relevant, add weight to and support the appellants case.

1 – RESIDENTIAL SETTING / COMPATIBILITY

3.4 Policy DS1 in the Angus Local Development Plan (ALDP) states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

3.5 The site lies within the Carnoustie Development Boundary (Policy DS1) and is not specifically identified for residential development. However it is also not identified as Protected Open Space (which it is alleged to be by Angus Council). Instead the site is "white land" as shown in the ALDP Proposals Map for Carnoustie. The principle of development on white land within a settlement boundary is acceptable.

3.6 The proposal for six semi-detached 3-bedroomed dwellings, formed over 2 storeys, is compatible with the surrounding residential street scape and layout. The Officer's Report of Handling (**Document 03**) makes several positive comments about the residential setting and compatibility in this context, as follows:

In terms of the residential environment to be provided, the plots would be relatively small but it is noted that the surrounding area is characterised by terraced and semi-detached

properties with similar plot sizes. The houses would have a reasonable degree of privacy and a reasonable quantity of private garden ground. Adequate space would be provided for vehicle parking and turning, and bin and recycling storage

The site contains no designation for natural or built heritage. The proposal is broadly consistent with the character and pattern of development in the area and provides an acceptable design solution as considered against the Design Quality and Placemaking Supplementary Guidance

- 3.7 The appeal proposal also complies with another part of Policy DS1 which has not been afforded due consideration in the Report of Handling. Policy DS1 states “In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported”. The proposal to provide much needed affordable housing, and put this vacant white land space to better use, and where the design and layout is supported by the Planning Authority, cannot simply be cast aside in the determination of this appeal.
- 3.8 Based on all of these points above, Policy DS1’s requirement for proposals that are of an appropriate scale and nature is fully met by the appeal proposal. The principle of building on the land is also acceptable, which means that the planning authority’s reason to refuse the proposal and so protect it from being developed, should not be warranted.

2 – ALLEGED LOSS OF OPEN SPACE (POLICY PV2)

- 3.9 As has been explained above, the site lies in the Development Boundary, and is not designated for any specific proposal in the ALDP. Therefore, the site is NOT, in planning policy terms, ‘Protected Open Space’. This argument is presented in the Open Space Assessment Report submitted with the planning application (Gray Planning June 2019), at Paragraph 4.2 (see **Document 04**). The extract below is from the ALDP Proposals Map for Carnoustie circling the appeal site in red, with all “Protected Open Space” (covered by Policy PV2) shown in green.



- 3.10 The proposed development would result in the loss of vacant land (‘white land’) and not ‘Protected Open Space’. It could be argued the vacant land has some amenity, as all vacant

spaces could be (see paragraph 3.11 below), but the appellants consider this is an acceptable loss of space of limited amenity, in lieu of the appeal proposal which will improve the quality of the surrounding area and return vacant land to a needy use. Housing is an acceptable use in the Development Boundary as confirmed by Policy DS1 (which is met fully by the proposal) and argued in Paragraphs 3.4 to 3.8 above.

3.11 We acknowledge the ALDP sub-text explains “*whilst the ALDP identifies principal open spaces on the Proposals Maps, the policy will apply to all open space areas within development boundaries including other smaller spaces which may not be shown on a map*”. This suggests the appeal site is of much less significance than if it needed to be shown as ‘protected’ on the Proposals Map. We note the sub-text of the ALDP when setting out context for Policy PV2 also states “*The policy aims to ensure that where development is proposed the loss is justified and that compensatory provision is made*”. The loss of a mere 0.16Ha (1600 sq m) of amenity ground at the appeal site can be compensated by the provision of much needed affordable housing, and a high-quality residential development with their own amenity spaces in gardens. The Planning Authority has not objected to the principle of residential development, nor about the site layout and its design, nor of the compatibility of the residential use in terms of effect on existing residential amenity (privacy and overlooking) nor the proposals compliance with garden space requirements. All amenity benefits would be provided by the new development.

3.12 Policy PV2 also explains how proposals need to meet tests against the circumstances that allow for the loss of open space. The four criteria tests are bulleted by the word “or” and so we interpret that not every criterion is necessary to be tested and addressed. Yet the wording of the 2nd Reason for Refusal on this matter states the “*proposal does not meet any of the circumstances that allow for the loss of open space*”. Contrary to the reason for refusal we consider the proposal does meet relevant tests of Policy PV2, as argued below.

3.13 In the Report of Handling, the officer’s comments about the acceptability of the proposal weighted against the Policy PV2 criteria with reference to the four criteria states:

“The proposal to build new housing on this area of open space is contrary to the bullets one, three and four of Policy PV2 because the loss of open space to accommodate a housing development would not be ancillary to the principal use of the site as a recreational resource (i); retention or enhancement of the existing facilities in the area would not be best achieved by the redevelopment of part of the site for private housing and the development would adversely impact on the amenity and biodiversity value of the open space (iii); and the proposal does not propose replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost (iv). “

(page 4 Report of Handling at “Assessment” section).

3.14 By reading of that statement, the proposal is not contrary to bullet two of Policy PV2. i.e. the Planning Officer agrees with the appellant’s evidence submitted in support of the planning application (Open Space Assessment Report, June 2019, See **Document 04**) – that the appellant has demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site. Therefore, the planning application should not have been refused on the grounds that there is a loss of “open space”. There is already an identified excess of open space of this lower tier

amenity space. We shall expand on this confirmation in Section 3.29 of this Statement, which is supported by the details within **Document 04**.

3.15 The Report of Handling seeks to dismiss the credibility of **Document 04**, which is original research conducted by Gray Planning and Development, in the absence of any approved or adopted Open Space Strategy by the Council. There has been no guidance given to the appellants (or for that matter to concerned objectors) on what defines a loss of open space or how that might look in reality, when the fact concluded in **Document 04** is there is an identified excess of open space in Carnoustie and plentiful high quality open space in walking distance of the site and existing homes.

3.16 We submit to the appeal, **Document 10**. This is email correspondence from the planning case officer (Mr Wright) to the appellant agent (Mr Gray), dated 13th August 2019, which Mr Wright did not respond. In the email we suggested:

- The Council has no formally adopted Open Space Strategy. Therefore, in its absence the appellant took best practice from Government advice, neighbouring authorities (rural and urban) and applied the method to reach their conclusions.
- The Council did not challenge the appellants findings on the paucity of their Open Space Audit, nor of the quality or quantity figures produced in **Document 04**
- The Council did not respond to the appellant agents comments on the relevance of the Carnoustie Action Plan – and does not comment on the weight that should be attached to this document which had been through public consultation including views on the high quality of open space available which that document states can compensate for the shortfall.

3 - PROPOSED USE FOR RESIDENTIAL – (POLICY TC2 – RESIDENTIAL DEVELOPMENT)

3.17 The 3rd reason for refusal says the planning authority does not support residential development of the appeal site because in their view the land is protected open space. As such they opine the proposal does not meet the requirement of Policy TC2 for development within the urban area. The authority's rationale therefore is a loss of the open space is not an acceptable loss to make way for new housing. However, we have already argued the appeal site is not protected open space.

3.18 The appeal site is white land, located within the Development Boundary. The appellants also believe that the planning officer's interpretation of Policy TC2 has not been fully worked-through, resulting in an allegation that residential use is not appropriate for this site. The appellants wholly disagree with this when reading and interpreting the policy as a whole, not in part.

3.19 The full text of Policy TC2 for this site lying within the development boundary reads:

“Policy TC2 Residential Development

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

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

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

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

3.20 Taking each of these policy criteria in hand. The proposed development is compatible with the surrounding land uses, being located in a residential area and adjacent to 2-storey semi and terraced houses. The proposal does provide a satisfactory residential environment for the proposed dwellings given the provision of front and back gardens, off-street parking and no issues of overlooking on existing neighbours. The Report of Handling does not mention any concerns about site layout, design or the mix or architectural style of the housing. The Report of Handling confirms there is unlikely to be any amenity issues for neighbouring residents in terms of overlooking or shadowing. Overall, the Report of Handling confirms the proposal would provide a satisfactory residential environment for the proposed dwellings.

3.21 The Report of Handling also refers to there being no unacceptable impacts on surrounding privacy resulting from the proposal. It goes on to say the site contains no designation for natural or built heritage. The proposal is broadly consistent with the character and pattern of development in the area and provides an acceptable design solution as considered against the Design Quality and Placemaking Supplementary Guidance. Therefore, we consider the first three bullet point criteria for Policy TC2 are fully met.

3.22 Regarding the fourth bullet point, to accord with Policy TC3 affordable housing. At the time of the planning application decision, the appellants did not disclose interest from a Registered Social Landlord. The appellants sought out the RSL who want to build 100% affordable housing on the site. The appellants had confirmed with them an acceptance of the site design and layout for the RSL’s requirements (See **Document 09**). Subject to the appeal being allowed, the beneficial prospect for affordable housing would also fully meet the requirements for Policy TC2.

3.23 The remaining text for Policy TC2 picks up the Planning Authority’s specific concern to refuse the proposals - on grounds that the site is (allegedly) allocated for another use, ‘open space’. We note this is the only part of a very broad-ranging development plan policy upon which the planning authority has decided upon to refuse the proposals. We note this is despite an overwhelmingly strong compliance of the proposals with much of the broad-ranging policy. As has been stated earlier, the appellants contest this is not an open space site, so therefore the policy test for Policy TC2, that it is protected for another use, should not have been applied.

Gray Planning Open Space Assessment Report – June 2019

- 3.24 In the absence of Angus having their own open space strategy, the appellants produced their own assessment based on assessments done by other authorities (rural and urban Dundee, Fife and Aberdeenshire). The full document is found as **Document 04**.
- 3.25 **Document 04** indicates that there is an excess of accessible open space serving the neighbourhood, at the appeal site. Document 04 indicates that the quantity of open space in Carnoustie overall already more than meets the Council's own standard indicated in Policy PV2. As previously stated, the site is not considered to be protected open space.
- 3.26 The Report of Handling fails to make any comment on the results of the Open Space Assessment, despite the points made above, which is very concerning. The appellants want to present the strongest message of the following facts concluded from the study:
- The appeal site is not considered to be “protected open space”.
 - According to Greenspace Scotland guidance, the appeal site is open space at the lowest tier of the standard hierarchy of Greenspace: it is unprotected local residential amenity land.
 - Close and nearby, there are several examples of protected greenspace at local, neighbourhood and settlement-wide grades, including the following uses: public parks, residential amenity land, playparks, wooded areas and recreation pitches.
 - Nearby Pitskelly Park, at almost 10Ha of space would be classified as a “city-wide public park” if applying the Dundee Open Space methodology - it lies just 190m from the appeal site. All very accessible high-quality open space.
-
- Carnoustie already qualifies by Angus Council's own open-space quantity standard (of 2.4Ha of open-space per 1000 inhabitants), to have enough open space per head of population.
 - Discounting the Championship golf course, but including every other area of protected open space in the ALDP, there is 3.1Ha of open space for every inhabitant of Carnoustie compared with the standard of 2.4Ha.
 - This amount of provision does not even include a calculation of ‘white-space’ residential amenity land.
 - Within the datazone boundary surrounding the proposal site (the yellow line in Appendix 3 See **Document 14**), there is about 1 Ha of significant areas of Residential Amenity space. This does not include the Barry Burn riparian corridor that flows through the datazone, nor does it include all the smaller areas of Residential Amenity space that could be included.
- 3.27 Accessibility to other open space from the site, and from the datazone in which it sits.
- All three types of open space hierarchy levels (Local, Neighbourhood and Settlement-wide) can be accessed within threshold standards from both the appeal site and its surrounding datazone.

- This includes public parks, residential amenity land, playparks, wooded areas and recreation pitches.
- **Document 14** shows there is 13.6 Ha of publicly accessible open space within 300m of the development site.
- **Document 14** shows there is 3.6 Ha of publicly accessible open space within 600m of the furthest reaches of the datazone within which the appeal site lies.
- Accessibility of all other green spaces lie within the threshold standards of Aberdeen's and Dundee's Open Space strategies which were used for comparable purposes as the methodology in the absence of any Angus Open Space strategy.

- 3.28 The Open Space Assessment Report demonstrates that in Carnoustie there is an excess (13.6Ha) of open-space of a wide variety of types (public parks, residential amenity land, playparks, wooded areas and recreation pitches) within accessible distances from the appeal site.
- 3.29 Regarding residential amenity space itself (Policy PV2 requires “*an identified excess of open space of that type*” to be shown), it can be shown that within the datazone in which the appeal site is situated, there is already around 0.8 Ha of Residential Amenity space, not including the development site.
- 3.30 In addition, just on the fringe of the datazone, there is a further 0.6 Ha of residential amenity space. (These are indicative figures and do not include every single small pocket of residential amenity (grass verges for example), that could be taken into account within the datazone).
- 3.31 In the absence of a policy in the ALDP actually **defining the threshold standard of required residential amenity space**, no assessment of whether this amount of residential amenity space is enough can be made. However our evidence shows there is an excess across the town, and there is plentiful open space within 300m and 600m walking distance from the appeal site. These standards are compliant with other local authorities' standards.
- 3.32 In light of the above, it is contended that the requirements of policy PV2 have been met, and that it has been “*demonstrated that there is an identified excess of open space*” in the area, enough to justify the development of this appeal site.
- 3.33 Development resulting in the partial loss of open space at the designated site in Westfield Street is therefore justified against Policy PV2.
- 3.34 Two Appendices in **Document 04** summarise the analysis. The diagrams show the data zone (i.e. the population making up a post code sector), which represents the per head of population ratio of 1000 inhabitants. These diagrams are reproduced at larger scale at **Document 13** and **Document 14** for better clarity.

3.35 **Document 13** shows the following amenity and formal open space available for recreation and other activity as listed in Policy PV2, which is all within the guideline walking distance and the total amount of space provided is 13,58Ha:

Open Space Type and name	Distance from development site	Comment
Pitskelly Park (Public Park) 9.7Ha	190m	The walking distances are all within the required 300m and 600m national guideline for accessibility on foot to access public space for recreation and amenity.
Semi-natural ground to north of site Greenlaw and Ravensby Park (Neighbourhood Park) 2.6Ha	94m	
Burnside Park School Playing Field (local Park and open space) 0.36Ha	135m	
Space at Ravensby Road (local park and open space) 0.22Ha	71m	
Space at Macdonald Smith Drive (local park and open space) 0.77ha	280m	

3.36 This analysis shows there is a significant amount within the required walking distance. It also shows the spaces are of higher quality and status of open space and amenity value than the appeal site, which would offer excellent access to open space, in terms of Policy PV2.

4– ALLEGED LOSS OF ‘VEHICLE PARKING AREA’

3.37 The 3rd reason for refusal in the Decision Notice claims that the proposal is unacceptable because there would be an alleged loss of car parking which would “*have an unacceptable adverse impact on the amenity of existing occupiers of nearby properties*”. As such the planning authority considers the proposal is not compliant with ALDP Policy DS4.

3.38 From our reading of ALDP Policy DS4, this policy is intended to protect the amenity of residents from environmental impacts, such as noises, odours, air quality, vibrations, light pollution, bin collection, overlooking, loss of privacy. There is no indication that the appeal proposal would create such environmental impacts on neighbours or the residential surroundings. It is unclear therefore, how the alleged loss of a ‘vehicle parking area’ could result in unacceptable environmental impacts listed above. It will also be demonstrated that the amenity of existing occupiers of nearby properties does not include any right for them to have the convenience to park caravans on the land, over an extended period of many years.

3.39 The parking of caravans on the appeal site is itself unacceptable as the caravans should be parked on private driveways or in a managed parking area. The parking of cars on the appeal site should also not be necessary as there is evidence of plentiful uncontrolled on-street parking in Westfield Street, Greenlaw Place and nearby around Ravensby Place. See **Documents 05 to Document 08** showing an aerial photograph and Street View by Google images of the appeal site and the evidence of vehicles parked on the site. We wish to highlight the images taken 2008, 2009 and 2016 show one specific caravan has not moved from its position in the 9-year period of these images being recorded. Another caravan has not moved from its position. We also highlight the wide availability of unrestricted parking opportunities for vehicles through each year of the images outwith the appeal site on the adjoining streets.

There is no evidence from these images that suggests the streets are controlled, or that the amount of parking would result in unacceptable congestion or loss of amenity to residents. Therefore we are unclear why any loss of this 'vehicle parking area' would cause an unacceptable impact on occupants of nearby residents. In the case of the caravan we note the origin of one objection is from several streets away.

- 3.40 The appellant notes the Report of Handling statement on those representations concerned about loss of vehicle parking, stating "*Those objections indicate that there is a demand for parking in the surrounding area*" – however our analysis above and visual inspection of the appeal site will disprove there to be any demand for parking which would place excessive pressure on the supply. The origin of the objections on this matter are also not from the surrounding area.
- 3.41 There was no evidence presented by objectors to indicate that the appeal site is the only available and suitable parking space. It is the appellants view that objections on this matter have come from people who have enjoyed the convenience of free parking, over a very long period of time,
- 3.42 There is no evidence from visual inspection of the street that there is any intention of the Roads Authority to encourage parking in the 'vehicle parking area' such as deployment of white lines, or markings to indicate parking provided for the benefit of residents. However these matters do not appear to be relevant cause to refuse the planning application against Policy DS4 which is interpreted to be designed to protect existing and future residential occupants from environmental impacts that might disturb or upset the peace and enjoyment of their homes.
- 3.43 Turning to the alleged loss of public footway, the appellants are taking further legal advice with regard to the legality of the current claimed position stated by the Roads Authority. In the Roads Authority consultation response (Traffic Manager, Roads 31.07.19), with follow up email of 26.08.19 (**Document 11**), their analysis of the ownership and history is very thin, referring to online screen shots of past digitised records which are inconclusive. The appellants are concerned that the planning officer decision has been influenced by the Traffic Manager's advice taking it for what was written too him, without further investigation. Document 11 suggests that the Roads Manager had relied on historic record and without current analysis of what the situation actually is on the ground. The remarks which state "*we believe that the development "encroaches" onto the public road network and therefore the Roads Scotland Act 1984 supersedes the land ownership*" does not explain why or how the proposed development may provide mitigation or other remedy to work with the matter.

5 – WIDER POLICY COMPLIANCE WITH POLICY DS1

- 3.44 The fourth reason for refusal generally comes about because the proposal has allegedly failed to comply with Policies PV2, TC2 and DS4 as reviewed above. The Planning Authority considers the proposals do not meet Policy DS1 because of failure to comply with other planning policy. However there are wider considerations relating to matters of design and place making quality, and amenity issues concerned with Policy DS1 which are fully met by

the proposed development. On balance, it is the appellants view that not enough weight has been attached to the positive aspects of the proposal, rather only the alleged loss of open space and loss of vehicle parking being foremost in the planning authority's decision.

- 3.45 The appeal site is an unidentified site ('white land') within the development boundary. It is therefore a proposal that should be supported as it has been demonstrated that it is of a scale and nature appropriate to the location.

6 - AFFORDABLE HOUSING NEED

- 3.46 The Angus Local Development Plan, Policy TC3 (Affordable Housing) pre-text states the background to identifying what is a shortfall and substantial backlog in need for affordable housing within Angus, including Carnoustie. The TAYplan Housing Need and Demand Assessment (HNDA) (December 2013) identified the substantial backlog and directs the Local Development Plans and planning authorities working with the housing authority to deliver on the need. The appellants have been working closely with Hillcrest Housing Association, who are acting on the positive recommendations of Angus Council housing authority to take on the appeal site to meet the substantial backlog of housing need. The appellants approached them.
- 3.47 **Document 09** confirms interest in developing the appeal site from Hillcrest Housing Association, who are a Registered Social Landlord. Their letter of support confirms the scale and type of house, along with the general location in west Carnoustie meet their funding requirements and the scheme is backed by the Scottish Government.
- 3.48 The letter of support also confirms that they have already been in close communication with Angus Council Housing Service, via the local statutory authority letting centre which has advised the following housing need for the area including 112no.. 2 bedroom and 62no. 3-bedroom affordable homes. The appeal proposal will contribute to that need which is believed to be in the short term an acute need.
- 3.49 Hillcrest has had initial discussions with the local authority to include this project in their Strategic Housing investment Plan (SHIP) with potential funding for the site purchase in the 2022/23 financial year.

7 – PRECEDENT NEARBY

- 3.50 Angus Council has recently approved a planning application for change of use of use of open space to garden ground, situated 50m from the appeal site at nearby 12 Westfield Street (ref 13/00657/FULL) see **Document 12** (Minute of Meeting of Angus Council of 23rd August 2013, Item 6 Refers).
- 3.51 The land was approved for a change to garden ground. Previously this land was low tier amenity space of the same description as the appeal site. We note the Report of Handling for that application did not raise any concerns about the loss of open space, nor was the proposal deemed contrary to Policy TC2 or Policy PV2. Therefore, we consider there is precedent for the loss of low tier open space, in a location close to the appeal site.

4 CONCLUSIONS

4.1 This Grounds for Review statement sets out the appellants case, that the reasons for refusal can be set aside, and planning permission should be granted. This is because:

- The appeal site lies in the development boundary of Carnoustie and the site itself is white land where the principle of building on it is supported by ALDP Policy DS1.
- The appeal site is one of many areas of one of the lowest tiers of amenity space which offers no formal recreational, sporting or other beneficial use and it is not protected in the fashion that other green spaces are protected by ALDP Policy PV2.
- The Grounds for Review has demonstrated that the appeal proposal meets an acceptable criterion in Policy PV2, that there is a demonstrated excess of open space of this type which makes it acceptable to lose the very small area for a much needed use.
- The Grounds for Review has demonstrated that there is adequate compensatory other areas of accessible (walkable) open space of much higher quality, nearby for the enjoyment of existing residents and future occupants of the appeal site.
- The appeal proposal design and layout of the proposed dwellings are deemed acceptable to the Planning Authority – this includes favourable comments on the provision of residential amenity to existing residents and for future occupants of the new homes
- The Planning Authority has commented on the favourable and compatible nature of the proposed use in terms of the predominately residential area and the character of the street scape to accommodate the new dwellings
- The appellants provided a detailed bespoke assessment of the provision, quality and quantity of open space in support of its planning application. In the absence of Angus Council having one. It is not clear that the Planning Authority took much cognisance of the information as the provision and quality of spaces meets with the thresholds of other local authority open space assessments.
- The concerns of objectors, some of whom are found to not be resident in surrounding streets, over the issue of loss of vehicular parking space, does not equate to the perception that the appeal proposal would diminish their residential amenity as defined in Policy DS4. None of the environmental impacts that could affect residential amenity listed in Policy DS4 would occur as a result of the appeal proposal. Therefore it is unclear why the Planning Authority has chosen to refuse the planning application on such grounds.
- The reason given by the Roads Manager to uphold the concern of loss of vehicular parking spaces and the status of the footway and accepted without question by the planning officer is puzzling. There has been limited evidence put forward by the Roads Manager or the planning authority to support the notion that the highway is being ‘encroached’ by the appeal proposals.
- The Report of Handling places considerably less weight on the positive benefits and merits of the appeal proposal, instead placing greater weight on the allegations of loss of open space and loss of a parking area.
- On balance, given the creditable proposals for design, layout, attention to residential amenity all compliant with ALDP Policy DS1, and the very real prospect of the development being suitable to provide much needed affordable housing (compliant with ALDP Policy TC2 and TC2) then the Local Review Body should pay careful attention to the positive benefits this appeal proposal will bring.

-
- 4.2 The proposal is therefore not contrary to the Angus Local Development Plan. It meets Local Plan Policies DS1, DS4 and TC2 and TC3. For the reasons given in this statement, the reason to refuse the proposal on Policy PV2 is not correct given the appellants provided satisfactory evidence to show there is sufficient amenity space in Carnoustie and that compensatory open space is plentiful and very accessible nearby. The reason to refuse on the grounds of losing parking space as it would bring an unacceptable impact to nearby occupants is also wrong as the Policy DS4 is designed to protect residents from environmental nuisances, not a loss of convenience.
- 4.3 It is respectfully requested therefore that the Local Review Body reconsider the proposals and find favour with the arguments set out in this Review and grant planning permission.



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

PLANNING PERMISSION REFUSAL
REFERENCE : 19/00481/FULL

To **GS Brown Construction Ltd**
c/o Gray Planning & Development Ltd
Neil Gray
AYE House
Admiralty Park
Rosyth
Dunfermline
KY11 2YW

With reference to your application dated 3 July 2019 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of Six Dwellinghouses, Landscaping and Parking at Land At Barry Road/ Westfield Street Carnoustie for GS Brown Construction Ltd

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

The reasons for the Council's decision are:-

- 1 The proposal is contrary to Policy PV2 of the Angus Local Development Plan (2016) because the development would result in the loss of open space and the proposal does not meet any of the circumstances that allow for the loss of open space.
- 2 The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the site is protected open space and residential development is not supported where the site is protected for another use.
- 3 The proposal is contrary to Policy DS4 of the Angus Local Development Plan (2016) because the development would result in the loss of a vehicle parking area and a section of footway on the adopted road which would have an unacceptable adverse impact on the amenity of existing occupiers of nearby properties.
- 4 The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV2 and DS4.

Amendments:

The application has not been subject of variation.

Dated this **10 September 2019**

Kate Cowey - Service Leader
Planning & Communities
Angus Council
Angus House
Orchardbank Business Park
Forfar DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

Telephone 01307 492076 / 492533
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



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

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

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

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

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

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



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

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

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

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

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

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

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

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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

Angus Council

Application Number:	19/00481/FULL
Description of Development:	Erection of Six Dwellinghouses, Landscaping and Parking
Site Address:	Land At Barry Road/ Westfield Street Carnoustie
Grid Ref:	354557 : 734421
Applicant Name:	GS Brown Construction Ltd

Report of Handling

Site Description

The application site is located to the south of Barry Road, Carnoustie and measures approximately 1591sqm. The site currently contains an area of open space to the north and an area of the public road on Greenlaw Place (namely a footpath and parking area) to the south. The site is bound by Westfield Street to the east and Greenlaw Place to the south. Housing surrounds the site on its east, south and west sides. The site also contains a fenced off area which appears to be used for parking associated with the property at 14 Greenlaw Place. There are trees in the north west corner of the site.

Proposal

Planning permission is sought for the erection of 6no. semi detached dwellings. The proposed semi detached dwellinghouses (all 3 bedroomed properties) would front onto Greenlaw Place to the south and would be 8.2metres in height (to ridge). The plot sizes range between 178sqm and 228sqm. Off-street parking is proposed from Greenlaw Place to the south and 1.8m high timber fencing is proposed along the north and east boundaries of the site (Barry Road and Westfield Street). The application form indicates that the dwellings would connect to the public foul drainage network but arrangements for surface water management are unclear.

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 12 July 2019 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

00/00925/OUT – Outline Erection of Eight Dwellinghouses and Associated Parking on the site was withdrawn prior to determination.

Applicant's Case

A Planning Statement and an Open Space Assessment Report were submitted as part of the application and can be summarised as follows:

Planning Statement & Cover Letter (Dated 21 June 2019):

- o Site is within ownership of GS Brown;
- o The applicant has been unable to ascertain responsibility for management of the current road and parking and therefore consider the site is not formally adopted for parking, recreation or any other function;
- o Describes planning history (advises no site specific history) and content of pre application advice;
- o Advises existing trees retained and only thinning proposed;
- o Provides a development plan policy context (DS1, DS2, DS3, TC1, TC2, DS4, PV2, Advice Note 14: Small Housing Sites) and also refers to Scottish's Planning Policy 2014.
- o Refers that the open space assessment report prepared seeks to comment on the significance of the loss of a small open space which has limited functional benefit, and which will be in part retained to provide the setting and landscape background to Barry Road. It concludes that the small loss of open space is justified;

Open Space Assessment Report (Addressing ALDP Policy PV2) Dated June 2019

- o The report indicates that there is an excess of accessible open space serving the neighbourhood in question. It indicates that the quantity of open space in Carnoustie overall already more than meets the council's own standard, indicated in policy PV2;
- o Indicates that the site is not considered to be protected open space;

Further supporting e-mails from the applicant have been submitted and these are again summarised as follows:

E-mail 29/07/19 from agent:

- o Indicates that in the absence of Angus having their own open space strategy the applicant produced their own assessment based on assessment made by other authorities.
- o Raised concerns that the Parks Department response is general and requested a copy of the open space audit.

E-mail from agent 13/08/19:

- o Noted Open Space Strategy does not currently exist;
- o Noted the Open Space Audit (Technical Report) on the Carnoustie Action Plan states "In terms of the quantity of open space Carnoustie is just below the Angus Council standard with 2.10 hectares of open space (public parks & gardens, publicly accessible privately owned parks and amenity greenspace) per 1,000 population;
- o Opines that the supporting information provided by the applicant justifies the small open space loss. Within a short accessible distance on foot or cycle, the quality of open spaces nearby is able to compensate for the small reduction in provision;
- o In terms of the Priority Actions as recommended in the audit, the Action Plan for Carnoustie does not signal any need or priority for 'adding to open space provision' inferring satisfaction of the high quality of available space that compensates for this small shortfall;
- o Concludes that the open space type being scrutinised in this planning application did not merit inclusion in the Open Space Audit. Angus Council has no Open Space Strategy in place and therefore cannot fully justify the full application of Policy PV2 (Open Space Protection);
- o Highlights that the Carnoustie Action Plan states that the quality of facilities and their accessibility can compensate for a short fall in quantity of provision. The current application site area of open space is negligible in terms of its provision and there are ample other quality open spaces nearby of high quality and good accessibility;
- o Concludes the Action Plan does not single out the protection or retention of amenity spaces as part of the Priority Actions for Carnoustie.

Consultations

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

Angus Council – Roads - Objects to the application because the footprint of the development would

encroach on to the existing public footway and carriageway which is currently used as a car parking area for residents in Greenlaw Place.

Scottish Water - No objections.

Angus Council – Flood Prevention - There was no response from this consultee at the time of report preparation.

Angus Council – Parks And Burial Grounds - Angus Council appointed a consultant in 2017 to undertake an Open Space Audit in Angus and the preparation of the associated Angus Open Space Strategy is currently underway. The Open Space Audit assessed open space areas against quantitative, qualitative and accessibility standards and indicates that Carnoustie does not meet the required quantity standard of 2.43 hectares of open space per 1000 head of population. The Parks and Burial Grounds Department concluded that the Open Space Assessment Report on the provision in Carnoustie carried out by Gray Planning is not comparable to the Angus Council Open Space Audit.

The Parks and Burial Grounds Department also raised concerns regarding the proposal because the remaining areas of open space following completion of the development would severely restrict the usability of the area for the wider public and the remaining areas would not represent usable open space.

Representations

23 letters of representation and a petition of 43 names objecting to the proposal were submitted and the content of these can be summarised as follows:

- Loss of car parking spaces / insufficient parking at present;
- Roads safety matters / visibility at roundabout being impaired; traffic congestion; pedestrian safety;
- Impacts on Environment (CO2 emissions);
- Loss of green spaces and loss of wildlife;
- Amenity impacts;
- Drainage concerns – existing drainage system not functioning properly;
- Concerns regarding refuse collection problems due to narrow road;
- Medical centre at capacity;
- Contrary to the development plan.

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 PV2 : Open Space Protection and Provision within Settlements
Policy PV7 : Woodland, Trees and Hedges
Policy PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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

Assessment

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

Policy DS1 in the Angus Local Development Plan (ALDP) states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

Policy PV2 relates to open space protection and provision within settlements. It states that Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. It indicates that development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted in certain circumstances which include:-

- where the proposed development is ancillary to the principal use of the site as a recreational resource; or
- where it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- where the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- where replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

In addition to the more formal parks and larger areas of open space, Policy PV2 also applies to smaller areas of open space not identified on the proposals map such as the application site. The narrative associated with the policy indicates that open spaces will be protected from development which would erode the function or characteristics for which they are valued.

The proposal to build new housing on this area of open space is contrary to the bullets one, three and four of Policy PV2 because the loss of open space to accommodate a housing development would not be ancillary to the principal use of the site as a recreational resource (i); retention or enhancement of the existing facilities in the area would not be best achieved by the redevelopment of part of the site for private housing and the development would adversely impact on the amenity and biodiversity value of the open space (iii); and the proposal does not propose replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost (iv).

The applicant has provided supporting information suggesting that there is an identified excess of open space in the area and they consider that the proposal is compatible with the second test of Policy PV2.

Angus Council's 2017 Open Space Audit identifies that Carnoustie has a deficiency in the quantity of available open space, with approximately 2.10 HA of open space per 1000 head of population against a standard of 2.43 HA per 1000 head of population. While the Council's Audit does not deal with smaller sites of less than 0.2HA including the application site, it cannot reasonably be concluded that Carnoustie has an excess of open space justifying the loss of this area for new housing where the Council's audit identifies a deficiency; and it would be undesirable to see the piecemeal loss of areas of open space which are valued by the community.

The development proposed would result in the majority of that area of open space being removed to make way for new housing. The open space within the site falls into the typology of 'amenity greenspace' or 'semi-natural greenspace' as defined by Planning Advice Note 65 and that document is clear in indicating that 'poor maintenance and neglect (of a greenspace) should not be used as a justification for development for other purposes'. Small greenspaces such as that found within the site are typical of the housing development around the Westfield Street / Ravensby Road area to the south of Barry Road and they are valuable in providing a spacious and green setting to those housing areas. They provide amenity value to residents and also have a biodiversity value, particularly in areas where there are trees or other vegetation. Greenspaces such as the site (whether maintained or more natural in appearance) also have a townscape value which would be lost were the site developed. That value would be lost even if compensatory greenspace was provided elsewhere. It is clear from the objections to the application that the greenspace within the site is valued by the local community and it would not be desirable to see open space areas such as this removed to make way for new housing, particularly where

the Council's Audit identifies a deficiency in the quantity of open space in the town. The Parks Service has been consulted on the proposal and has indicated that the area of open space that would remain after the proposed housing is constructed would offer limited usability and would be severely restricted for use by the wider public. The remaining area would not offer the same benefit as the existing space to the amenity of the area.

The proposal is considered to be contrary to Policy PV2 because the proposal fails to satisfy any of the circumstances where the loss of open space is acceptable. The proposal is also contrary to Policy TC2 because proposals for residential development in development boundaries are only supported where the site is not protected for another use and the site is protected open space under Policy PV2.

The development would also involve the loss of a parking area and footway on the north side of the public road at Greenlaw Place. Policy DS4 indicates that the Council will consider impacts of development on a number of matters including car parking and impacts on highway safety (amongst other things) and states that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of occupiers of adjoining or nearby properties. The proposal has attracted objection from residents in the area raising concerns regarding the loss of the parking area and footway. Those objections indicate that there is a demand for parking in the surrounding area and the parking area that would be lost as a result of the proposal is needed by residents in the area. The Roads Service shares those concerns and has objected to the proposal on the basis that the proposed development encroaches onto the public footway and an area which is currently used as a car parking for residents in Greenlaw Place. On that basis the proposal is considered to be contrary to Policy DS4 because the development would result in unacceptable adverse impact on the amenity of occupiers of nearby properties due to the loss of car parking on Greenlaw Place.

The proposal is contrary to policies PV2, DS4 and TC2 for the reasons given above. For completeness, the remaining policy tests are addressed below.

Policy TC2 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.

The application site is located in a predominantly residential area and there are no conflicting land uses which would render residential use of the site unsuitable.

In terms of the residential environment to be provided, the plots would be relatively small but it is noted that the surrounding area is characterised by terraced and semi-detached properties with similar plot sizes. The houses would have a reasonable degree of privacy and a reasonable quantity of private garden ground. Adequate space would be provided for vehicle parking and turning, and bin and recycling storage.

The site contains no designation for natural or built heritage. The proposal is broadly consistent with the character and pattern of development in the area and provides an acceptable design solution as considered against the Design Quality and Placemaking Supplementary Guidance. The proposed rear timber boundary fences would not be appropriate along Barry Road and the Design Quality and Placemaking Supplementary Guidance indicates that *boundaries that abut public spaces and routes should be attractive using high quality materials including walls, quality landscaping and railings. Large areas of fencing... will not be acceptable where they form a public/private interface.* This matter could be dealt with by planning condition requiring erection of a boundary wall were the proposal otherwise acceptable. The development would not result in any significant direct or indirect impacts on the natural or built environment.

There would be adequate separation between the proposed dwelling and existing dwellings having regard to council guidance. There would be no unacceptable impacts on surrounding privacy resulting from the proposal.

The proposed dwellings would connect to the public drainage network and public water supply. Scottish Water has offered no objection to the proposed foul drainage and water supply arrangements. The application form indicates that surface water would not be managed by means of sustainable drainage. However there is a requirement for sustainable drainage of surface water to allow compliance with Policy PV15. This matter could be regulated by condition were the proposal otherwise acceptable.

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance and there is no reason to consider it would result in unacceptable impacts on infrastructure.

A number of representations have been submitted objecting to the proposal. The loss of open space and an area of footpath and parking on Greenlaw Place to facilitate the erection of new housing is contrary to policies of the development plan for the reasons described in the assessment above. The comments regarding visibility at the junction are noted but the proposed development would not impinge on visibility at the roundabout at the junction of Westfield Street and Barry Road. In terms of drainage, the houses would connect to the public foul drainage network and Scottish Water has offered no objection to that arrangement indicating that there is currently capacity in Hatton Waste Water Treatment Works. Surface water arrangements could be dealt with by planning condition were the proposal otherwise acceptable. There is no current requirement to contribute towards increasing capacity at the medical centre in Carnoustie identified in the Council's Developer Contributions and Affordable Housing Supplementary Guidance.

In conclusion the application for erection of housing located on an area of open space and on an area of the adopted road used for parking and pedestrian access is contrary to policies of the development plan. There are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

Human Rights Implications

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

Equalities Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The proposal is contrary to Policy PV2 of the Angus Local Development Plan (2016) because the development would result in the loss of open space and the proposal does not meet any of the circumstances that allow for the loss of open space.
2. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) because the site is protected open space and residential development is not supported where the site is protected for another use.

3. The proposal is contrary to Policy DS4 of the Angus Local Development Plan (2016) because the development would result in the loss of a vehicle parking area and a section of footway on the adopted road which would have an unacceptable adverse impact on the amenity of existing occupiers of nearby properties.

4. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV2 and DS4.

Notes:

Case Officer: James Wright
Date: 29 August 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 PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource;
- or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network

wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV7 : Woodland, Trees and Hedges

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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



GRAY PLANNING
AND DEVELOPMENT

2018-52

21st June 2019

Angus Council
Planning & Building
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Emailed to: plnprocessing@angus.gov.uk

Dear Sir/Madam

APPLICATION FOR FULL PLANNING PERMISSION – ONLINE REFERENCE 100169900-001

**SITE AT GREENLAW PLACE / WESTFIELD STREET, BARRY ROAD, CARNOUSTIE DD7 7NG
ERECTION OF 6NO. DWELLINGS, LANDSCAPING AND PARKING**

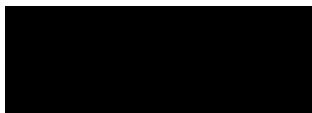
We are instructed by GS Brown Construction Ltd, owner of the site at Greenlaw Place, to seek full planning permission for the above proposed development. The application has been electronically submitted with reference 100169900-001.

The application comprises the following:

- Location Plan
- Existing Block Plan Drawing Ref: BRC-A-000
- Proposed Block Plan Drawing Ref: BRC-A-001 (Rev A)
- House Types Floor Plan and Elevation Semi Detached House Type 1 Drawing Ref: (PL) A100 and House Type 2 Drawing Ref (PL) A110
- Open Space Assessment Report, prepared by Gray Planning & Development; and
- This letter which follows a Planning Statement in support of the proposals.

The requisite fee for a planning application of this nature, of £2,406, has been paid to Angus Council via telephone. Should you require any further information to assist in determining the application, please contact me in the first instance.

Yours sincerely,



Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd
E: neil@grayplanning.co.uk
M: 07514 278498

SUPPORTING PLANNING STATEMENT

1. INTRODUCTION

PLANNING STATEMENT PURPOSE

Erection of 6no. Dwellings, landscaping and parking site at Greenlaw Place / Westfield Street, Barry Road, Carnoustie DD7 7NG.

This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicants, GS Brown Construction Ltd. The purpose of this Planning Statement is to provide a clear description of the detailed proposals being submitted for the approval of Angus Council; to set out the facts relating to location; content of the proposals; planning history, and an assessment of the relevant development plan policies that are considered pertinent to the determination of the planning application; and any other material considerations relevant to the application. To that end, please refer to the submitted Open Space Assessment Report which justifies the proposals in terms of the change of use from public grassed area and its suitability for residential use as proposed.

This detailed planning application provides information about the type, form and location of the proposed new houses, access and parking arrangements, garden ground and amenity arrangements, drainage and infrastructure proposals and a justification for the development of the site as per the accompanying Open Space Assessment Report. Detailed drawings to describe and explain these proposals is submitted.

In line with the Development Management Regulations (Scotland) 2013 (DMR), should the planning authority consider that it requires further information to enable it to properly assess these proposals, then the applicant will make reasonable effort to provide the additional information, if requested (DMR Regulation 10).

2. SITE DESCRIPTION

The application site is flat, grassed / softly landscaped, with a few trees on the north western corner boundary. The site includes a tarmacked surfaced hard-standing area where it is currently noted cars and other vehicles are parked informally. Desire lines indicate the grassed area is used to short cut to Barry Road, whereas there are several existing footway systems also available. The site appears to be used for dog exercising but no evidence of formal or informal play or recreation. It has little or no sporting, recreational, landscape, wildlife, amenity, food production, access or flood management value. The site hard standing appears to be used for informal public car parking, presumably for nearby residents.

The red line boundary for the site, measuring 1636 sq m, is entirely within the private ownership of GS Brown Construction Ltd. The land was disposed by the then Provost of the Burgh of Carnoustie District to Edinview Properties in 1975. GS Brown Construction assumed the Edinview Properties portfolio in the early 1980's. Recent enquiries (during 2018) to Angus Council to clarify the responsibility for management of the current road and parking position, has to date, not been responded to confirm or deny the Council's adoption of the road way. Therefore we consider the site is not formally adopted for parking, recreation or any other function.

The site sits on the corner of Greenlaw Place and Westfield Street and fronts Barry Road. This is a predominately residential location. The surrounding street scape comprises semi-detached and terraced 2-storey dwellings positioned in gardens laid to front and rear, with private parking in driveways (no garaging noted). These existing homes date from around 1970-1980.

On Barry Road itself, the site sits opposite vacant ground on both the east and west arms of the existing roundabout. We note these two sites are allocated in the Angus Local Development Plan for future residential development (Sites C2 and C3). Barry Road transecting these two development sites is the main entrance into Carnoustie from the west via the A92.

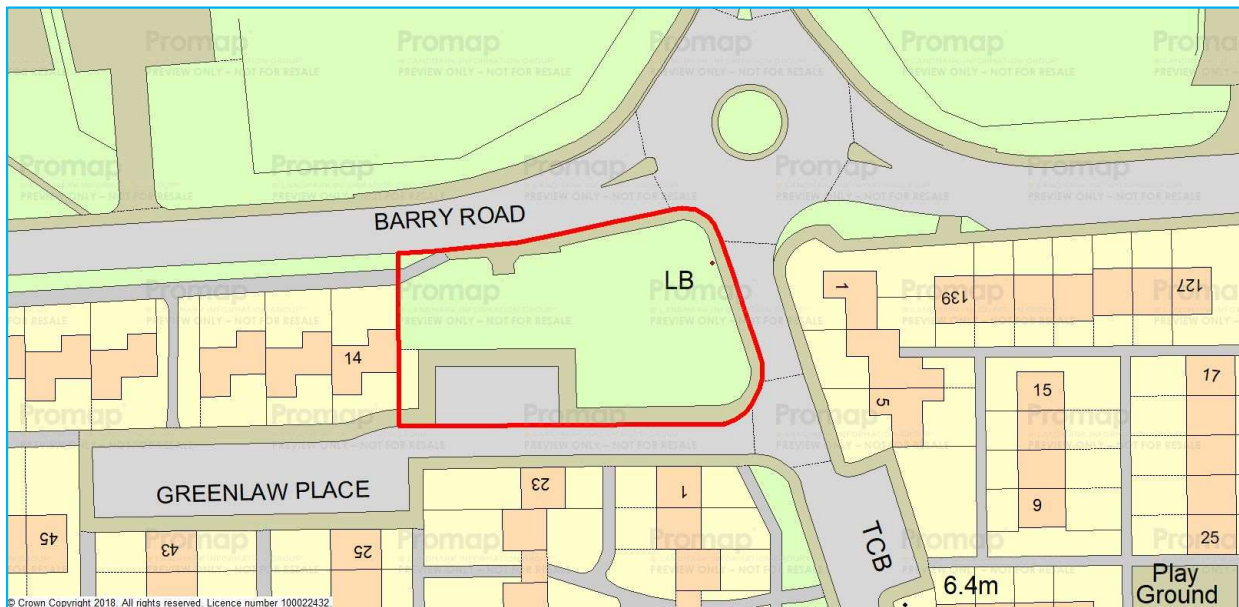


Figure 1. Indicative Location Plan

Barry Road itself is a main public transport route. There is a bus stop lying 10m from the development site (Stop Reference 26423878), offering StageCoach Services 73, 73A and 81, linking to Carnoustie High Street and onward to Dundee and other local stops.

The site is accessed via Greenlaw Place, off Westfield Street, from a point 20m from the Barry Road roundabout. It provides excellent access to the following local amenities and services:

- Burnfield Primary School, about a four minute walk (0.2 miles)
- Carnoustie High School to the north east via the promoted Carnoustie Path Network cycle and footpath (being Core Paths 175 and 176) starting just off Barry Road across farm tracks to the High School.
- Carnoustie Rail Station at (just over 1 mile walk) or Barry Rail halt 14 minutes walk.
- Leisure Centre, shopping and amenities in the town centre about 1 mile walk.
- Dundee and Angus towns beyond, via the A92 nearest junction about 5 miles.

PLANNING HISTORY OF SITE

There are no specific planning applications historical to this site. However it is relevant in the context of material considerations to note the following, which is a nearby planning proposal for change of use of open space or other amenity spaces, to uses of a residential character – such as change to private garden ground.

Planning Reference	Description	Address	Status
13/00657/FULL	Change Of Use From Public Grassed Area To Garden Ground (With Three Foot Wooden Fence)	Land 5M West of No 1 Westfield Place, Carnoustie About 50m from the proposal site.	Permitted with no conditions

In the Council's report of handling, recommending approval to Committee in 2013, the report states: *"This area of land is characteristic of the layout of the housing estate but is of little sporting, recreational, or nature conservation value. Whilst the open space has some amenity value in terms of contributing to the appearance of the area such contribution is limited and its incorporation into the garden of the property is not considered to adversely affect the amenity of the area. It is relevant to note that there are larger open space amenity areas in the vicinity. As such, the loss of this small area is considered acceptable under Policy SC32. "*

PRE-APPLICATION ADVICE

The applicants formally requested pre-application advice by reference 18/00329/PREAPP which was received from Angus Council on 29th May 2018, from planning officer James Wright.

In the officer's initial assessment expressed concerns with the principal of housing on the site.

The officer advised it was his view the site appears to be classified as open space, where Policy PV2 of the Angus LDP relates to this. He opined development involving the loss of open space (including

smaller spaces such as this land, not identified on the Proposals Map) may only be permitted in certain circumstances. He felt the proposed development is not ancillary to the principal use of the site as a recreational resource and it had not, at that time, been demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site. Please refer to the applicant's submission of an Open Space Assessment Report in response to the concerns.

The officer noted at the time, no information was available to show that the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site (where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting) and there is no indication that replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area. The submitted plans show retention of open space, including the existing tree belt with new replacement tree planting, for the north and north east boundary of the site. This goes some way to replacing the open space, but also defines the boundary of the land more strongly and will encourage people to use the assigned adopted public footway, rather than through the existing space.

3. PROPOSED DEVELOPMENT

It is proposed to erect 6no. semi detached dwellings, formed in 3 blocks with front and rear garden space, car parking driveways and soft landscaping within private amenity garden spaces. The existing tree belt to the north of the site will be retained, with only thinning proposed, along with the introduction of new tree planting to provide amenity and screening to the new garden spaces on the boundary.

The proposed dwellings will be 2no. Type 1 (100) 2-storey, 3-bedroom with kitchen and living/dining over 89.34sq m and 1no. Type 2 (110) 2-storey, 3-bedroom with kitchen and living/dining over 81.48 sq m. Both are nearly identical in terms of space and internal layout. The external features differ slightly with the 100 type shaped to accommodate a slightly larger living space. The 100 types will be positioned at either end of the block to provide shape and form and variety to the streetscape pattern.

Both house types external garden and amenity space are identical, comprising front and rear gardens (with bin stores and drying areas), with 2no. car parking spaces in driveways.

The houses would be accessed to the front driveways laid to mono-block via Greenlaw Place. The plots would be fence enclosed by an 1800 mm high timber screen fence and feus divided by a 750 mm high timber fence. New feature tree planting would be provided to the front of the new plots.

With regard retained public open space, this will be around 214.81 sq m (current public open space area is 1400 sq m) or 15% retained. A significant proportion of this retained public open space (183.98 sq m) would be privately maintained by a factor. The remainder, outside the feu plots, 30.83 sq m would be public open space not maintained by a factor.

The plots would be drained by soakaways in the rear gardens for the surface water and porous block paving to driveways. For foul drainage, it is foreseen that the applicant will connect into the existing foul sewer located in Barry Road.

4. DEVELOPMENT PLANNING POLICY

The planning assessment in Section 6, is based on the following relevant development planning policies and guidance, and material considerations outlined in Section 5.

DEVELOPMENT PLAN

Under Section 25 of the Town and Country (Scotland) Planning Act 1997 (as Amended 2006), the determination of the planning application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the area comprises TAYplan the Strategic Development Plan 2016-2036 (approved 2017), and Angus Local Development Plan, adopted 2016.

The proposal is not of strategic significance and the policies of TAYplan have therefore not been referred to in this assessment. The relevant policies of the Angus Local Development Plan in brief and where relevant or applicable are summarised below:

Policy DS1 Development Boundaries and Priorities

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

Policy DS2 Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- *are or can be made accessible to existing or proposed public transport networks;*
- *make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;*
- *allow easy access for people with restricted mobility;*
- *provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and*
- *are located where there is adequate local road network capacity or where capacity can be made available*

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, specifically:

- *To be distinct in character and identity “provides a coherent structure of streets, spaces and buildings”*
- *To be safe and pleasant “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”*

- To be well connected “Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in ‘Designing Streets’ are addressed”
- Adaptable, to “accommodate changing needs” and is
- Resource efficient to be “sited and designed to minimise environmental impacts”.

Policy TC1 Housing Land Supply

In addition to allocated sites and existing sites with planning permission there may be other currently unidentified sites suitable for residential development. To provide additional flexibility in the Housing Land Supply the ALDP supports appropriate “windfall” sites within development boundaries to come forward.

It follows, sites which come forward will be expected to deliver a mix of house types and tenures to meet the housing needs of the area.

Policy TC2 Residential Development

All proposals for new residential development, must:*

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

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

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

Policy DS4 Amenity

Proposals 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 relating to:

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.

Policy PV2 Open Space within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- *the proposed development is ancillary to the principal use of the site as a recreational resource;*
or

- *it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or*
- *the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or*
- *replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.*

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.*

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

Policy/ Guidance Notes Guidance Note 14: Small Housing Sites

This Guidance note for small housing sites is relevant. The note does allow for flexibility when relevant to semi-detached housing. The requirements, particularly in respect of plot sizes, amenity space, etc. will be interpreted flexibly.

The guidance suggests:

- The plot area of a proposal must bear some affinity with the surrounding plots.
- The proportion of the plot, in relation to its garden space, and surroundings must also be respected.
- the proposed house should not cover more than 30% of the plot in order to provide amenity space and privacy
- Plot area restricted to 1.5 or 2 storey
- Minimum 100 sq m for garden space
- Blank wall to blank wall minimum distance allowance is 2m
- Where a second and overlooking storey is involved, the distance between the main windows of the proposed house and the mutual boundary should be at least 12 metres
- Avoid garages in front of houses

It will be explained in the planning assessment section 6, that these guidance notes have been followed to ensure the small housing site is designed appropriately to the plot sizes, proportions, ratios and measurements.

5. MATERIAL CONSIDERATIONS

SCOTTISH PLANNING POLICY (SPP) 2014

SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is a material consideration that carries significant weight in the determination of planning applications.

- Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources (para. 2). The proposal is a good quality of design which makes efficient use of land through modest intensification of existing surplus land capacity in a suburban area.
- There is a presumption in favour of development that contributes to sustainable development (p9). The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term (para 28).
- In Paragraph 34 of SPP it is stated that infill sites can often make a useful contribution to the supply of housing land. Planning authorities should ensure it respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing areas. These principles apply equally in garden grounds and in suburban or village environments.
- The proposals are therefore consistent with the relevant aspects of SPP, which is a material consideration in support of this planning application.

OPEN SPACE ASSESSMENT REPORT

The applicants are supporting the planning application and responding to the detailed policy requirements of LDP Policy PV2, with the submission of an Open Space Assessment report. This audits and quantifies, then seeks to qualitatively assess the provision and supply of open spaces and other amenity areas in the vicinity. It seeks to comment on the significance of the loss of a very small open space which has limited functional benefit, and which will be in part retained to provide the setting and landscape background to Barry Road. It concludes that the small loss of open space can be justified and that the addition of 6 new homes to this area is both compatible and acceptable in land use and making places design terms.

6. PLANNING ASSESSMENT

DETERMINING ISSUES

The key issues in this case relate to: the principle of developing vacant land for residential use, any effects on surrounding residential amenity and the alleged loss of open space and the significance of that.

DEVELOPMENT PLAN

Broad Principles

The Development Strategy of the Angus Local Development Plan (ALDP) seeks to guide the majority of development, including local housing and employment opportunities, to locations within the towns that have the capacity to accommodate new development well-integrated with existing infrastructure, and which serve as locally accessible centres serving a diverse rural hinterland; and maintain the quality of valued landscapes, the natural, built and historic environment, and biodiversity. The proposed formation of six houses of the scale proposed does not raise issues that are contrary to the intentions of this development strategy.

The site is located within the Carnoustie development boundary and as such, Policy DS1 is supportive of development within development boundaries which is of a scale and nature appropriate to its location and where it complies with other relevant policies of the ALDP. These tests will be explored through the assessment of the proposals against other policies of the ALDP below.

In this case, the site is located within an established area of similar styled housing in the Westfield housing estate, on the western periphery of the town. The application proposes the retention of open space to the north and north east boundary, which retains definition of the streetscape to Barry Road. In time, it is anticipated two larger housing development proposals positioned opposite Barry Road (C3 and C4), may be constructed, providing a much more 'contained' housing frontage onto Barry Road. i.e. building up to the frontage on all four corners of the roundabout if these plans came forward. We do not consider such a change would be detrimental to the streetscape. In planning and future placemaking terms, it is the future streetscape appearance of the new and planned housing, arranged overlooking the roundabout on Barry Road which we consider to fit and be compatible with the general form and layout of the streetscape on this main thoroughfare – not just the currently proposed infilling of a small area of open space within a predominately residential estate. We therefore wish to emphasise the 'bigger picture' of these surrounds and the factors of change, which are just as relevant to the planning assessment in this case.

The existing amenity space (of about 1400 sq m) proposed for development is a small area of land, characteristic of the layout of the housing estate but is of little sporting, recreational, or nature conservation value, as required by Policy PV2. About 15% of this amenity area is to be retained for public use (with the majority of this retained open space to be private factor maintained). Whilst the open space has some amenity value in terms of contributing to the appearance of the area, such a contribution is limited (for the reason given above in terms of Barry Road and the development plan strategy promoting further housing development on the north overlooking the roundabout to which all the new development would be formed and set out). The position of the development is not considered to adversely affect the amenity of the area. It is relevant to note that there are larger open space amenity areas in the vicinity (which are commented upon within the submitted Open Space Assessment Report).

As such, the loss of this small area (and its reasonable retention of 15% of the area and its means of future management) is considered acceptable under Policy PV2 – a more detailed justification follows below and repeated again within the results of the Open Space Assessment Report (see detailed Appendices to that report).

Policy TC2 Residential Development is the main policy consideration for housing. It indicates that all new residential development must represent a compatible land use; provide a satisfactory residential environment; not result in unacceptable impacts on the built and natural environment, amenity, access and infrastructure; and include (as appropriate) a mix of house sizes, types and tenures. In terms of current land uses in the area, residential properties appear to bound the site to the east, south and west. Barry Road bounds the site to the north and there are 2 sites allocated in the local plan as opportunity sites to the north of the road (C3 and C4 refers). In terms of compatibility with proposed uses, it is considered the proposed use is not out of keeping. The application site was designated as open space by the Angus Local Development Plan but due to its position fronting Barry Road it is evident that it does not provide any function other than a 'desire line' to the bus stops or to the adopted public footways and as a car park for nearby residents (despite there being driveways and on-street availability). The applicant considers its purpose is purely to enhance the character of the surrounding area and adjacent housing development. That being the case, some retention of the amenity space would not remove the amenity or detract from the character as the proposed houses layout and design is entirely in form and appearance to the existing streetscape.

Policy DS3 Design Quality and Placemaking indicates that proposals should deliver a high design standard taking account of aspects of landscape and townscape that contribute positively to the character and sense of place of the area in which they are located. Policy DS4 requires an assessment of the impacts of proposals on neighbouring amenity. Given that the application site is bound to the west by housing on Greenlaw Place, and to its east on Westfield Street, the erection of 6 houses on the site extending the existing streetscape to the end of the street, would not only be compatible with the surrounding land use but would also allow for the long term maintenance and implementation of a woodland management plan for this area of open space as the amenity space would be factor maintained and remove that burden from the Council.

In terms of Policy TC2, the maintenance of neighbouring residential amenity and privacy, the proposed dwellings shall be situated on plots that are of a scale comparable with neighbouring houses, located on flat, accessible (without disrupting existing access or frontages within the residential streetscape). The plots will be positioned more than 2m from the nearest gable to gable to its west, and some 10m or thereby from the facing windows of neighbouring properties to the south. The distances between the proposed houses and neighbouring properties are in line with the guideline distances outlined in Angus Council Guidance. In addition to the acceptable distance between neighbouring properties the proposed houses would be partially screened from neighbouring properties by existing trees and new enhanced tree planting, as well as a proposed 1.8m timber fence that will enclose the development from the public road other than the Greenlaw Place road boundary. In terms of residential environment to be provided, the garden ground would be available for each plot (ranging from 80 to 110 sq m). The relationship between the proposed development and the existing surrounding properties does not give rise to any significant amenity issues. The proposal would be compatible with the Council's Advice Note 14 (small scale housing) as it allows more flexibility for semi detached house plot schemes in terms of provision of amenity and, as such, a satisfactory residential environment would be provided for the proposed dwellings and the amenity and privacy of neighbouring properties would be maintained. Taking account

of the above design parameters we believe that the proposals satisfy the requirements of Policy DS3. The development is not required to make provision for affordable housing in accordance with Policy TC3.

Policy DS4 deals with amenity and indicates that regard will be had to opportunities for maintaining and improving environmental quality. The impacts upon residential amenity in relation to overlooking have been considered above under Policy TC2 and the proposal would not result in any significant issues in terms of privacy. Many of the aspects of DS4 are considered compliant to enable detailed design of the proposed houses. It has been demonstrated by the submitted block layout plan and the through the satisfaction of Policy TC2 that a design solution is possible which addresses the requirements of Policy DS4 (all houses will be afforded generous garden grounds and off street parking facilities in line with the requirements of the Local Development Plan and associated planning guidance).

Policy PV2 states that Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

A full Open Space Assessment Report has been provided to support this application. There has not been an Angus Open Space Strategy, so the applicants have researched methodologies applicable from Dundee City, Aberdeen City and Fife to form its analysis. In summary the findings of the Report are:

- The development site at Greenlaw Place is designated as 'white space' not protected open space in the ALDP
- According to Greenspace Scotland guidance, the proposal site is open space at the lowest tier of the standard hierarchy of Greenspace: it is unprotected local residential amenity land.
- Nearby, there are examples of protected greenspace at local, neighbourhood and settlement-wide grades, including the following uses: public parks, residential amenity land, play-parks, wooded areas and recreation pitches.
- In particular, Pitskelly Park, which at almost 10Ha would be classified as a "city-wide public park" if it were in Dundee and assessed in its Open Space Strategy approach, and is just 190m from the proposal site.
- There are @13.6 Ha of publicly accessible open-space within 300m of the development site.
- There are @13.6 Ha of publicly accessible open-space within 600m of the furthest reaches of the datazone within which the proposal site resides.

The Open Space Assessment Report demonstrates that locally there is an excess (13.6Ha) of open-space of a wide variety of types (public parks, residential amenity land, play-parks, wooded areas and

recreation pitches) within accessible distances from the site, according to and if applying the same methodology practice from Aberdeen and Dundee's threshold standards – in the absence of any Angus Open Space strategy methodology.

Regarding residential amenity space itself (Policy PV2 requires “*an identified excess of open space of that type*” to be shown), it can be shown that within the datazone in which the proposal site is situated, there is already around 0.8 Ha of Residential Amenity space, not including the development site. In addition, just on the fringe of the datazone, there is a further 0.6 Ha of residential amenity space. In the absence of a policy in the ALDP defining the threshold standard of required residential amenity space, no assessment of whether this amount of residential amenity space is enough can be made.

In light of the above, it is contended that the requirements of policy PV2 have been met, and that it has been “*demonstrated that there is an identified excess of open space*” in the area (including discounting Carnoustie championship golf course), enough to justify the development of this particular area of residential amenity land.

The application site's purpose as an area of “open space” is assumed to enhance the existing visual amenity and character of the Barry Road / Westfield Place streetscape and adjacent housing developments. However, at present the open grassy come-car-park site impacts on both the visual and residential amenity of Barry Road and neighbouring houses due to the informal use of the site for parking and the obvious use of the grassed area for short-cutting to access public transport or to exercise dogs. The applicants, who are reputable and long-established family house building business across Scotland have owned this site for a considerable period of time (since 1985). Therefore, the proposed re-development of part of the site for six houses would safeguard: the partial retention and enhancement of this designated area of open space particularly to the streetscape setting of Barry Road (a key gateway); the retention of the amenity and biodiversity value of the site, particularly by enhanced and new tree planting (rather than just mowed grass of little to no biodiversity value); and, the character and visual amenity of the Barry Road and Westfield Place streetscape would not be harmed. The Open Space Assessment Report also demonstrates there are plentiful other (more functional) open spaces in the residential estates of the town, notwithstanding there are other more formal and organised open spaces within a short walking distance (many via the Core Path network connections) to enjoy. There is not a lack of appropriate and accessible spaces and the loss of this space would not result in a significant reduction in the quality or quantity of the open space available. For these reasons we believe the proposals to satisfy the requirements of Policy PV2.

Policy PV15 relates to drainage infrastructure. The application form indicates that the proposal would connect to the public water supply and public drainage system and would not make provisions for sustainable drainage of surface water at the site as detailed in the description of the proposed development above as soakaway drainage is seen as acceptable for the small scale nature of this proposal. Taking account of this information the proposal accords with Policy PV15.

In conclusion, the proposal complies with the relevant provisions of the development plan and there are no material considerations that justify refusal of the application. It is respectfully requested therefore that full planning permission should be granted for these proposals.

GS BROWN CONSTRUCTION LTD

Open Space Assessment Report (Addressing ALDP Policy PV2)

**SITE AT GREENLAW PLACE / WESTFIELD STREET,
BARRY ROAD,
CARNOUSTIE DD7 7NG**

June 2019
Our Ref: 2018_52

Contents

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Appendices

Policy PV2 Open Space Protection and Provision within Settlements

Appendix 1: ALDP 2016 Overview for Carnoustie

Appendix 2: Open Space study - Town

Appendix 3: Open Space study – close-up of the site and its surrounding Datazone

Appendix 4: Images of amenity land and recreational sites within the datazone boundary of the area, or at the fringes (see numbers on map in appendix 3)

Appendix 5: Calculations

1 INTRODUCTION

REPORT PURPOSE

- 1.1 The purpose of this Open Space Assessment Report is to present a case for the principle of development at the site in question. Angus Council considered the site to be “protected open space” and any development proposals for it are subject to assessment against Policy PV2 of the adopted Angus Local Development Plan.
- 1.2 Angus Council Planning Department has indicated during a pre-app consultation that “*there are concerns with the principal of housing on the site.*” Their primary objection to development on the site lies in the contravention of Policy PV2, specifically that “*it has not been demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.*” (Policy PV2 can be read in full in the appendix).
- 1.3 This report contains an initial open-space audit of Carnoustie. It identifies that there is in fact an excess of accessible open space serving the neighbourhood in question. It also demonstrates that the quantity of open space in Carnoustie overall already more than meets the council’s own standard, indicated in policy PV2.
- 1.4 On the basis of this initial assessment, the applicant has decided to progress with a planning application for the erection of 6 semi-detached homes, including all private amenity space, and retention of the available open space to create a much stronger streetscape in the vicinity.

2 DEVELOPMENT SITE

2.1 Comprises 1636sqm (0.16Ha).of amenity ground at Greenlaw Place, Carnoustie (DD7 7NG)

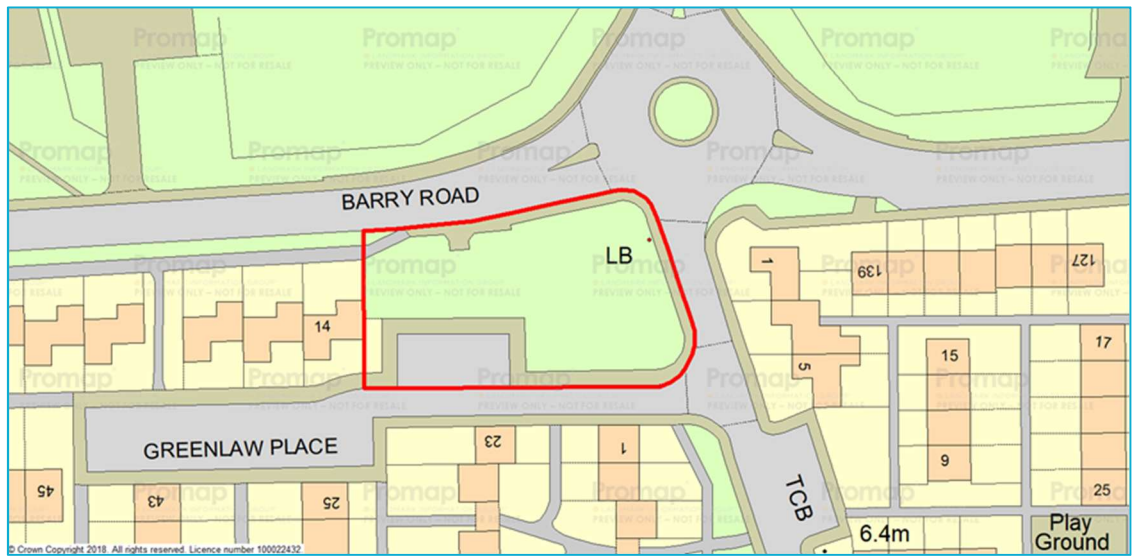


Figure 1 – Site Location Map Data ©2019 Google



Figure 2 – StreetView Looking south from Barry Road towards Greenlaw Place - Data ©2019 Google

3 POLICY CONTEXT

- 3.1 Please note the important distinction between open-space and green-space. Open-space can refer to the whole range of types of open-space that can be encountered. The standard categorisation can be found in an appendix to a planning document called PAN 65.
- 3.2 Greenspace refers to only certain types of open space that includes vegetation, woodland or grass.
- 3.3 The Angus quantity standard for provision is “*2.4Ha of open-space per 1000 inhabitants*” (see Policy PV2 in the appendix). This includes civic space like public squares and cemeteries for example, as well as residential amenity land and parks/woodland etc. It seemso leave open the question of whether this open-space should be private or public.

POLICIES THAT APPLY TO THE SITE IN QUESTION INCLUDE:

SCOTTISH PLANNING POLICY

- 3.4 Requires each local authority area in Scotland to undertake the production of a Public Open Space Strategy. Angus Council has not produced a Public Open Space Strategy. The nearest such document we have researched for the purpose of the policy context for practical advice, is prepared by Aberdeen City Council.

PAN 65 – OPEN SPACE (2008)

PAN 52: PLANNING AND SMALL TOWNS (APRIL 1997)

- 3.5 Emphasises the need to understand how open space in towns is used and supports analysis of the characteristics and functions of spaces.

GREENSPACE SCOTLAND

- 3.6 Greenspace Quality: A Guide to Assessment, Planning and Strategy Development; Greenspace Scotland & Glasgow & Clyde Valley Green Network Partnership
- 3.7 Used by Aberdeen City Council in their Audit (we have reviewed Aberdeen City Council’s document in the absence of a Public Open Space Strategy for Angus.

ANGUS LOCAL DEVELOPMENT PLAN (ALDP) REVIEW (2009): CARNOUSTIE AND BARRY.

- 3.8 This document was created for the first local development plan but not reviewed for the adopted ALDP.

ANGUS LOCAL DEVELOPMENT PLAN (ALDP) – ADOPTED SEPT 2016

- 3.9 We note An Angus Open space Audit or Strategy has not been produced. Therefore to guide the methodology and conduct comparable assessment approach we have consulted:

3.10 Open space Strategies and Audits for the following planning authority areas;

- Aberdeen Council Open space Audit & Strategy
- Edinburgh Council Open space Audit 2009
- Dundee Open space Audit Dec 2016
- Fife Open space strategy only
- Fife Greenspace audit July 2010

4 SUMMARY OF RESULTS (CALCULATIONS CAN BE FOUND IN APPENDIX 5)

4.1 Based on other planning authorities' Open Space Strategies methodologies and practical application of these, we have set out below, first what is found to be the significance of the development site:

4.2 The development site at Greenlaw Place is designated as 'white space' in the ALDP.



- It is not considered to be “protected open space”.
- According to Greenspace Scotland guidance, the proposal site is open space at the lowest tier of the standard hierarchy of Greenspace: it is unprotected local residential amenity land.
- Nearby, there are examples of protected greenspace at local, neighbourhood and settlement-wide grades, including the following uses: public parks, residential amenity land, play-parks, wooded areas and recreation pitches.
- In particular, Pitskelly Park, which at almost 10Ha would be classified as a “city-wide public park” if it were in Dundee and assessed in its Open Space Strategy approach, and is just 190m from the proposal site.

4.3 In terms of our findings for the “Town-wide” quantity of open-space:

- Carnoustie as a whole qualifies by Angus Council’s own open-space quantity standard (2.4Ha of open-space per 1000 inhabitants).
- Discounting the Championship golf course, but including every area of protected open space in the ALDP (green zones in Appendix 2), there are 3.1Ha of open-space for every inhabitant of Carnoustie.

- This does not even include a calculation of 'white-space' residential amenity land for Carnoustie.
- Within the datazone boundary surrounding the proposal site (the yellow line in Appendix 3), there is about 1 Ha of significant areas of Residential Amenity space. This does not include the Barry Burn riparian corridor that flows through the datazone, nor does it include all the smaller areas of Residential Amenity space that could be included.

4.4 Accessibility to other open-space from the site, and from the datazone in which it sits.

- All three types of open space hierarchy levels (Local, Neighbourhood and Settlement-wide) can be accessed within threshold standards from both the proposal site and its surrounding datazone.
- This includes public parks, residential amenity land, play-parks, wooded areas and recreation pitches. In addition, the datazone within which the site sits is also bisected by the Barry Burn riparian corridor.
- There are @13.6 Ha of publicly accessible open-space within 300m of the development site.
- There are @13.6 Ha of publicly accessible open-space within 600m of the furthest reaches of the datazone within which the proposal site resides.
- Accessibility of all sites with regards the datazone boundary area or the development site fall within the threshold standards of both Aberdeen's and Dundee's Open Space strategies which were used in the absence of any Angus Open Space strategy for comparable purposes.

4.5 Summary regarding establishing the principle of development:

4.6 In the pre-app consultation response, Case Officer James Wright stated the following:

4.7 "Regarding Policy PV2, it has not been demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site."

4.8 This Open Space Assessment Report has demonstrated that there is an excess (13.6Ha) of open-space of a wide variety of types (public parks, residential amenity land, play-parks, wooded areas and recreation pitches) within accessible distances from the site, according to and if applying the same methodology practice from Aberdeen and Dundee's threshold standards – in the absence of any Angus Open Space strategy methodology.

4.9 Regarding residential amenity space itself (Policy PV2 requires "*an identified excess of open space of that type*" to be shown), it can be shown that within the datazone in which

the proposal site is situated, there is already around 0.8 Ha of Residential Amenity space, not including the development site.

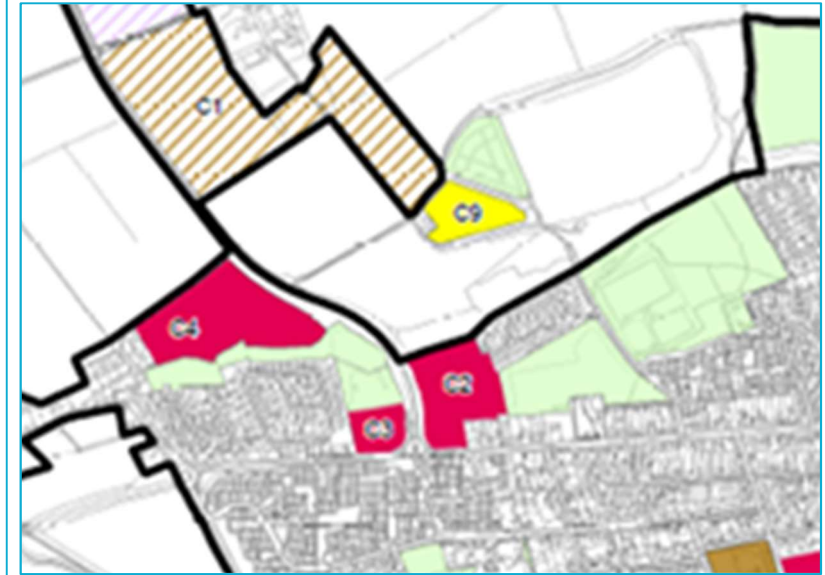
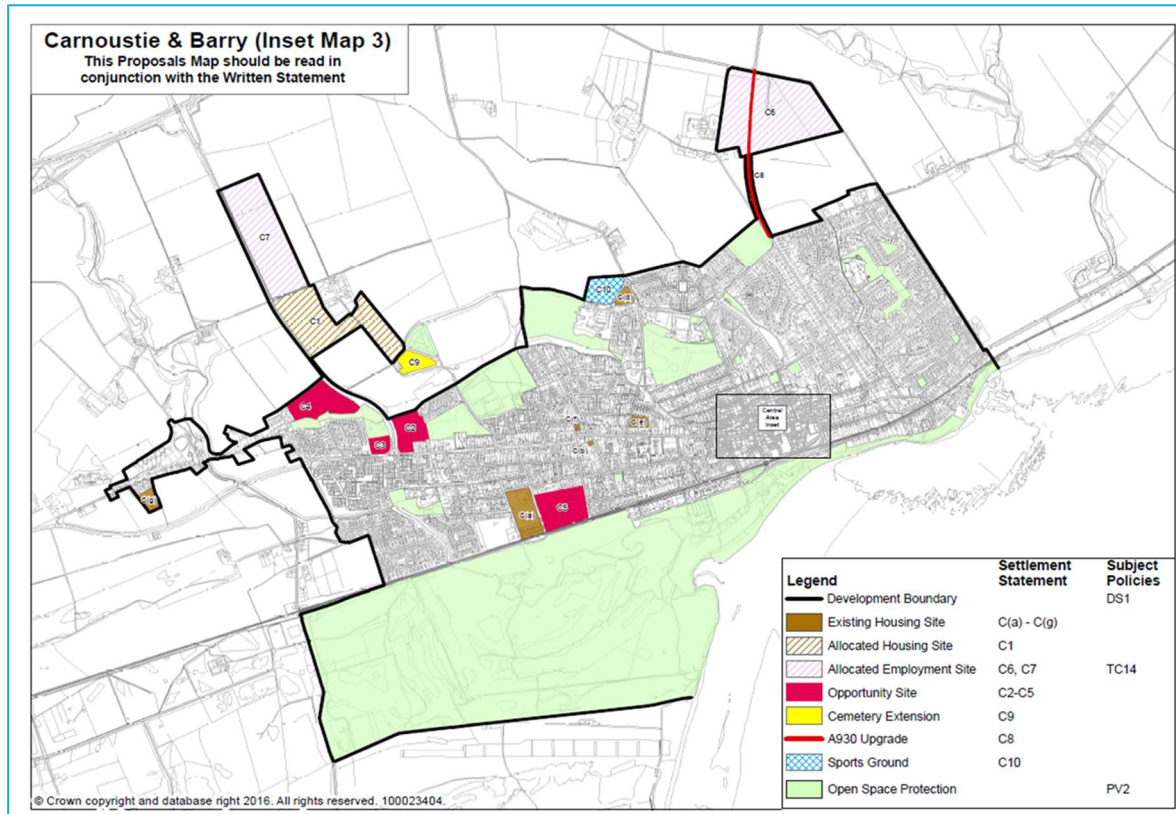
- 4.10 In addition, just on the fringe of the datazone, there is a further 0.6 Ha of residential amenity space. (These are indicative figures and do not include every single small pocket of residential amenity (grass verges for example), that could be taken into account within the datazone).
- 4.11 In the absence of a policy in the ALDP **defining the threshold standard of required residential amenity space**, no assessment of whether this amount of residential amenity space is enough can be made.
- 4.12 In light of the above, it is contended that the requirements of policy PV2 have been met, and that it has been “*demonstrated that there is an identified excess of open space*” in the area, enough to justify the development of this particular area of residential amenity land.
- 4.13 Development resulting in the partial loss of open-space at the designated site in Greenlaw Place is therefore justified against Policy PV2.

5 APPENDICES

5.1 Policy PV2 Open Space Protection and Provision within Settlements (source: ALDP 2016) (relevant passages highlighted in blue).

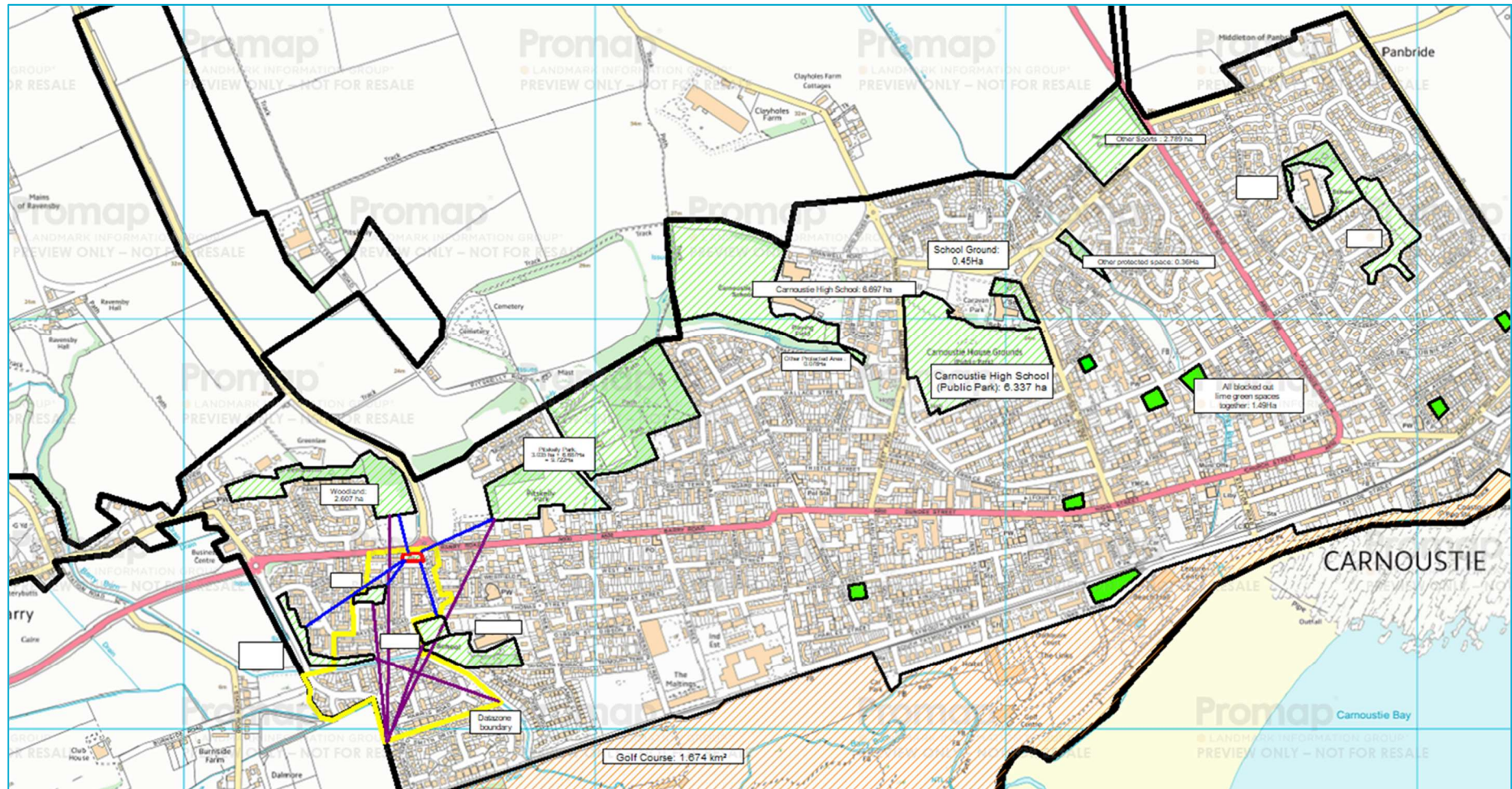
- Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:
 - the proposed development is ancillary to the principal use of the site as a recreational resource;
 - or it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site;
 - or the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting;
 - or replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.
- Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.
- Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.
- All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible

Appendix 1: ALDP 2016 Overview for Carnoustie



Inset showing White Land for the proposal site, not Open Space Protection (PV2)

Appendix 2 - Open Space Study Town Wide (Our Own Mapping Analysis)



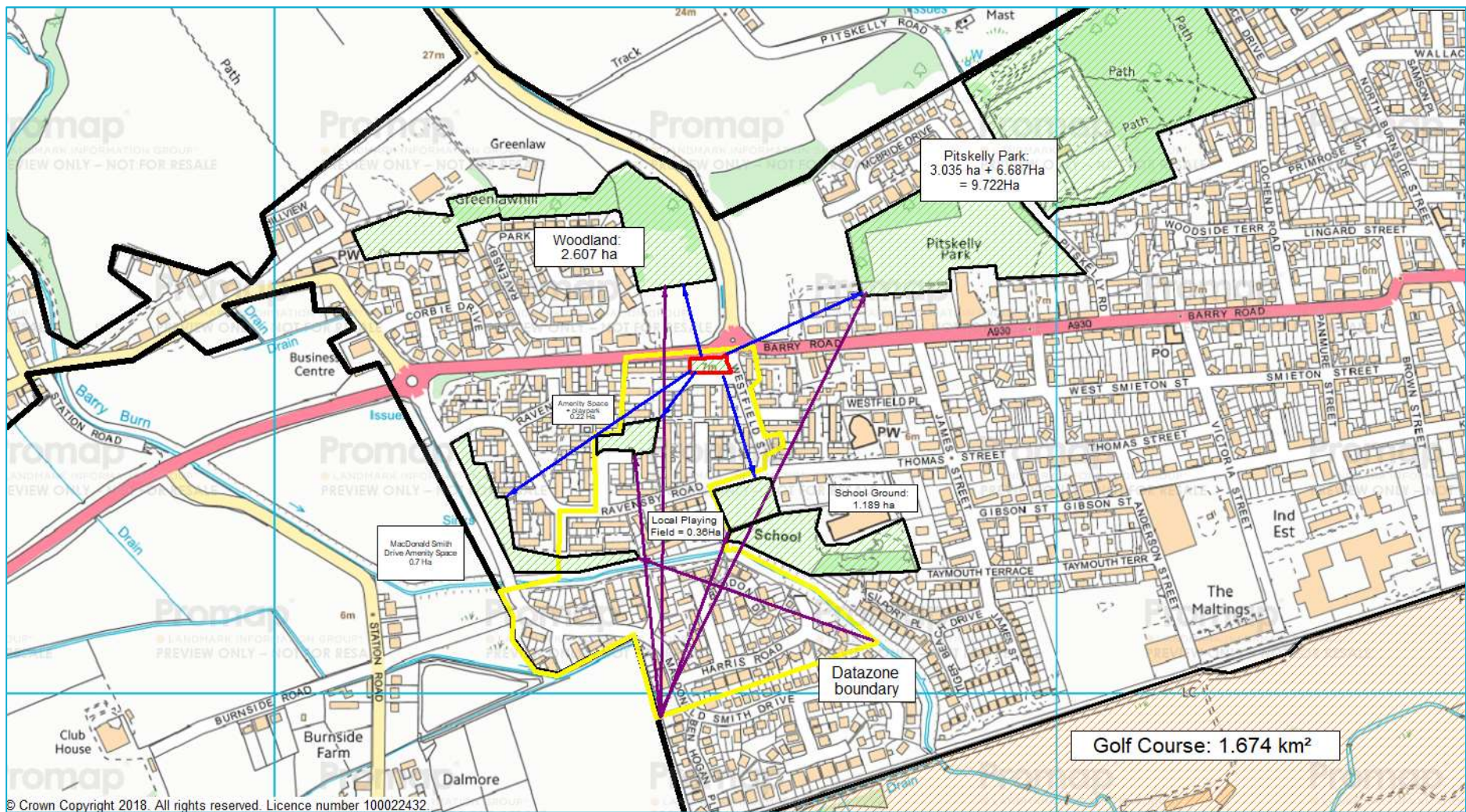
Red line denotes Proposal Site.

Yellow Line denotes Isochrone for demographic population area

Purple Lines denote - 600m walk distance

Blue Lines denote - 300m walk distance

Green space and open space areas all linking to purple and blue lines are shown. This local availability of green space is exceeding the recommended scale and amount



Blue arrows refer to distances measured between the site and accessible public open space nearby. Purple arrows refer to distances measured between the furthest parts of the SIMD datazone areas and accessible public open space nearby. Specific measurements can be found in blue and purple in the table in table B of Appendix 5 below.

Images of site numbered in red can be found in Appendix 4 below.

Appendix 4: Images of amenity land and recreational sites within the datazone boundary of the area, or at the fringes (see numbers on map in appendix 3)



1. Recreation Park next to Burnside Primary

2. Ravensby Road Amenity Space and Playpark



3. MacDonald Smith Drive

Appendix 6 - Calculations of Open Space used in analysis

Table A: Quantity Standard: covering entire Carnoustie Settlement Boundary

Angus Council's minimum threshold standard is 2.43 Ha of open space per 1000 inhabitants (policy PV2). The calculation method used is adapted

Type of ground (ALDP)	Area (Ha)	km2	Quantity of publicly usable Open Space in Carnoustie	Value
Public Park and Garden	17.521		Carnoustie Population 2011	11,394
School Ground	9.608		Index per 1000 people	11.394
Institutional Ground	0			
Amenity - Residential	0.22			
Amenity - Business	0			
Amenity - Transport	0			
Playing Field	3.15			
Golf Course (Carnoustie, private)	167.4	1.674		
Tennis Court	0			
Bowling Green	0			
Other Sports	0			
Green Access Route	0			
Riparian Route	0			
Woodland	2.607			
Open Semi-Natural	0			
Open Water	0			
Allotment	0			
Church Yard	0			
Cemetery	0			
Civic Space	0			
Other protected ground	1.928			
Playspace	0			
Total Openspace				202.4
Total Openspace w/out Golf Course				35.0
Total area <i>publicly usable</i> open-space				25.4
from Fife Council's Greenspace Strategy.				
Total area of open space within settlement boundary <i>inc. Golf Course</i>				202.4
Quantity of open space per 1000 people (all Carnoustie) <i>inc. Golf Course</i>				17.8
Minimum Threshold standard: quantity of open space (Ha) per 1000				2.4
Total area of open space within settlement boundary <i>exc. Golf Course</i>				35.0
Quantity of open space per 1000 people (all Carnoustie) <i>exc. Golf Course</i>				3.1
Minimum Threshold standard: quantity of open space (Ha) per 1000				2.4
Total area of <i>publicly usable</i> open space within settlement boundary				25.4
Quantity of <i>publicly usable</i> open space per 1000 people (all Carnoustie)				2.2
Minimum Threshold standard: quantity of open space (Ha) per 1000				2.4
Total area of settlement (Ha)				536.1

Table B: Minimum Access Threshold Standard:

Type of Open Space (as named by the Dundee Open Space Strategy)	Name of park	Area	Min (Dundee Standard)	size	Carnoustie: Distance from (DD7 7NG) as the crow flies	Carnoustie: furthest datazone point (S01007157) as the crow flies	Distance Catchment (Dundee Standard)	Distance Catchment (Aberdeen Standard)
City (Settlement-wide) Recreation Parks	Pitskelly Park	9.7	10 ha		190m	600m	2500	1500
Neighbourhood Parks	Park/Semi-natural ground to North of site	2.6	1 ha		94m	550m	1200	600
Local Parks and Open spaces	Playing field next to Burnside Primary	0.36	0.01ha		135m	250m	400	400
Local Parks and Open spaces	Ravensby Road Amenity Space and playpark	0.22	0.01ha		71m	335m	400	400
Local Parks and Open spaces	MacDonald Smith Drive amenity space	0.7	0.01ha		280m	320m	400	400
		13.58						

W: www.grayplanning.co.uk

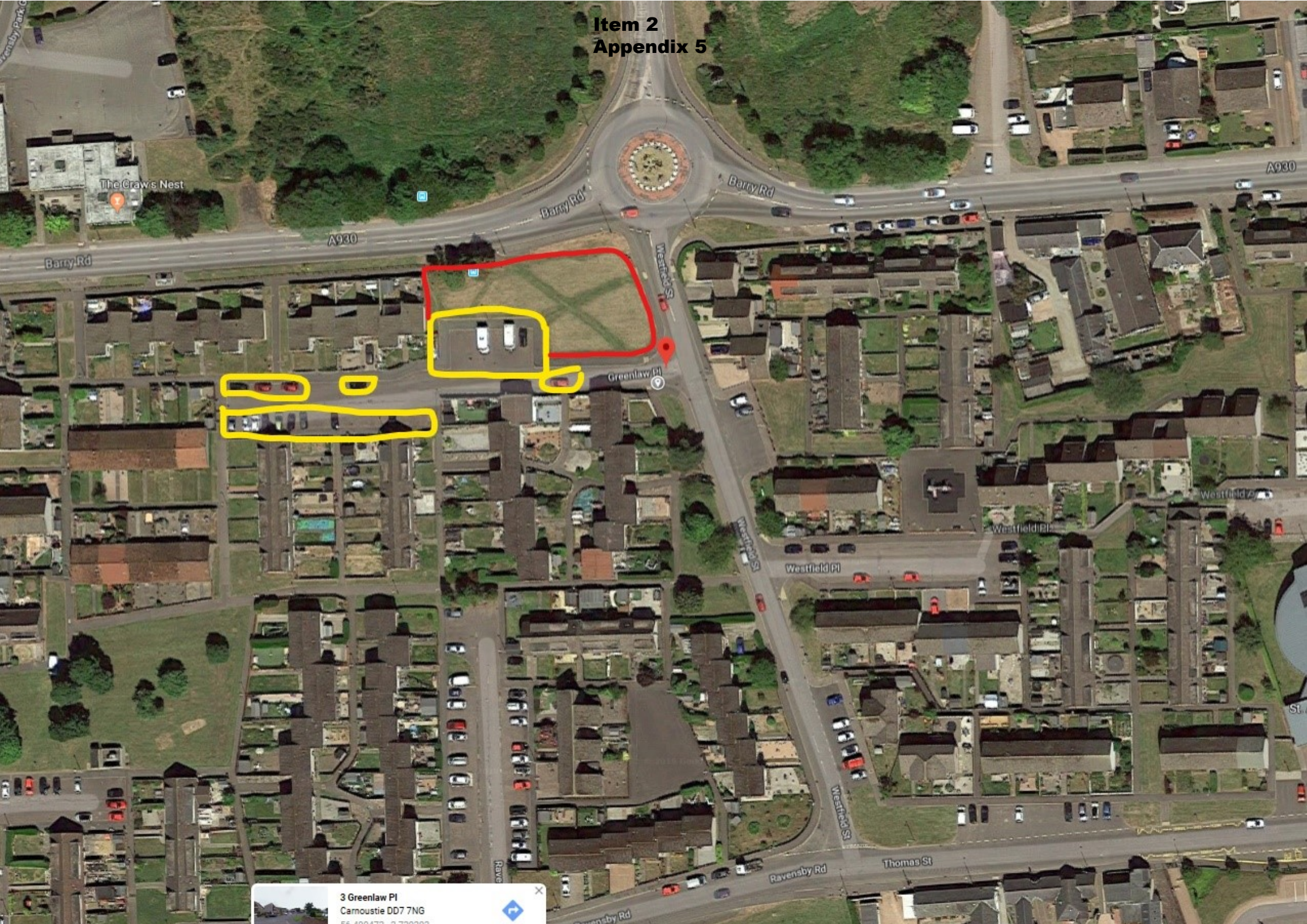


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AYE House, Admiralty Park, Rosyth, Dunfermline KY11 2YW

Item 2
Appendix 5



3 Greenlaw Pl
Carnoustie DD7 7NG
55 400 470 0 730000





Item 2 Appendix 8



Proposed Development at Barry Road, Carnoustie

Planning Justification Report

Hillcrest Homes is one of the largest and leading “traditional” RSL’s in Scotland providing high quality affordable homes. At present we own and manage over 7,000 homes, including 900 mid-market properties, and remain an active developing housing association with stock growth in all of the areas of operation which comprises Aberdeen, Aberdeenshire, Angus, Dundee, East Lothian, Edinburgh and Perth & Kinross.

We are a registered Scottish Charity and a parent to a range of subsidiaries, employing in excess of 1,000 employees. We cater for many diverse needs in the social and mid-market sectors, offering mainstream housing for families, couples and singles as well as supported accommodation, sheltered and amenity housing, residential care and other specially adapted properties including those specifically designed for wheelchair users.

In response to the Scottish Government’s aim to provide 50,000 new homes during the life of the current Parliament, Hillcrest has a Board approved development programme to deliver 1,742 new homes in the 3-years from 2018/19 to 2020/21. In addition we are looking to deliver a further 1000 homes between 2021/22 and 2023/24. This ambitious programme is valued at approximately £260M which includes approximately £100M in Scottish Government Housing Grant with the remaining balance comprising of private finance.

To deliver the development programme, Hillcrest has a strong development team with access to a suite of policy and procedure documents covering key items including, specification requirements, contracts management, handover protocols and making good defects procedures. All developments are regularly inspected by a dedicated team of Clerk of Works at key stages throughout the construction period.

As part of the above-mentioned development the local statutory authority letting centre has advised the following housing need for the area:

1. Housing

	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	6 Bedrooms	Sum:
Duty to House - with discretion	1						1
Choice/No housing need - with discretion	1						1
Duty to House	35	6	3	3			47
Medical Needs - Medium	6	7	3	1			17
Medical Needs - Low	12	5	2	4			23
Short Term Tenancies and Lodgers	136	28	14	8			186
Inadequate accommodation	67	8	20	6	1		102
Choice	139	58	20	3	1	1	222
Failed to match in any category	6						6
Sum:	403	112	62	25	2	1	605

2. Specialist Needs- adapted

	1 Bedroom	2 Bedrooms	4 Bedrooms	5 Bedrooms	Sum:	
Medical Needs - High			2		2	
Medical Needs - Medium	2		4	1	1	8
Medical Needs - Low	1		1			2
Short Term Tenancies and Lodgers			2			2
Sum:	3		9	1	1	14

3. Provision

To satisfy the above needs within the constraints of the site it is proposed to provide the following accommodation:

- 6 no. 4A3B5P general use semi-detached houses for affordable rent.

4. Funding Support

Hillcrest has had initial discussions with the local authority housing manager Catherine Johnson to include this project in their Strategic Housing investment Plan (SHIP) with potential funding for the site purchase in the 2022/23 financial year.

Kind regards

David Milton
Projects Manager
Hillcrest Homes

neil@grayplanning.co.uk

From: WrightJ <WrightJ@angus.gov.uk>
Sent: 14 August 2019 07:58
To: neil@grayplanning.co.uk; ScharnbergerJ
Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw PI, Carnoustie

Mr Gray,

Thank you for your e-mails.

The points raised will be taken into account when determining the application.

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House :
Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 492629

From: neil@grayplanning.co.uk [mailto:neil@grayplanning.co.uk]
Sent: 13 August 2019 16:50
To: ScharnbergerJ; WrightJ
Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw PI, Carnoustie

Sorry, I mis-typed a sentence at the close of the 5 bullet points in conclusion, at bullet 4 - and below reproduce the correct sentence which was written:

(Bullet 4) - The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is not reasonable – based on the answers above.

And should instead read:

(Bullet 4) - **The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is reasonable – based on the answers above.**

Neil Gray MRTPI | Director

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Gray Planning & Development Limited. Town Planning Consultants. Company No. SC568143
Member of the Royal Town Planning Institute No. 42566

From: neil@grayplanning.co.uk <neil@grayplanning.co.uk>
Sent: 13 August 2019 16:45

To: 'ScharnbergerJ' <ScharnbergerJ@angus.gov.uk>; 'WrightJ' <WrightJ@angus.gov.uk>

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Good afternoon

Thank you for sending over the Open Space Audit (2017) compiled by Ironside Farrar. You have explained that this is to inform a future Open Space Strategy which does not currently exist. We conducted a study on open space quantity, quality and accessibility in line with best practice and as undertaken in your Open Space Audit as well. This was provided in support of the planning application. Your initial response per below resulted in our response below, which requested sight of the Open Space Audit, which you have duly provided.

I have reviewed this report and note that whilst your comments given below only tell part of the story- suspect selectively. As you state in your response, presumably lifted straight from the Open Space Audit (Technical Report) on the Carnoustie Action Plan, it states "In terms of the quantity of open space Carnoustie is just below the Angus Council standard with 2.10 hectares of open space (public parks & gardens, publicly accessible privately owned parks and amenity greenspace) per 1,000 population" – this is not disputed as we assume the facts are as given by your open space consultants.

However, later on in this same Action Plan for Carnoustie, in fact the next paragraph down, your consultants also state on balance, the following "However, the overall quality of the open spaces is good with an average of 66.3% quality score, which is above the Angus average of 64.1%. The Carnoustie Sea Front park, promenade, sporting facilities and play area provide an attractive seaside facility for the town. **The quality of facilities and their accessibility can compensate for a short fall in quantity of provision** and does so in this town" (my highlighting). We emphasised this in our supporting information justifying the small open space loss – that within a short accessible distance on foot or cycle, the quality of open spaces nearby is able to compensate for the small reduction in provision – especially of a piece of ground that has limited scope for improvement or indeed as you state, was not even accounted for in the Audit itself.

In terms of the Priority Actions as recommended by your consultants, the Action Plan for Carnoustie does not signal any need or priority for 'adding to open space provision' inferring again, satisfaction of the high quality of available space that compensates for this small shortfall. None of the 8 Priority Actions refers to the concerns you raised in your comments about the need for such open space, indeed as you states the open space type being scrutinised in this planning application did not merit inclusion in the Open Space Audit.

We can therefore conclude the following:

- Angus Council has no Open Space Strategy in place – and therefore cannot fully justify the full application of Policy PV2 (Open Space Protection) – and if it could, the open space under consideration in this application had not been deemed necessary to include in the Council's Open Space Audit prepared by its consultants.
- The Open Space Audit is just that – a snap shot of the quantity and quality, with accessibility, of the open space resource – but did not include areas of amenity open space alleged in this application.
- In the Carnoustie Action Plan, as outlined above, whilst we wont dispute the consultant's fact that the town as a whole falls short of the calculated quality formula, it does offer higher overall quality. The consultants report "the quality of facilities and their accessibility can compensate for a short fall in quantity of provision". We agree with this statement and would point to that to further justify our case that the open space is negligible in terms of its provision, or indeed its loss and has ample other quality open spaces nearby of high quality and good accessibility.
- The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is not reasonable – based on the answers above.
- The Action Plan does not single out the protection or retention of amenity spaces as part of the Priority Actions for Carnoustie.

Therefore we would respectfully ask that these points are taken into account in the overall assessment, and taken on balance when assessing in particular the weight to be applied to Policy PV2 in this particular case.

Kind regards
Neil

Neil Gray MRTPI | Director

M: 07514 278 498

e: neil@grayplanning.co.uk

www.grayplanning.co.uk

AYE House, Admiralty Park, Rosyth, Dunfermline KY11 2YW



*Gray Planning & Development Limited. Town Planning Consultants. Company No. SC568143
Member of the Royal Town Planning Institute No. 42566*

From: neil@grayplanning.co.uk <neil@grayplanning.co.uk>

Sent: 29 July 2019 13:27

To: 'ScharnbergerJ' <ScharnbergerJ@angus.gov.uk>; 'WrightJ' <WrightJ@angus.gov.uk>

Subject: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw PI, Carnoustie

Good afternoon

I note the consultation response by Parks and Burial Grounds (Jutta Scharnberger) dated 17th July 19, and wish to comment on behalf of the applicant.

First of all, we requested at the pre application stage back in 7th September 18 to discuss the proposal with Jutta, which was not responded, but from our follow up of 1st October 18 a response from James Wright of 3rd October. In that response James mentioned "Whilst there is no adopted audit / strategy, Jutta is happy to discuss this in more detail if required"

We did not receive any further advice or guidance from the Council, so produced our own open space assessment. In the absence of Angus having one, we drew from several planning authorities that have an Open Space Strategy, including Aberdeenshire which is a rural authority and Angus' neighbour – along with the best practice from the other authorities we researched - whilst these are urban, in our view do reflect the local urban nature of the proposal site being within one of Angus' principal towns on a piece of ground that has some residential amenity within an established urban area.

We are not entirely clear what the consultation response concludes as it is too generalised – and if there is a copy of the Open Space Audit of 2017 sight of that would be appreciated given the criticism from the consultee that our methodology differs. We would prefer a discussion or a meeting on this matter, to see what further information we can provide to support the applicants case in relation to the small open space loss (and replacement with some public amenity open space) – as the final comments about the Open Space Assessment are very general and unclear as to what comparison is being made here, as we have not seen the documents the consultee refers to in the response.

Look forward to your response

Kind regards
Neil

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neil@grayplanning.co.uk

From: WrightJ <WrightJ@angus.gov.uk>
Sent: 27 August 2019 08:00
To: neil@grayplanning.co.uk
Subject: FW: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Mr Gray,

For your information.

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House : Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 492629

From: GwynneAG
Sent: 26 August 2019 12:05
To: WrightJ
Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

James

The title plan supplied in your previous e-mail shows the parking area, however our plans show that car parking area is part of the public road. (See plan below) I also have shown an older plan that were used in Tayside Region Council which shows that the footpath and carriageway are adopted by the local authority and its successors.

The submitted drawing No BRC-A-001 also shown below shows the proposed development "encroaching" onto the adopted road .

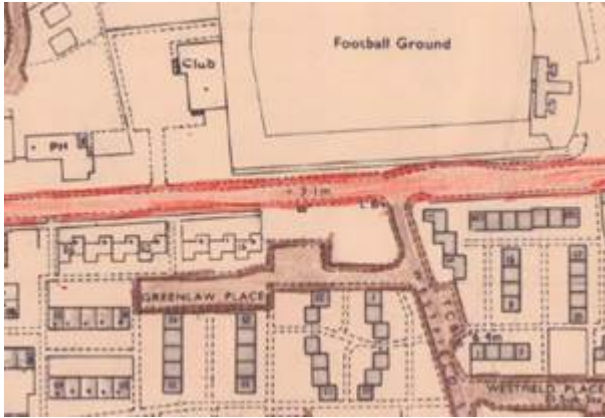
Therefore we believe that the development "encroaches" onto the public road network and therefore the Roads Scotland Act 1984 supersedes the land ownership. Our out response remains the same.

I understand that colleagues in Legal and Democratic have conformed as much to the developer/landowner

Regards

Adrian





From: WrightJ
Sent: 23 August 2019 08:54
To: BarnesA; GwynneAG
Subject: FW: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Andy / Adrian,

Please see the comments below in response to your consultation response.

If you could review and let me know your comments that would be appreciated.

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House :
Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 492629

From: neil@grayplanning.co.uk [<mailto:neil@grayplanning.co.uk>]
Sent: 22 August 2019 16:16
To: WrightJ
Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Good afternoon James

Thanks for sending this over, as I had noted the Roads Service had commented, but I couldn't access the file online.

Our comment on this needs to be taken into account in your assessment. We do not consider the Roads Service grounds for objection are reasonable, as they appear to misunderstand the land boundary position relative to the plans.

Yes, the red line boundary of the site includes the public footway and edge of the highway (on Westfield Street, and Barry Road respectively). However the red line is the extent of ownership of the applicant, per the attached land title taken from the old Sasines register. The applicants however decided NOT to develop the land outwith the area delineated for the 6no. plots as shown on the layout drawing, i.e. not encroaching development into the footway or highway area within the red line - for the very reason that Angus Council has disputed ownership of this land for over 40 years!

So there will be no “encroaches on to the existing public footway and carriageway”. Also, to be clear, the “car parking area for existing residents in Greenlaw Place” is a pure assumption that this land is rightfully used for parking (caravan park each time I have passed this site) - as the land is clearly in ownership of the applicant and is not under the control of the Roads or any other Council department.

Happy to discuss this matter

Kind regards
Neil

Neil Gray MRTPI | Director

M: 07514 278 498

e: neil@grayplanning.co.uk

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Gray Planning & Development Limited. Town Planning Consultants. Company No. SC568143
Member of the Royal Town Planning Institute No. 42566

From: WrightJ <WrightJ@angus.gov.uk>

Sent: 22 August 2019 10:41

To: neil@grayplanning.co.uk

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw PI, Carnoustie

Mr Gray,

For your information, a response has also been received from the Roads Service (Traffic). This is available on public access but I have attached this for your information.

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House :
Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 492629

From: WrightJ

Sent: 14 August 2019 07:58

To: 'neil@grayplanning.co.uk'; ScharnbergerJ

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Mr Gray,

Thank you for your e-mails.

The points raised will be taken into account when determining the application.

Regards

James Wright, Planning Officer (Development Standards), Angus Council : Place : Planning : Angus House :
Orchardbank Business Park, Forfar, DD8 1AN. Tel: 01307 492629

From: neil@grayplanning.co.uk [<mailto:neil@grayplanning.co.uk>]

Sent: 13 August 2019 16:50

To: ScharnbergerJ; WrightJ

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Sorry, I mis-typed a sentence at the close of the 5 bullet points in conclusion, at bullet 4 - and below reproduce the correct sentence which was written:

(Bullet 4) - The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is not reasonable – based on the answers above.

And should instead read:

(Bullet 4) - **The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is reasonable – based on the answers above.**

Neil Gray MRTPI | Director

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Member of the Royal Town Planning Institute No. 42566

From: neil@grayplanning.co.uk <neil@grayplanning.co.uk>

Sent: 13 August 2019 16:45

To: 'ScharnbergerJ' <ScharnbergerJ@angus.gov.uk>; 'WrightJ' <WrightJ@angus.gov.uk>

Subject: RE: 19/00481/FULL Consultation - 6 houses at Barry Road / Greenlaw Pl, Carnoustie

Good afternoon

Thank you for sending over the Open Space Audit (2017) compiled by Ironside Farrar. You have explained that this is to inform a future Open Space Strategy which does not currently exist. We conducted a study on open space quantity, quality and accessibility in line with best practice and as undertaken in your Open Space Audit as well. This was provided in support of the planning application. Your initial response per below resulted in our response below, which requested sight of the Open Space Audit, which you have duly provided.

I have reviewed this report and note that whilst your comments given below only tell part of the story- suspect selectively. As you state in your response, presumably lifted straight from the Open Space Audit (Technical Report) on the Carnoustie Action Plan, it states “In terms of the quantity of open space Carnoustie is just below the Angus Council standard with 2.10 hectares of open space (public parks & gardens, publicly accessible privately owned parks and amenity greenspace) per 1,000 population” – this is not disputed as we assume the facts are as given by your open space consultants.

However, later on in this same Action Plan for Carnoustie, in fact the next paragraph down, your consultants also state on balance, the following “However, the overall quality of the open spaces is good with an average of 66.3% quality score, which is above the Angus average of 64.1%. The Carnoustie Sea Front park, promenade, sporting facilities and play area provide an attractive seaside facility for the town. **The quality of facilities and their accessibility can compensate for a short fall in quantity of provision** and does so in this town” (my highlighting). We emphasised this in our supporting information justifying the small open space loss – that within a short accessible distance on foot or cycle, the quality of open spaces nearby is able to compensate for the small reduction in provision – especially of a piece of ground that has limited scope for improvement or indeed as you state, was not even accounted for in the Audit itself.

In terms of the Priority Actions as recommended by your consultants, the Action Plan for Carnoustie does not signal any need or priority for ‘adding to open space provision’ inferring again, satisfaction of the high quality of available space that compensates for this small shortfall. None of the 8 Priority Actions refers to the concerns you raised in your comments about the need for such open space, indeed as you states the open space type being scrutinised in this planning application did not merit inclusion in the Open Space Audit.

We can therefore conclude the following:

- Angus Council has no Open Space Strategy in place – and therefore cannot fully justify the full application of Policy PV2 (Open Space Protection) – and if it could, the open space under consideration in this application had not been deemed necessary to include in the Council’s Open Space Audit prepared by its consultants.
- The Open Space Audit is just that – a snap shot of the quantity and quality, with accessibility, of the open space resource – but did not include areas of amenity open space alleged in this application.
- In the Carnoustie Action Plan, as outlined above, whilst we wont dispute the consultant’s fact that the town as a whole falls short of the calculated quality formula, it does offer higher overall quality. The consultants report “the quality of facilities and their accessibility can compensate for a short fall in quantity of provision”. We agree with this statement and would point to that to further justify our case that the open space is negligible in terms of its provision, or indeed its loss and has ample other quality open spaces nearby of high quality and good accessibility.
- The Action Plan also does not direct or advise the Council about any Priority Actions for Carnoustie that would lead us to think the small loss of open space in this application is not reasonable – based on the answers above.
- The Action Plan does not single out the protection or retention of amenity spaces as part of the Priority Actions for Carnoustie.

Therefore we would respectfully ask that these points are taken into account in the overall assessment, and taken on balance when assessing in particular the weight to be applied to Policy PV2 in this particular case.

Kind regards
Neil

Neil Gray MRTPI | Director

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e: neil@grayplanning.co.uk

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Look forward to your response

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ANGUS COUNCIL

MINUTE of MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 27 August 2013 at 10.00 am.

Present: Councillors ROB MURRAY, LYNNE DEVINE, BILL BOWLES, MAIRI EVANS, DAVID FAIRWEATHER, CRAIG FOTHERINGHAM, JEANETTE GAUL, ALEX KING, DAVID LUMGAIR, IAN McLAREN and BOB SPINK.

Councillor MURRAY, Convener, in the Chair.

Prior to the commencement of the formal business, the Convener referred to the forthcoming retirement from Angus Council of George Chree, Head of Planning and Transport. The Convener, on behalf of the Council, thanked George for his service to the Council and wished him well in the future.

1. APOLOGIES FOR ABSENCE

An apology for absence was intimated on behalf of Councillor Bill Duff.

2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

In terms of the Councillors' Code of Conduct, the following declarations of interest/intimations of contact were made:-

- Councillor Fotheringham declared an interest in item 11, Case No 12/00199, as he was the owner of a neighbouring property. He indicated that he would not take part in any discussion and voting in relation to Case No 12/00199 only, but he would remain in the meeting during consideration of the item.
- Councillor Gaul declared an interest in item 8, Report No 489/13, as she had received correspondence from a member of the public. She had not expressed any view or opinion and indicated that she would be taking part in any discussion and voting.
- Councillor King declared an interest in item 10, Report No 491/13, as comments attributed to him had been printed in the press in relation to the item prior to this meeting. He indicated that he would not participate in any discussion and voting.

3. BUILDING WARRANTS

The Committee noted that during the period 29 July to 16 August 2013, a total of 55 Building Warrants, 1 Demolition Warrant and 10 Amendments to Warrant had been approved with an estimated cost of £2,610,555.

4. DELEGATED DECISIONS

The Committee noted that during the period 30 July to 20 August 2013, a total of 48 planning applications had been approved and 1 refused under the Scheme of Delegation to Officers.

5. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 6 August 2013](#) was approved as a correct record and signed by the Convener.

PLANNING APPLICATIONS

6. 12 WESTFIELD STREET, CARNOUSTIE

There was submitted [Report No 487/13](#) by the Strategic Director – Communities detailing application No 13/00586/FULL by Mr Barry Taylor for the change of use from grassed area to garden area and erection of a fence at 12 Westfield Street, Carnoustie. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved, as detailed in the Report.

7. LAND 5 METRES WEST OF NO 1 WESTFIELD PLACE, CARNOUSTIE

There was submitted [Report No 488/13](#) by the Strategic Director – Communities detailing application No 13/00657/FULL by Miss Audrey Czarkowska for the change of use from public grassed area to garden ground with 3 ft wooden fence at land 5 metres west of No 1 Westfield Place, Carnoustie. The application was recommended for approval.

Slides were shown.

The Committee agreed that the application be approved, as detailed in the Report.

8. JOINERY WORKSHOP AND BUILDER'S YARD, DOUGLASTOWN, FORFAR

There was submitted [Report No 489/13](#) by the Strategic Director – Communities detailing application No 12/00856/FULL by Mr Roderick Hill for part change of use of land and buildings associated with builder's yard to include a biomass production operation at Joinery Workshop and Builder's Yard, Douglstown, Forfar. The application was recommended for approval.

Slides were shown and Councillors Proctor and Iain Gaul, both local members, Ms Hickson, Mr Anderson and Ms Gillespie, all objectors and Mr Iain Cram, the applicant's agent, all addressed the meeting.

The Committee agreed that the application be refused for the following reasons:-

1. That the proposed use as a consequence of noise emissions, smoke and odour would be seriously detrimental to the residential amenity of residential properties within Douglstown and was therefore contrary to Policies S6 and ER11 of the Angus Local Plan Review;
2. That the storage of timber and other materials on the site would have a seriously detrimental impact on the character and appearance of Douglstown and the wider area and was therefore contrary to Policies S1, S3 and SC19 of the Angus Local Plan Review; and
3. That the proposed development would result in an increased risk of flooding and as such was contrary to Policy ER28 of the Angus Local Plan Review.

The Committee thereafter also agreed to request the Strategic Director – Communities to bring forward a separate report detailing proposed enforcement action in respect of the unauthorised use of the land to a future meeting of this Committee.

9. TULLYNESSLE, MAIN ROAD, HILLSIDE, MONTROSE

There was submitted [Report No 490/13](#) by the Strategic Director – Communities detailing application No 13/00451/FULL by Ms Dawn Buick relating to the demolition of existing garage and utility room and erection of a new garage and extensions to east and south elevations of existing dwelling with new terrace to the south at Tullynessle, Main Road, Hillside, Montrose. The application was recommended for approval.

Slides were shown and Mr Atkinson, an objector, addressed the meeting.

The Committee agreed that the application be approved, as detailed in the Report.

10. ENFORCEMENT ACTION – HUNTER'S PATH, ARBIRLOT

With reference to Article 10 of the minute of meeting of this Committee of 23 April 2013, there was submitted [Report No 491/13](#) by the Strategic Director – Communities updating members on the unauthorised use of land at Hunter's Path, Arbirlot for the storage of scrap material.

Slides were shown and Mr Murray Clark, the landowner, addressed the meeting.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to provide a further month to allow the landowner to undertake works to tidy the site and cease the use of the land as a scrapyard; and
- (iii) to authorise the Head of Planning and Transport to pursue formal enforcement action in the event that the site was not cleared and/or the use had not ceased.

11. ENFORCEMENT UPDATE

There was submitted and noted [Report No 492/13](#) by the Strategic Director – Communities on the progress of enforcement cases which had been agreed previously by the Development Standards Committee.

12. ENFORCEMENT NOTICE APPEAL DECISION – ‘THE LODGE’, LAND DUE EAST OF THE KNOWE, KINNABER ROAD, HILLSIDE

There was submitted [Report No 493/13](#) by the Strategic Director – Communities detailing the findings of the Reporter appointed by the Scottish Ministers to determine the appeal against the Enforcement Notice issued by Angus Council in respect of a breach of planning control comprising the use of the land as a residential caravan site and the installation of a septic tank at ‘The Lodge’, land due east of The Knowe, Kinnaber Road, Hillside, Montrose.

The Committee noted that the appeal had been dismissed.

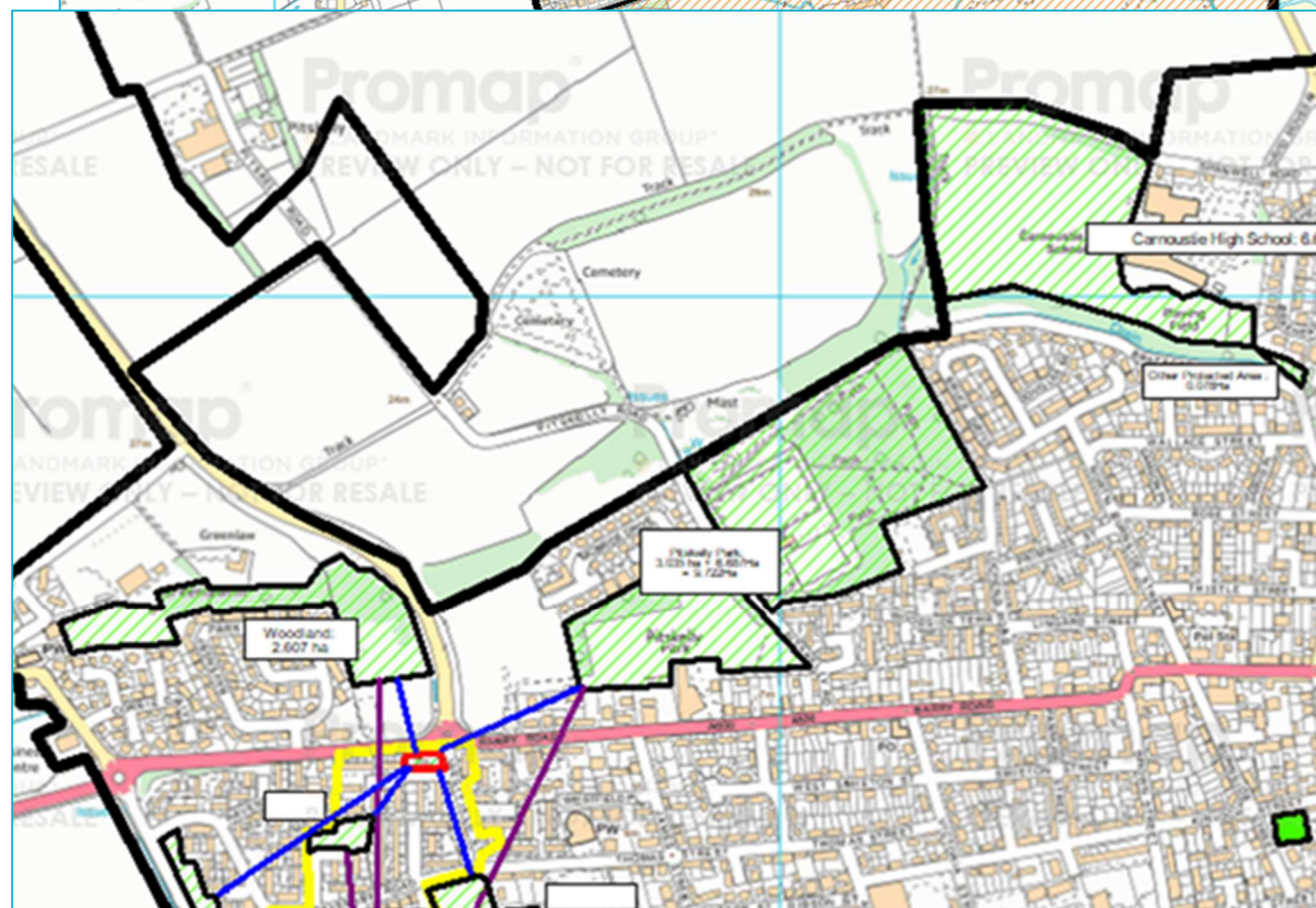
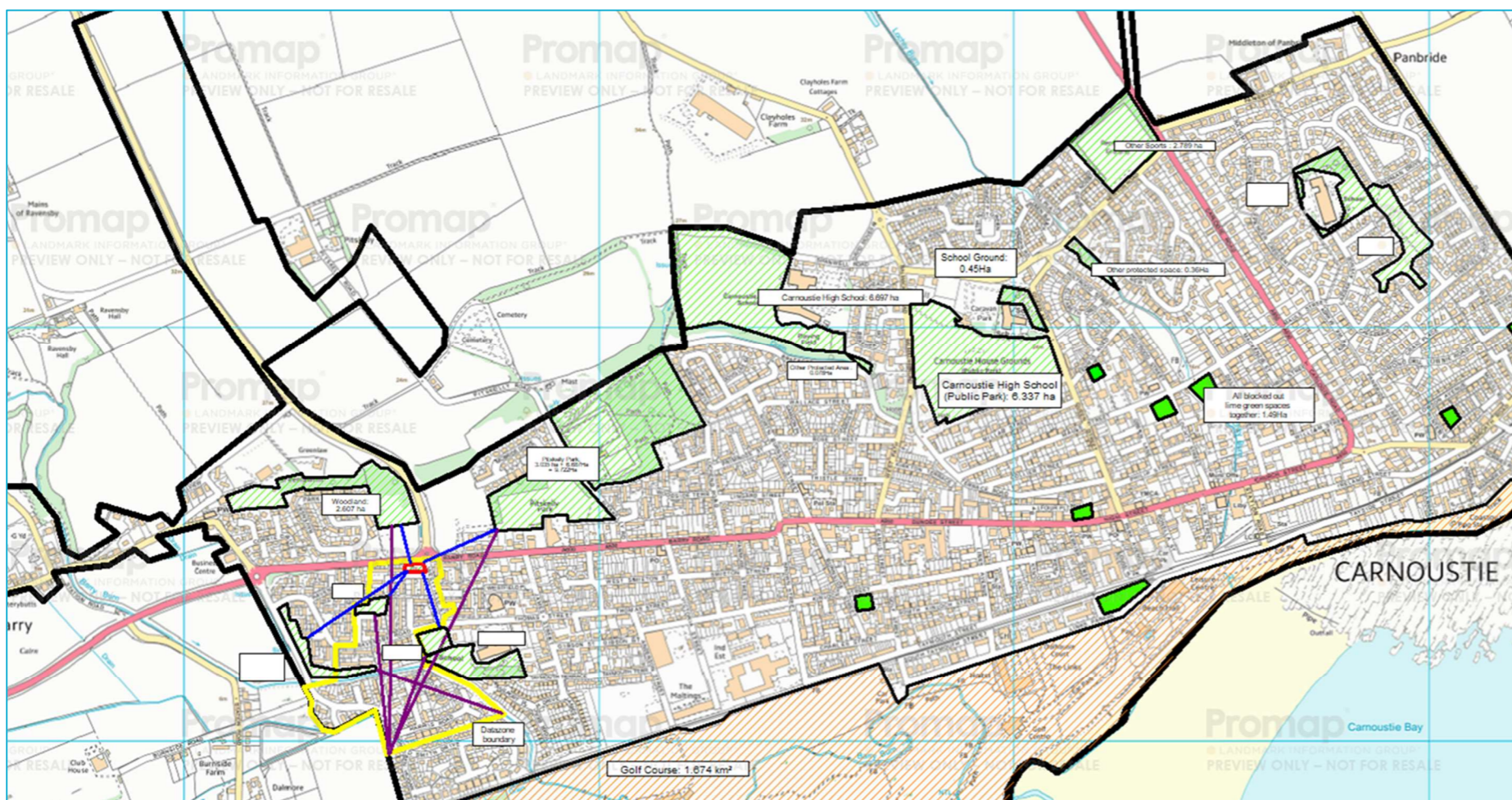
13. RENEWABLE ENERGY DEVELOPMENTS AND COMMUNITY BENEFIT

With reference to Article 7 of the minute of meeting of the Infrastructure Services Committee of 20 August 2013, there was submitted [Report No 450/13](#) by the Strategic Director – Communities dealing with renewable energy developments and associated community benefit and seeking approval to publish the draft Community Benefit Policy for public consultation.

The draft Policy, as set out in Appendix 1 of the Report, proposed that in relation to community benefit for on-shore renewable developments there would be a 50:50 split between the local “host” community (Angus Local Communities Fund – ALCF) and the Angus wide fund (Angus Social, Economic and Environmental Fund – ASEEF). It was considered that this split was reasonable and practicable and recognised that community benefit should indeed benefit the whole of Angus and not just specific areas within Angus.

Having heard from the Convener in relation to the decision of the Infrastructure Services Committee, the Committee, for its interest, agreed to note the preparation of the Renewable Energy Developments and Community Benefit policy.

Appendix 2 - Open Space Study Town Wide (Our Own Mapping Analysis)



Red line denotes Proposal Site.

Yellow Line denotes Isocrhone for demographic population area

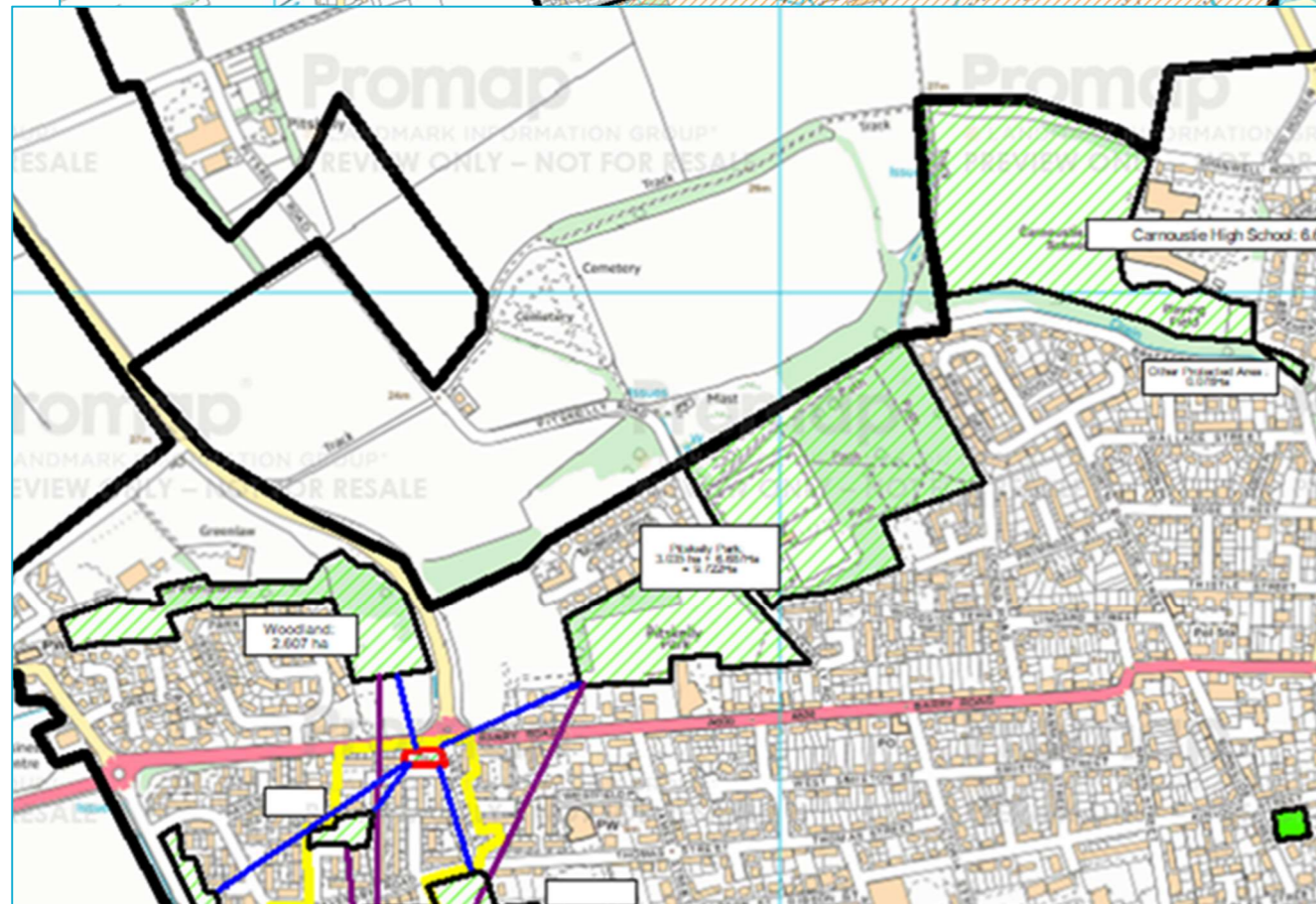
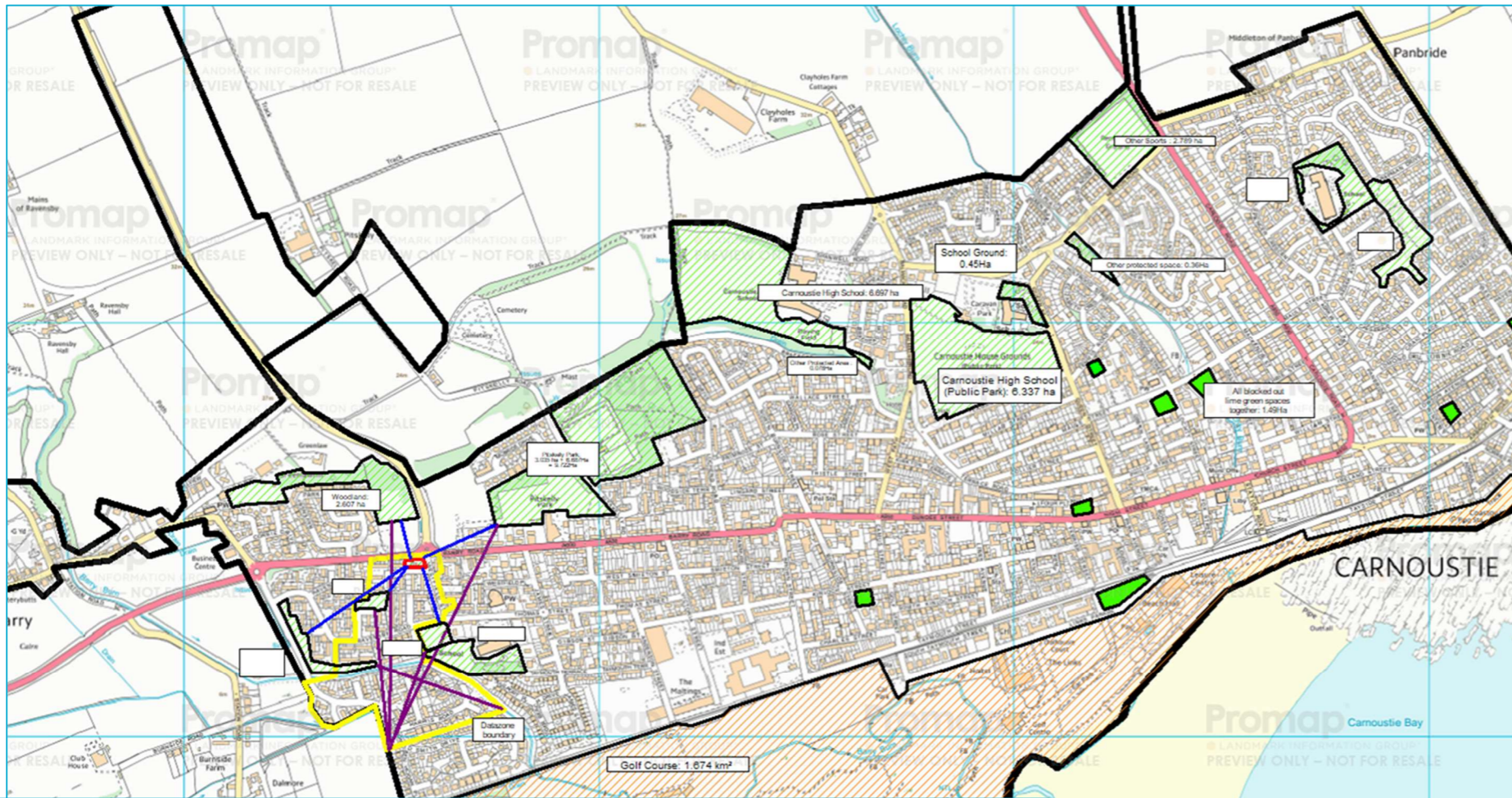
Purple Lines denote - 600m walk distance

Blue Lines denote - 300m walk distance

Green space and open space areas all linking to purple and blue lines are shown. This local availability of green space is exceeding the recommended scale and amount and accessibility requirement for Open Space Strategies approved by Aberdeen City and Dundee City Council in the absence of any Open Space Strategy for Angus.

The type and quality of the green open spaces is varied across woodland, trees, parkland and exercise areas and discounts the Championship Golf Course.

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The type and quality of the green open spaces is varied across woodland, trees, parkland and exercise areas and discounts the Championship Golf Course.



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 100169900-001

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

Type of Application

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

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

Description of Proposal

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

ERECTION OF 6NO. DWELLINGS, LANDSCAPING AND PARKING

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Gray Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	AYE House
Last Name: *	Gray	Building Number:	
Telephone Number: *	07514278498	Address 1 (Street): *	Admiralty Park
Extension Number:		Address 2:	Rosyth
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY11 2YW
Email Address: *	neil@grayplanning.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	The Nurseries
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	St Madoes
Company/Organisation	GS Brown Construction Ltd	Address 2:	Glencarse
Telephone Number: *		Town/City: *	Perthshire
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	PH2 7NF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

SITE AT GREENLAW PLACE / WESTFIELD STREET, BARRY ROAD, CARNOUSTIE DD7 7NG

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

The officer advised it was his view the site appears to be classified as open space, where Policy PV2 of the Angus LDP relates to this. He opined development involving the loss of open space (including smaller spaces such as this land, not identified on the Proposals Map) may only be permitted in certain circumstances.

Title:

Mr

Other title:

First Name:

James

Last Name:

Wright

Correspondence Reference Number:

18/00329/PREAPP

Date (dd/mm/yyyy):

29/05/2018

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

Site Area

Please state the site area:

1636.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Amenity space

Access and Parking

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

Yes No

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

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

Yes No

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

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

0

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

12

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

Water Supply and Drainage Arrangements

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

Yes No

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

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

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Provision for waste bins in amenity areas and subject to normal authority collection cycles

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

6

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Neil Gray

On behalf of: GS Brown Construction Ltd

Date: 21/06/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

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

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

Open Space Assessment Report Planning Statement

Declare – For Application to Planning Authority

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

Declaration Name: Mr Neil Gray

Declaration Date: 21/06/2019

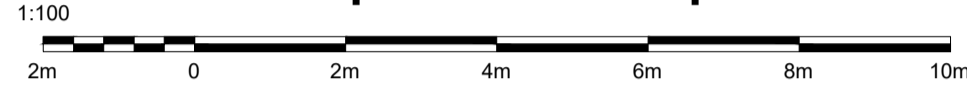
Payment Details

Cheque: GS Brown Construction Ltd, 166047

Created: 21/06/2019 09:39



Streetscape as Proposed

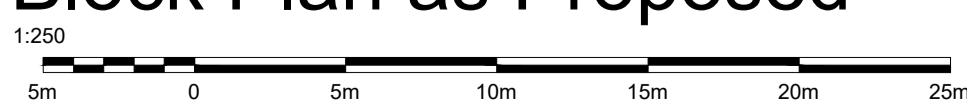


Plot Schedule					
Plot No.	House Type	Beds	GIA Area (m2)	No.	Amenity Area (m2)
1	Semi	3	89.34	1	80.05
2	Semi	3	81.48	1	110.17
3	Semi	3	81.48	1	98.33
4	Semi	3	81.48	1	99.71
5	Semi	3	81.48	1	103.01
6	Semi	3	89.34	1	84.25
Totals			504.6	6	575.52







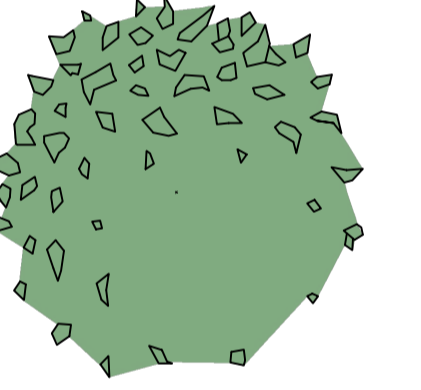
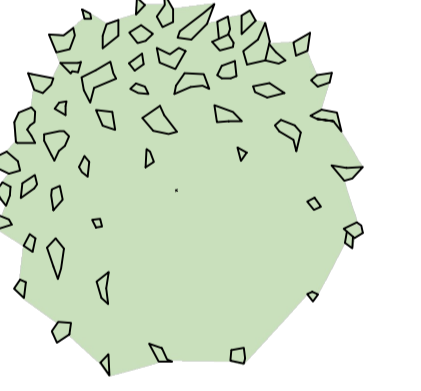
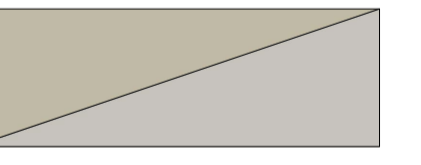
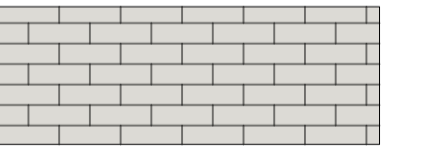

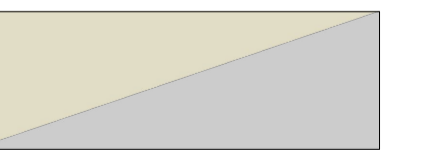
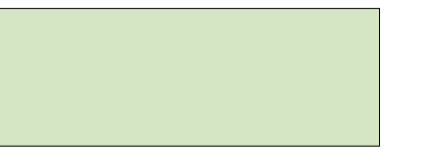
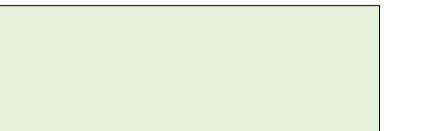
Public factored amenity Space **Within Red line - 183.98sqm**
 Public amenity space out with red line - **30.83sqm**
 Total Public Amenity Space remaining - **214.81sqm**

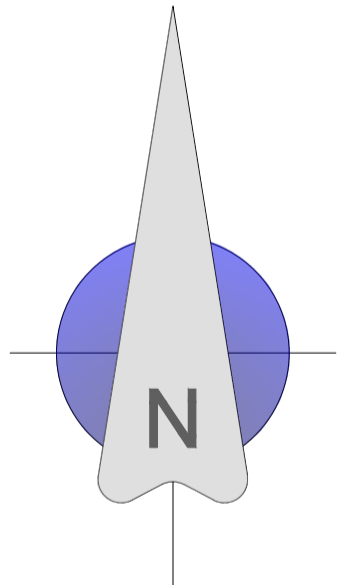



Block Plan as Proposed

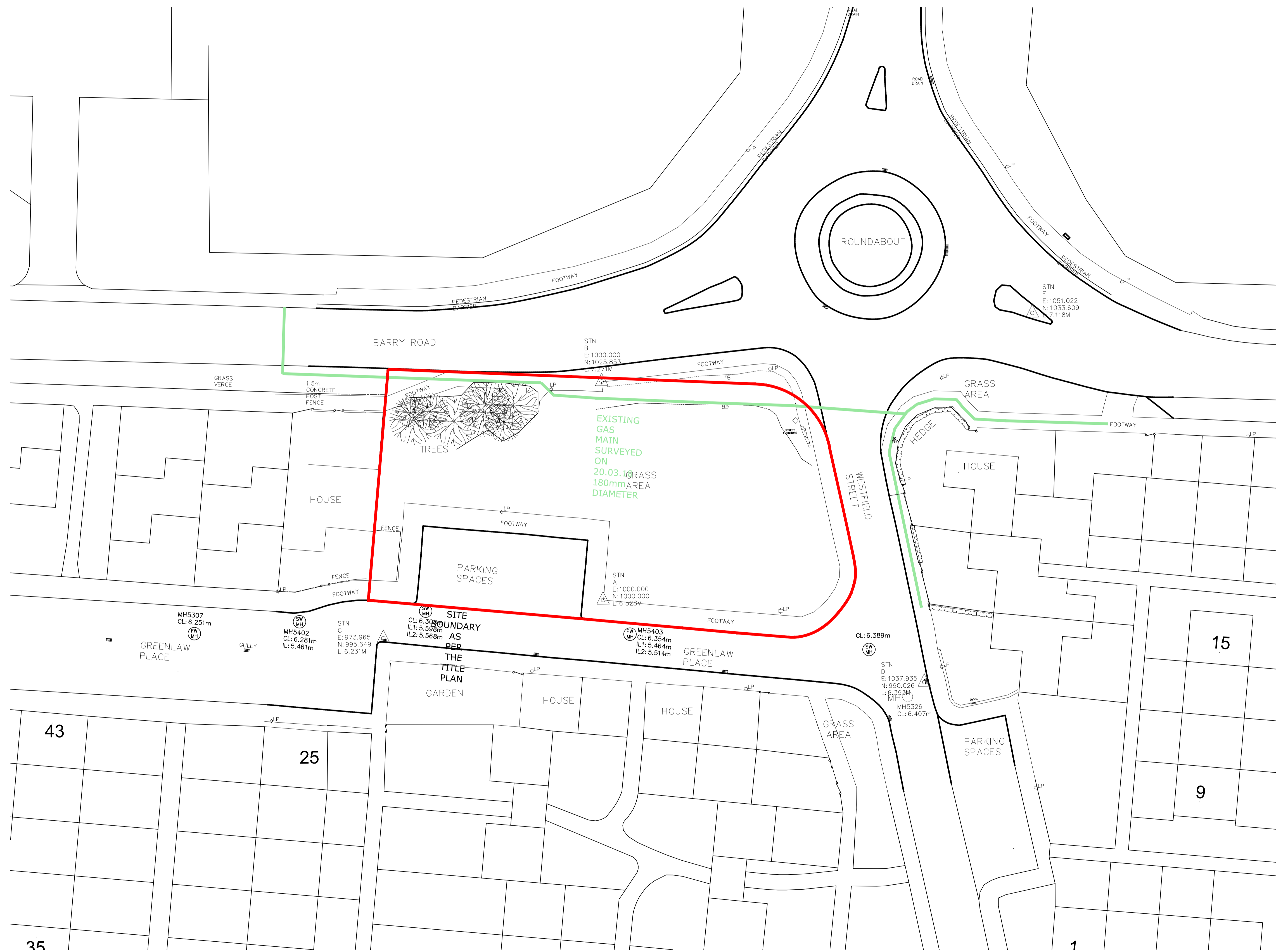


Boundary Treatment Legend:

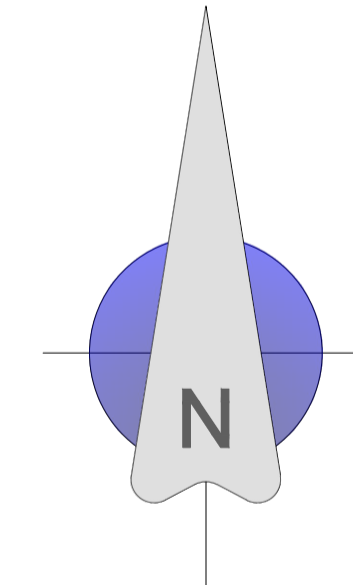
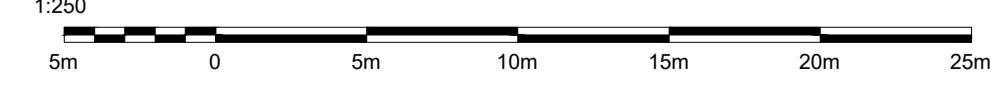
-  Site Boundary
-  1800mm High timber screen fence.
-  750mm High timber feu fence.
-  1200mm high metal feature fence.
-  1800mm high Facing Brick screen wall
-  Undefined front garden fue boundary.
-  Existing tree located as per topo survey
-  Proposed tree indicative location
-  Adoptable roads, make up as per Civil design
-  Mono block/block sets forming shared surfaces. Finish to be agreed
-  Adoptable footpath
-  Drive and private footpaths, finishes to be agreed
-  Open space (Maintained by factor)
-  Private garden ground.



JOB TITLE		BARRY ROAD CARNoustIE	
DRAWING		PROPOSED BLOCK PLAN FENCING/SERVICES	
DATE	APRIL 2019	SCALE	1:250 @ A1
DRAWN	KS	DRG. NO.	BRC-A-001
DRG. STATUS		REV.	A
			
The Nurseries, St Madoes, Perth, PH2 7NF Tel. 01738 860591			



Block Plan as Existing

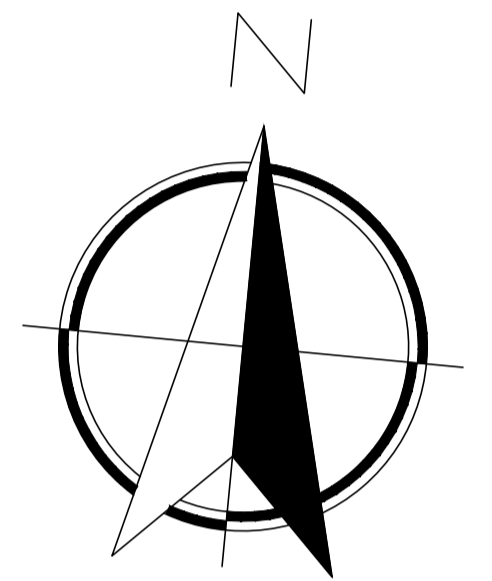


REV	DATE	BY	AMENDMENTS

JOB TITLE	BARRY ROAD CARNOUSTIE		
DRAWING	EXISTING BLOCK PLAN		

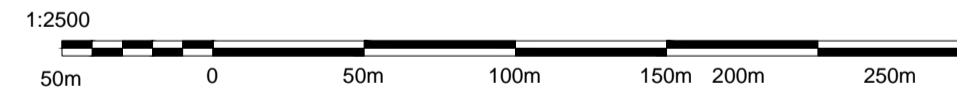
DATE	APRIL 2019	SCALE	1:250 @ A1
DRAWN	KS		
DRG. NO.	BRC-A-000	REV.	
DRG. STATUS			

The Nurseries, St Madoes, Perth, PH2 7NF	
Tel. 01738 860591	



CROWN COPYRIGHT
ALL RIGHTS RESERVED
LICENSE NUMBER:
ES10 000 8083

LOCATION PLAN - SCALE 1:2500



REV	DATE	BY	AMENDMENTS
JOB TITLE BARRY ROAD CARNOUSTIE			
DRAWING LOCATION PLAN			
DATE	APRIL 2019	SCALE	1:2500 @ A1
DRAWN	KS	DRG. NO.	BRC-A-002
DRG. STATUS		REV.	-
<p>The Nurseries, St Madoes, Perth, PH2 7NF Tel. 01738 860591</p>			

Item 3v



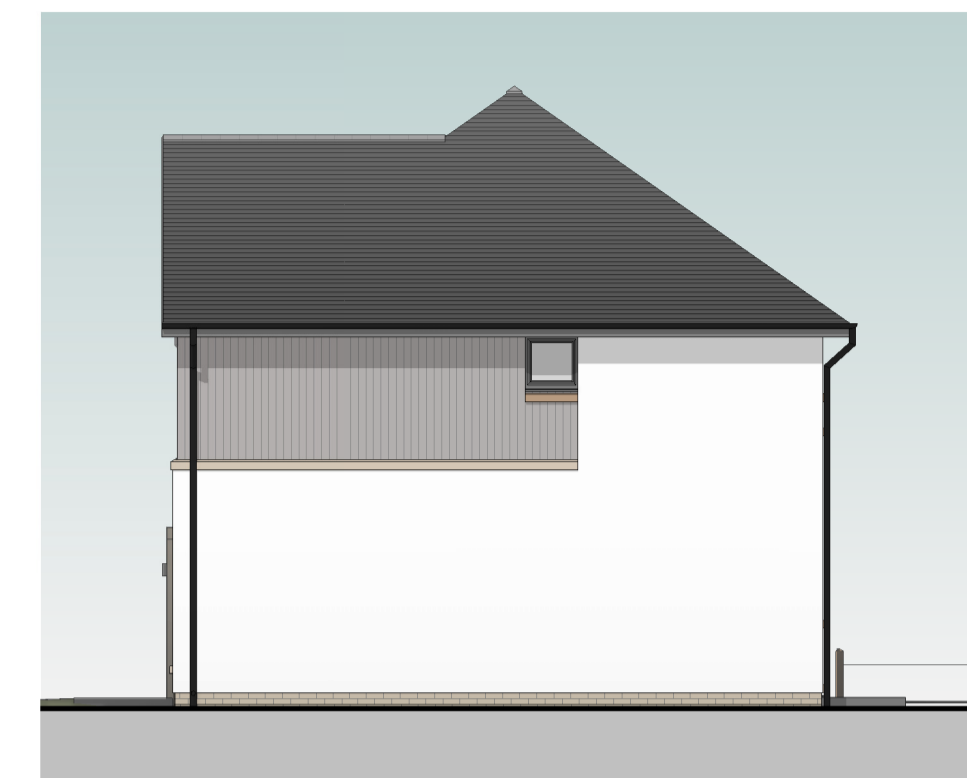
First Floor
1 : 50



Ground Floor
1 : 50



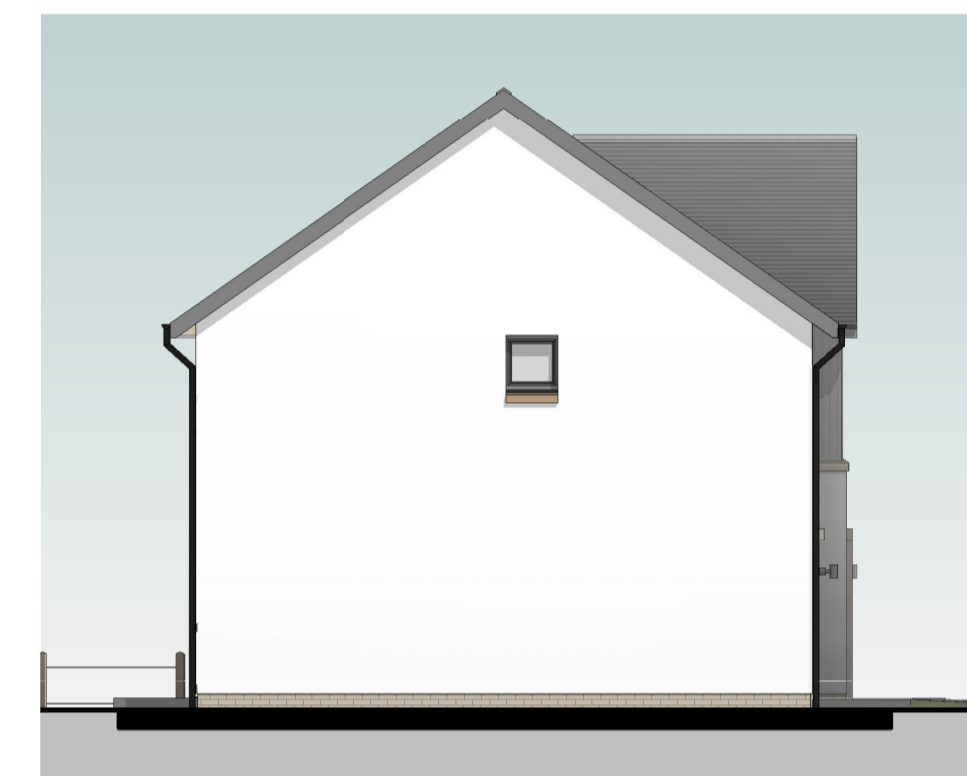
Front Elevation
1 : 100



Side Elevation 01
1 : 100



Rear Elevation
1 : 100



Side Elevation 02
1 : 100



Front Iso



Rear Iso

Rev	Description	Date

GS Brown
CONSTRUCTION
ST. MADDOES
GLENCARSE. TEL:- 01738 860591.

HOUSE TYPE
Barry Road - Semi Detached
Type 1 & 2

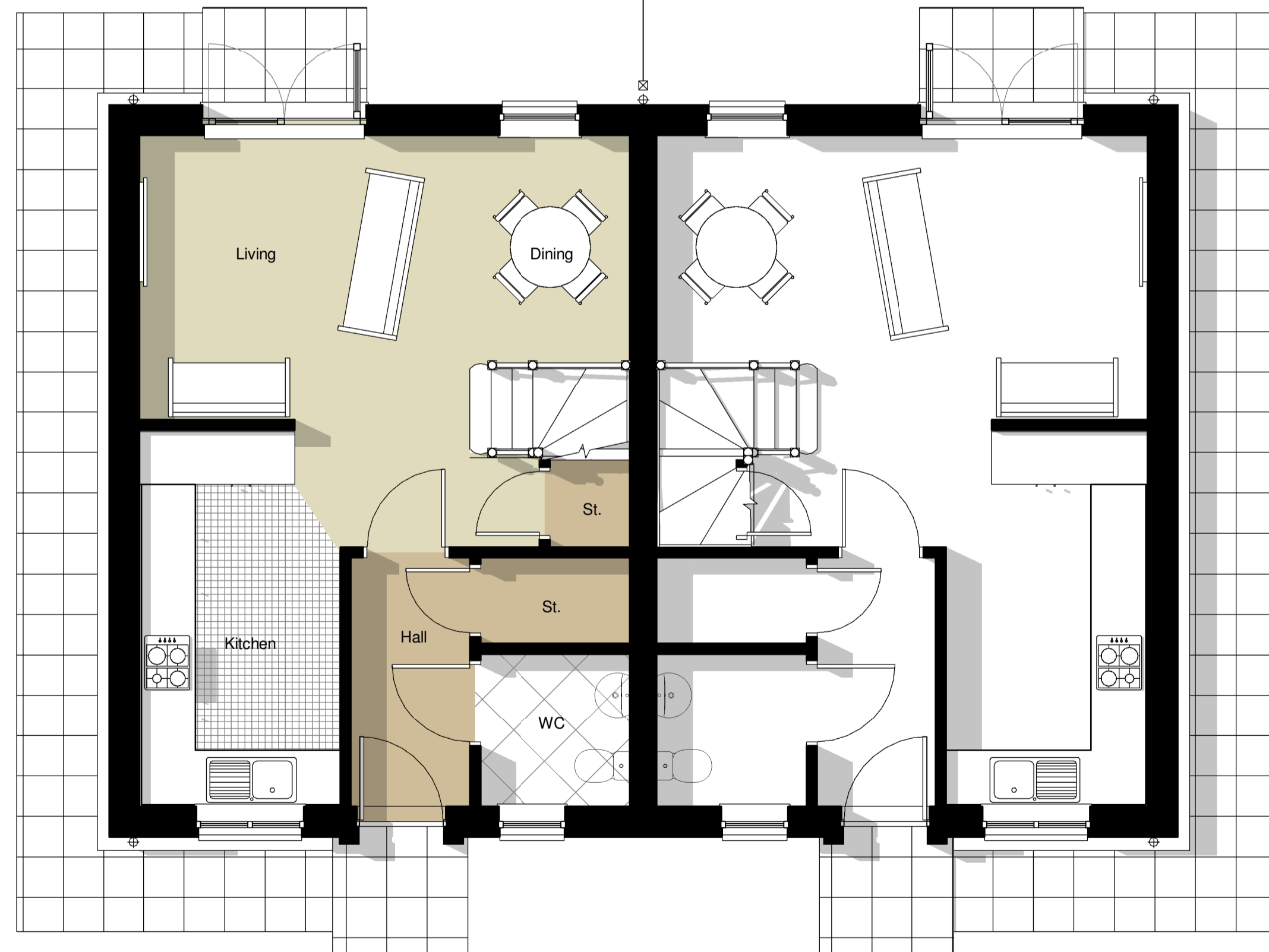
PROJECT
BARRY ROAD, CARNOUSTIE

PLANNING		
DRAWN BY KS	CHECKED BY KS	DATE APRIL 2018
SCALE (@ A1) As indicated		PROJECT NUMBER BRC
DRAWING NUMBER (PL) A100	REV	

Item 3vi



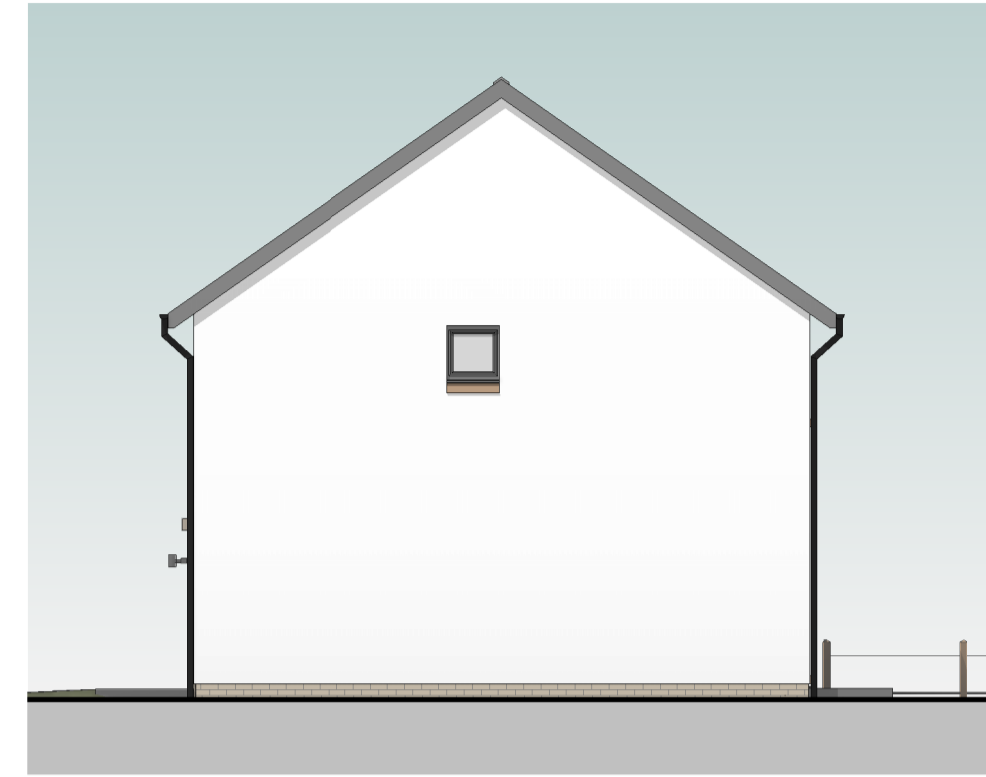
First Floor
1 : 50



Ground Floor
1 : 50



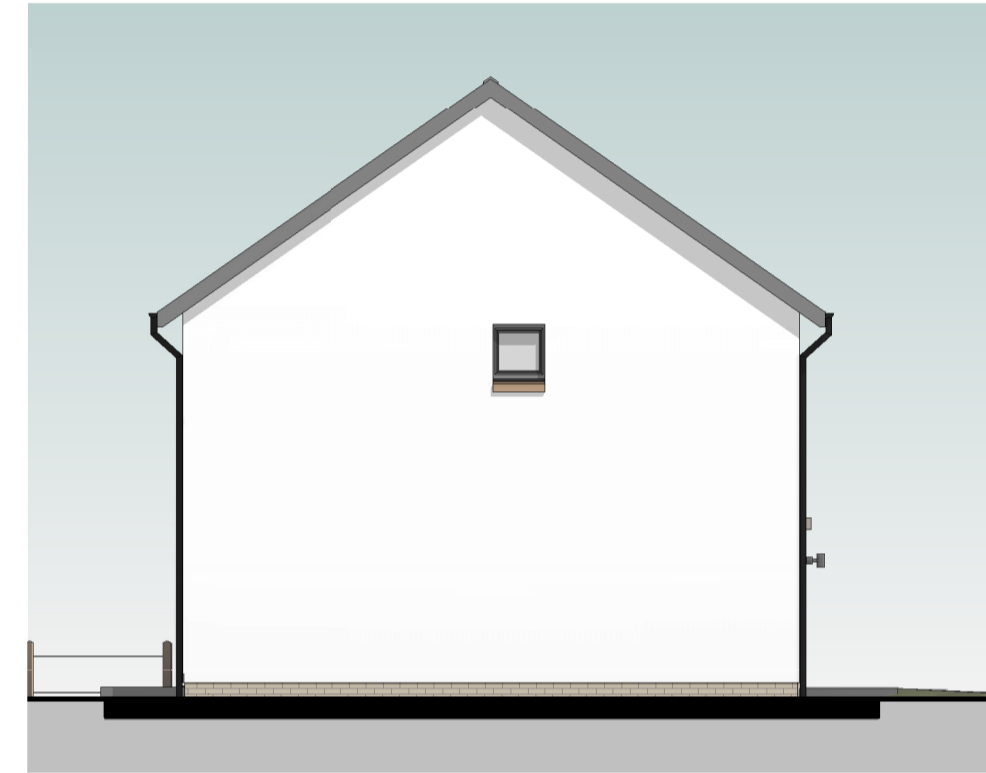
Front Elevation
1 : 100



Side Elevation 01
1 : 100



Rear Elevation
1 : 100



Side Elevation 02
1 : 100



Front Iso



Rear Iso

Rev	Description	Date

GS Brown
CONSTRUCTION
ST. MADDOES
GLENCARSE. TEL:- 01738 860591.

HOUSE TYPE
Barry Road - Semi Detached
Type 02

PROJECT
BARRY ROAD, CARNOUSTIE

PLANNING

DRAWN BY KS	CHECKED BY KS	DATE APRIL 2018
SCALE (@ A1) As indicated	PROJECT NUMBER BRC	
DRAWING NUMBER (PL) A110		REV

APPENDIX 3

FURTHER LODGED REPRESENTATIONS

Angus Council Planning Service,
Angus House,
Orchard bank Business Park,
Forfar.
DD8 1AN.

3, Greenlaw Place,
Carnoustie,
Angus,
DD7 7NG
11th December 2019.

Re - Proposed Development of Land at Barry Road/ Westfield Street, Carnoustie.

Dear Ms Forsyth,

Thank you for your correspondence dated 11th December 2019. I am glad to be given the opportunity to add to my original representation to be presented to Review Committee. I enclose a picture I have taken on the 13th of August this year at the above named area. As you can see there is a great amount of water coming up the main drain that is located in the street adjacent to the property of 1 Greenlaw Place. This was taken after there been a very heavy downpour of rain and as you can see the drain is not managing to cope with the excess water. This is before 6x3 bedroom houses are built on the land!
Also; there is still the issue with sight lines. I have witnessed at least six near misses with large lorries and cars at the roundabout adjacent to the land in question.

I look forward to hearing from you and thank you for your time.

Yours faithfully

Christine Finn.



*Passed to SF
(internal mail)
30/12/19
SC*

RECEIVED
3 DEC 2019
PLANNING & PLACE
COUNTY BUILDINGS

RECEIVED
LEGAL & DEMOCRATIC SERVICES
31 DEC 2019
TIME _____ INTS _____

Further comments R Cairnie received 17.12.19

Sarah

I refer to your letter dated 11 December regarding the above application review. I live at 5 Westfield Street which is directly opposite the junction with Greenlaw Place and the piece of ground in question. I agree totally with the reasons for the refusal of the application but I feel I would like to reinforce my views on the matter as follows;

- The loss of the open space would be detrimental to the area but this is of course covered by the Angus Council Local Development plan.
- My main concern would be the reduction in available parking this development would certainly impact upon. Not only would the loss of the layby in Greenlaw Place cause problems in an already crowded parking area - in Greenlaw Place - but with the drives of the proposed houses opening onto Greenlaw Place this would take away a further 8 to 10 parking spaces there. The result would be an increase in the number of cars parking in Westfield Street dangerously close to the Barry Road junction. There is now a much heavier volume of traffic using Westfield Street than some years ago due to the presence of Burnside School and the housing developments off James Street and Anderson Street to the south / east. I have lived here since 1992 and the increase in traffic in recent years is considerable. At peak times there already vehicles heading southwards from Barry Road in Westfield Street regularly queued at the Greenlaw Place junction due to northbound traffic and the presence of existing parked vehicles. Any further increase in parking in the street would present a real danger to residents and other pedestrians in the area.

Thank you for taking the time to read this and I understand that my comments will be made available to the applicant.

Regards

Ron Cairnie

APPENDIX 4

APPLICANT'S REPOSENSE TO FURTHER REPRESENTATIONS

2018-52

16th January 2020

Sarah Forsyth
Committee Officer,
Angus Council,
Resources, Legal & Democratic Services,
Angus House,
Orchardbank Business Park,
Forfar, DD8 1AN

Emailed to: plnprocessing@angus.gov.uk

Dear Ms Forsyth

PLANNING APPEAL TO LOCAL REVIEW BODY: DMRC-8-19

**LAND AT BARRY ROAD/ WESTFIELD STREET CARNOUSTIE, DD7 7NG
ERECTION OF 6NO. DWELLINGS, LANDSCAPING AND PARKING (PLANNING REF: 19/00481/FULL)**

Further to your email correspondence of 6th January 2020, enclosing representations made by interested parties to the appeal, we wish to comment in response as follows below.

In Christine Finn's letter of 11th December 2019, we do not consider her comment regarding an overflowing drain is relevant. The appellants have consulted with Scottish Water and SEPA, as part of the pre planning process and also these parties were consulted as statutory consultees during determination of the planning application. We note that Scottish Water did not object and the Council's flood and drainage team did not respond to the proposals. Any concerns the responder has about existing drainage matters should be addressed to Angus Council and Scottish Water. Should the appeal be successful, then a suitable planning condition should be worded to require further detail of drainage design to be proposed and approved by the Planning Authority. The developers would also, as standard practice, be required to obtain drainage connection approvals from Scottish Water who would rigorously check the proposals before issuing any consent for water connection (clean water and foul).

Ms Finn's comment about sight lines relates to matters on the public highway on Barry Road (roundabout), which is not within the appeal site. These are matters outwith the appellants control and not relevant to the appeal proposal which will use existing access arrangements at Westfield Street. Angus Council Roads made no comment specifically about sight lines.

Turning to comments provided by R Cairnie, received 17th December 2019, we note R Cairnie's 'main concern' is loss of available parking spaces, presumably those the responder assumes to be unrestricted and available, lying on Greenlaw Place. We submitted Google Streetview images to the appeal which show the unrestricted and available roadside space that might be considered convenient for nearby resident parking, in the event that private driveways were full or visitors may require spaces. However we disagree that "8-10 spaces" would be lost – and for what spaces that would be lost (3 in our calculation) there is adequate free space along the length of Greenlaw Place on the south side (unrestricted parking). We also emphasise that the parking convenience currently enjoyed at the appeal

site appears from the images we have supplied, to show 2 or 3 unhooked caravans. These alone occupy much greater space than any single car spaces. The land referred to is in the appellant's ownership.

Although R Cairnie raises concern about congestion and road safety in the vicinity of the appeal site, Angus Council Roads did not raise any concerns about congestion on Westfield or Greenlaw Place, nor did they raise any road safety concerns about the junction at the location at the proposal site.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

Yours sincerely,

[Redacted]

Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd
E: neil@grayplanning.co.uk
M: 07514 278498

Enclosed: Angus Open Spaces Audit Report (2017 by Ironside Farrar), with Appendices