

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 3 MARCH 2020

SITE EAST OF A930, 400M SOUTH OF MUIRDRUM JUNCTION, CARLOGIE, 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 in principle for Care Facility (Class 8 Residential Institution), application No. 19/00495/PPPL, at Site East of A930, 400M South of Muirdrum Junction, Carlogie, 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 – 19/00495/PPPL

APPLICANT- NEW BREAKS LTD

PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPAL FOR CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION) AT SITE EAST OF A930 400M SOUTH OF MUIRDRUM JUNCTION CARLOGIE CARNOUSTIE

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Angus Council

Application Number:	19/00495/PPPL
Description of Development:	Planning Permission in Principle for Care Facility (Class 8 Residential Institution)
Site Address:	Site East Of A930 400M South Of Muirdrum Junction Carlogie Carnoustie
Grid Ref:	356332 : 736596
Applicant Name:	

Report of Handling**Site Description**

The 1905sqm application site is located to the east of the A930 public road, approximately 500m south of Muirdrum on the public road to Carnoustie. Agricultural land bounds the site to the south and trees bound the site to the north and east. The Monikie burn is located further to the east.

Proposal

Planning permission in principle is sought for the erection of a care facility (Class 8 Residential Institution). The proposed site plan and indicative floor plans show that two separate detached units would be formed. The supporting information suggests that one unit is to be used for a supported residential care facility to accommodate a maximum of two children or young adults and the other proposed unit would be an independent living accommodation facility, to accommodate one individual. The application form indicates that the proposal would make private drainage arrangements (new / altered septic tank and soakaway), that SUDS would be provided and that the proposal would connect to the public water supply network.

The application has not been subject of variation.

Publicity

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 26 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

08/00666/OUT for Outline Consent for Erection of a Petrol Station and Shop was determined as "approved subject to conditions" on 2 October 2008.

Applicant's Case

A Supporting Planning Statement, Supporting Letter and Additional Information Document were submitted as part of the application. In addition to this, e-mails from the agent were submitted. All of this correspondence is summarised as follows:

Supporting Planning Statement:

- o Provides an overview of the development and confirms that the developer is an approved care provider within Angus;

- o The applicants currently operate a residential care home at Carmylie. The existing premise is no longer fit for purpose;
- o The demand for the service is constant;
- o Application site - The small scale and awkward layout of the field has resulted in the field not being cultivated. The site currently has no use nor is there any possibility of the site becoming cultivated;
- o The site is located a short distance to the north of Carnoustie, with a footpath available into Carnoustie. Further, the site is located on the existing No. 73 bus route which links Arbroath to Ninewells and provides a regular ½ hourly bus service, which links easily to the wider surrounding areas;
- o Notes planning history;
- o The children and young people that would be accommodated within the facility often have complex needs;
- o Indicates that the semi-rural location of the proposed new development is essential for this type of accommodation;
- o The development would employ 5 people with 2 staff members on site throughout the day and 1 member of staff on site throughout the night;
- o The site benefits from access to the A930 to the west. The frontage provides good visibility in both directions;

Supporting Letter:

- o A letter from Angus Council Social Work relating to the use of the existing facility (Carmyllie) was submitted. This confirms that due to a national shortage of foster carers, an increase of residential placements are being sourced for teenagers and young people. Indicates that a rural location can be problematic for young people accessing public transport and developing independent living skills.

Additional Information:

- o Consists of e-mail correspondence from Angus Council Children and Learning Section and confirms that the existing accommodation the applicant owns offers great support but highlights (in general terms) that the only issue is the location of the cottages. Highlights if the placements were closer to bus routes, then young people can use public transport and again support them to become more independent and they won't have to rely on staff for transport.

E-mail from Agent 02/08/19:

- o Provided a plan showing visibility splays;
- o Confirms application is not for a residential care home but rather for a care facility,
- o Provides other comments on locational requirements;
- o Considers the site to be accessible;
- o Applicant willing to provide information for SEPA and considers this can be dealt with as part of an MSC application.

E-mail from Agent 05/08/19:

- o Refers to a similar development on Land North of Cairnie Lodge, James Chalmers Road, Arbroath Ref 13/00169/FULL;
- o Recognises that there is some conflict with Policy TC2.

E-mail from Agent 08/08/19:

- o Aware the access does not meet the necessary standards but if the principle of the use was acceptable in planning terms, the applicants will undertake further investigation on the access, including a road safety audit;
- o The previous planning consent for the erection of a petrol station and shop did not attract any objection from the Roads Service.

Consultations

Scottish Environment Protection Agency - Objects to the application on the grounds of a lack of information relating to flood risk and foul drainage but offered to review their objection if additional supporting information was provided to address these matters.

SEPA has indicated that there is a high risk of flooding from the Monikie Burn and requires the submission of further information to assess that flood risk.

With regards to foul drainage, SEPA notes that the site lies between two Scottish Water foul sewerage networks. SEPA's preference is that foul drainage for the development connects to either of these sewerage networks. SEPA indicates that a private foul drainage system at this location may be problematic and all avenues of connecting to the foul sewer should be exhausted before assessing any options for private foul drainage solutions. SEPA therefore object to the application until this matter is addressed.

The additional information required to address the SEPA objection has not been provided.

Angus Council - Roads - Indicated that in order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215 metres should be provided on both sides of the proposed access at its junction with the public road. Similarly, a forward visibility sightline of 215 metres should be available on the approach to the access point to ensure that sufficient stopping sight distance is provided. Roads has indicated that parking for four cars and one bicycle stand should be provided within the site.

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

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

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
 Policy DS2 : Accessible Development
 Policy DS3 : Design Quality and Placemaking
 Policy DS4 : Amenity
 Policy TC2 : Residential Development
 Policy PV12 : Managing Flood Risk
 Policy PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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

Assessment

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

The suitability of the location for the proposed use

The site is located outside of a development boundary in the countryside between Carnoustie and Muirdrum. Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be

expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALDP.

Policy TC2 provides the main local development plan basis for assessing planning applications for residential development. Policy TC2 indicates that residential development 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. It indicates that Angus Council will support proposals for residential development (including non-mainstream housing for people with particular needs) within development boundaries where the site is not allocated or protected for another use; and the proposal is consistent with the character and pattern of development in the surrounding area. In countryside locations, Policy TC2 allows for the development of new houses on qualifying sites but does not provide support for other forms of residential development including non-mainstream housing for people with particular needs. The proposal is therefore contrary to Policy TC2 because the site is located in the countryside.

Angus Council Advice Note 4/2018 'Residential Care Homes' is relevant to the assessment of proposals for new residential care homes for the elderly, adults with learning difficulties and children. It states that the preferred location for this type of facility is within existing towns and rural service centres which benefit from access to nearby facilities and services such as shops and public transport. It also states that residential care homes located in remote locations such as the open countryside will be unacceptable as they do not benefit from access to nearby facilities and services. It notes that these locations are likely to present problems regarding accessibility for visitors (as not every visitor will possess ownership of a car); staff; ambulances; doctors (where valuable time may be spent travelling); snow clearance; and limiting the opportunities for the less able residents to get out and about safely.

Planning Advice Note 4/2018 reflects the locational principles of Policy TC2 and promotes residential care facilities in towns and rural service centres because those locations are more sustainable with access to services and transport for staff, residents and visitors of those residents.

The site is located in the countryside, around 2.5km from Carnoustie town centre. The applicant has indicated that their existing operation at Carmyllie is too remote from services and transport and the letters submitted from Angus Council Children and Learning in support of the application indicate that it would be beneficial for the children resident in the units to have access to services and transport. While the location proposed is closer to services than those available to the existing location in the Carmyllie area, the proposed location remains divorced from Carnoustie and is not located particularly close to bus stops in Muirdrum or Carnoustie.

Both Policy TC2 and Advice Note 4/2018 promotes this form of development within development boundaries and not in the open countryside and the proposal is contrary to Policy TC2 and Angus Council Advice Note 4/2018 because it is located in the countryside and not in a development boundary.

Access and road safety

Policy TC2 indicates that all proposals for new residential development must not result in an unacceptable impact on access and Policy DS4 indicates that the Council will consider impacts of development on a number of matters including 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 Roads Service has been consulted on the application and has indicated that in order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215 metres should be provided on both sides of the proposed access at its junction with the public road. Roads has also indicated that a forward visibility sightline of 215 metres should be available on the approach to the access point to ensure that sufficient stopping sight distance is provided.

The site is located close to a bend in the public road to the north and available information suggests that the applicant does not control all of the land require to provide and maintain the required 2.4 x 215m visibility splay from the site. On that basis the proposal is contrary to policies DS4 and TC2 because it has not been

demonstrated that a safe and suitable vehicular access to the site from the A930 public road could be provided.

Flooding and drainage

Policy PV12 Managing Flood Risk indicates that to reduce risk from flooding there will be a general presumption against built development proposals on the functional floodplain or which would materially increase the probability of flooding to existing or planned development. SEPA was consulted on the proposal and noted that the site is adjacent to the medium likelihood fluvial flood extent of the SEPA Flood Map and may therefore be at high risk of flooding from the Monikie Burn. SEPA has indicated that insufficient information has been submitted to assess flood risk on this site and therefore object to the proposal. The applicant's agent was made aware of SEPA's objection but has not provided any additional information to address it. On the basis of the above it is not possible to conclude that the proposal would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development contrary to the terms of Policy PV12.

Policy PV15 Drainage Infrastructure indicates that 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. The application form indicates that private drainage arrangements would be provided to serve the development.

SEPA has indicated that the site lies between two Scottish Water foul sewerage networks, one of which is to the north serving Muirdrum which discharges to the Monikie Burn just upstream of this development and the other is to the south serving Carnoustie which is pumped to Hatton Wastewater Treatment Plant which discharges to the North Sea. SEPA has indicated that the possibility of connecting to this infrastructure should be explored with Scottish Water noting that a private foul drainage system at this location may be problematic.

SEPA has objected to the use of a private drainage system and satisfactory evidence has not been submitted to deal with their concerns. The applicant's agent was made aware of SEPA's objection but has not provided any additional information to address it. It is not possible to conclude that there is no viable connection to the public sewer. Based on the information submitted, it has not been demonstrated that it is necessary to use a private drainage system at the site and the proposal is therefore contrary to Policy PV15.

The proposal is contrary to policies of the Angus Local Development Plan for the reasons detailed above. For completeness, an assessment against other policies of the local development plan is provided below.

Other development plan considerations

There are no conflicting land uses which would render the proposed use of the site unsuitable. In terms of the residential environment to be provided, the site would be capable of providing a reasonable degree of privacy for residents. There would be garden ground and adequate space to provide vehicle parking and turning and bin/recycling storage.

The site contains no designation for natural or built heritage interests and 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 when assessed against council guidance. There would be no unacceptable impacts on surrounding amenity resulting from the proposal.

The development would not give rise to any other significant issues in terms of infrastructure in the area and the Council's approved Supplementary Guidance on Developer Contributions and Affordable Housing does not require any particular contributions for a development of this scale and nature.

The proposal is contrary to policies DS4, TC2, PV12, PV15 of the Angus Local Development Plan. On that basis, the proposal also fails Policy DS1.

It is noted that outline planning permission was granted for the development of a petrol station and shop on the site in 2008. However, that decision relates to a different proposal assessed against a different development plan and is of limited relevance and weight in the consideration of the current proposal.

The proposal is contrary to the development plan. There are no material considerations which justify approval of the application contrary to the provisions of the development plan. Planning permission in principle is therefore refused.

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 TC2 of the Angus Local Development Plan (2016) and Planning Advice Note 4:2018 on 'Residential Care Homes' because the development would be located within a countryside location and does not benefit from easy access to facilities, services and has limited accessibility.
2. The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because insufficient information has been submitted to demonstrate that the development would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development.
3. The proposal is contrary to Policy PV15 of the Angus Local Development Plan (2016) because a private drainage system is proposed and insufficient information has been submitted to demonstrate that there is no viable connection to the public sewer.
4. The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the applicant can provide and maintain the required 2.4 x 215m visibility splay at the junction of the site with the public road.
5. 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, DS4, PV12 and PV15.

Notes:

Case Officer: James Wright
Date: 2 October 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 DS2 : Accessible Development

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

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o 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
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

Policy DS3 : Design Quality and Placemaking

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

- o Distinct in Character and Identity: Where development fits with the character and pattern of

development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.

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

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

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

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

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

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

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

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

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

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

Policy PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

19/00495/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

18	07	19
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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. 19/00495/PPPL – PROPOSED
ERECTION OF A CARE FACILITY ON LAND AT A930 CARNOUSTIE TO
MUIRDRUM ROAD**

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 the east side of the A930 Carnoustie to Muirdrum Road some 290m south of the A92 Dundee to Arbroath road grade separated junction.

Access

In order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215m metres should be provided on both sides of the proposed access at its junction with the public road. Similarly, a forward visibility sightline of 215 metres should be available on the approach to the access point to ensure that sufficient stopping sight distance is provided.

Parking

Submitted drawing no. P19-036_PL-02 show two proposed units with two bedrooms in each unit. Staff accommodation will also be provided in the larger unit. In order to maintain the free flow of traffic on the existing public road, car parking should be provided within the site at the rate of one space per staff member, plus one visitor space per three beds.

A submitted statement indicates that there will be two staff members on site throughout the day and one staff member throughout the night. Further support workers will attend the site as and when required.

Accordingly, a minimum of four car parking spaces should be provided on site. Although no parking details are provided it would appear apparent from inspection of the site plan that at least four spaces will be provided.

Additionally, a minimum of one bicycle space, two motor cycle spaces and one space for blue badge holders should be provided.

Summary

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I would request that further information be provided regarding access and parking to clarify the above comments.

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' or similar initials.

James Wright
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

If telephoning ask for:
Alasdair Milne

By email only to: PLNProcessing@angus.gov.uk

1 August 2019

Dear Sir

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
PLANNING APPLICATION: 19/00495/PPPL
PLANNING PERMISSION IN PRINCIPLE FOR CARE FACILITY (CLASS 8
RESIDENTIAL INSTITUTION)
SITE EAST OF A930, 400M SOUTH OF MUIRDRUM JUNCTION, CARLOGIE,
CARNOUSTIE

Thank you for your consultation email which SEPA received on 17 July 2019.

Advice for the planning authority

We **object** to this planning application on the grounds of a lack of information relating to flood risk and foul drainage. We will review this objection if the issues detailed in Section 1 and 2 below are adequately addressed.

1. Flood Risk

- 1.1 We have reviewed the information provided in this consultation and it is noted that, the application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year return period) fluvial flood extent of the SEPA Flood Map, and may therefore be at high risk of flooding from the Monikie Burn. We also hold records of flooding to the A930 and A90 public roads to the north of the site in 2009 and 2011.
- 1.2 OS Maps indicate that the site is well elevated above the banks of the burn however no information has been provided to confirm this. As such, insufficient information is provided with this consultation for us to assess flood risk at this site. We therefore **object** to this development until additional information is provided in support of the application.
- 1.3 In the first instance, the applicant should submit site photographs and topographic information. This should include photos looking towards the site from the Monikie Burn and photos looking up and downstream along the watercourse. This should also include the

proposed development site ground and finished floor levels related to the banks of the Monikie Burn and Ordnance Datum.

- 1.4 This will give us an idea of the lay of the land and the gradient of the watercourse which will help to determine whether out of bank flow is likely and if further information is required. An annotated map detailing the location and direction of any photographs would also be useful.
- 1.5 If basic topographic information and photographs are insufficient to demonstrate that the site is well elevated above the burn, more detailed topographic information should be provided. This should include cross sections across the burn (including the channel bed levels and bank levels of the opposite bank), upstream, downstream and adjacent to the site.
- 1.6 We will remove our objection on flood risk grounds if such information demonstrates that the proposed development accords with the principles of Scottish Planning Policy. However if this information is insufficient to provide a robust assessment of the risk of flooding to the proposed development then a detailed flood risk assessment may need to be carried out by a suitably qualified professional.
- 1.7 The site in question has a risk of flooding and it follows that to allow development to proceed may place property or persons at serious risk contrary to Scottish Planning Policy.
- 1.8 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Caveats & Additional Information for Applicant

- 1.9 The [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.
- 1.10 We refer the applicant to the document entitled: "[Technical Flood Risk Guidance for Stakeholders](#)". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction [Policy 41](#) (Part 2).
- 1.11 Our [Flood Risk Assessment Checklist](#) should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.
- 1.12 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989

www.sepa.org.uk • customer enquiries 03000 99 66 99

- 1.13 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Angus Council as Planning Authority in terms of the said Section 72 (1).

2. Foul Drainage

- 2.1 This site lies between 2 Scottish Water foul sewerage networks, one of which is to the north serving Muirdrum which discharges to the Monikie Burn just upstream of this development and the other is to the south serving Carnoustie which is pumped to Hatton Wastewater Treatment Plant which discharges to the North Sea.
- 2.2 SEPA's preference is that the site connects to either of these sewerage networks. The developer should contact Scottish Water's connection team to discuss possible connection locations. We note that the field to the south of this site is allocated as an employment site reference C6 as part of the Local Development Plan for Angus. Therefore the future employment area could be an opportunity gain access to the foul sewer once it is available.
- 2.3 A private foul drainage system at this location may be problematic and SEPA would like to see all avenues of connecting to the foul sewer exhausted before assessing any options for a private foul drainage options. As such we **object** to this application until these matters are addressed.
- 2.4 We would direct the applicant to SEPA's Land Use Planning System Guidance Note 19 on Planning Advice on Wastewater Drainage for further guidance on this, specifically section 6.3. Our regulatory staff at our Arbroath Office would be happy to provide advice and assistance to the applicant on this, if this would be useful.

Regulatory advice for the applicant

3. Regulatory requirements

- 3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 3.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
- is more than 4 hectares,
 - is in excess of 5km, or



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

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- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

- 3.4 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
- 3.5 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

SEPA, 62 High Street, Arbroath, DD11 1AW, Tel: 01241 874370

If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at planning.se@sepa.org.uk.

Yours faithfully

Alasdair Milne
Senior Planning Officer
Planning Service

ECopy to: karine@sullerandclark.com

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).



Chairman
Bob Downes

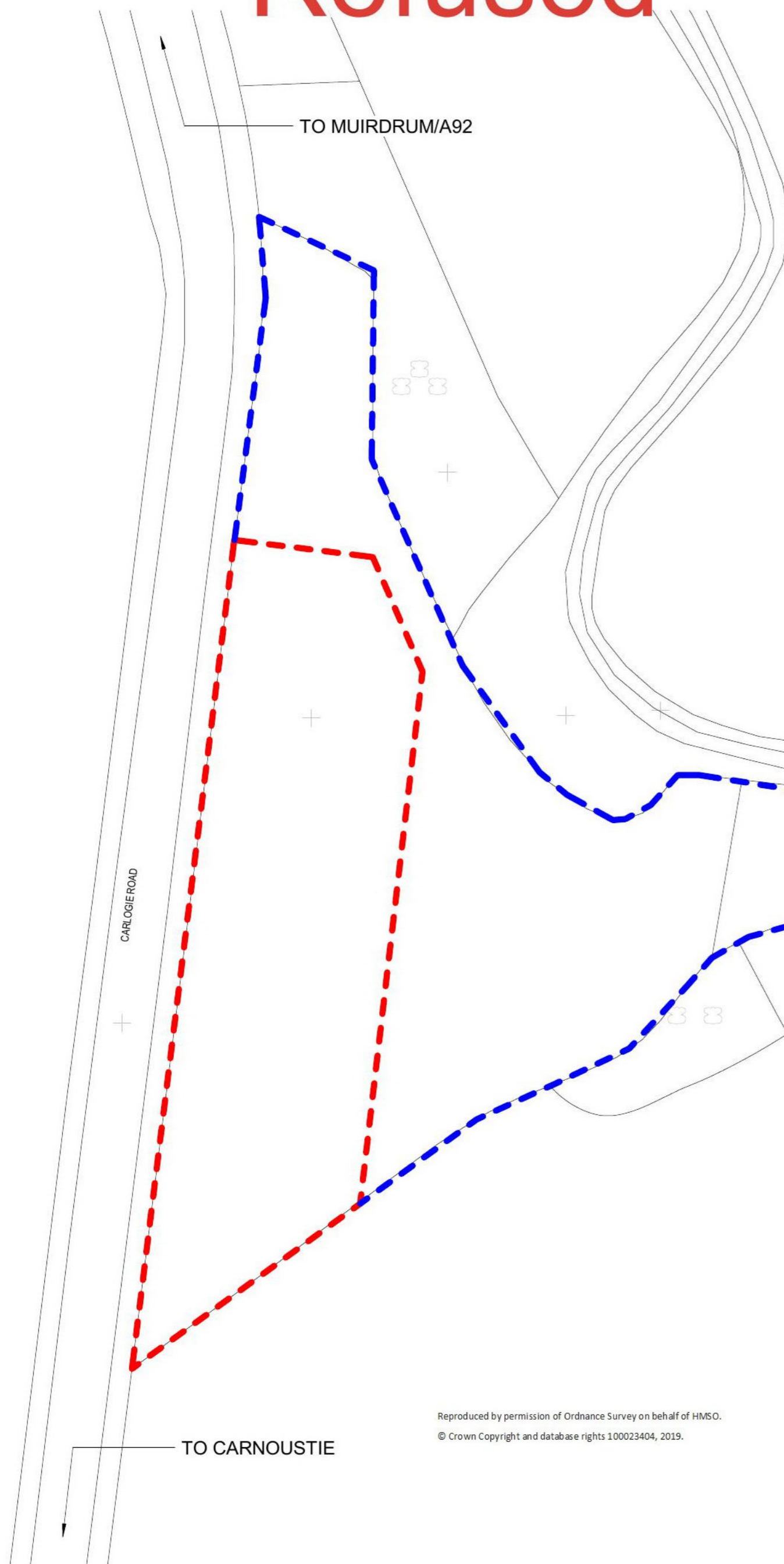
Chief Executive
Terry A'Hearn

Perth Strathearn House

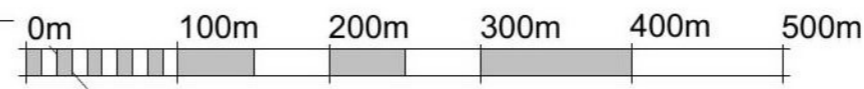
Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989

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Refused

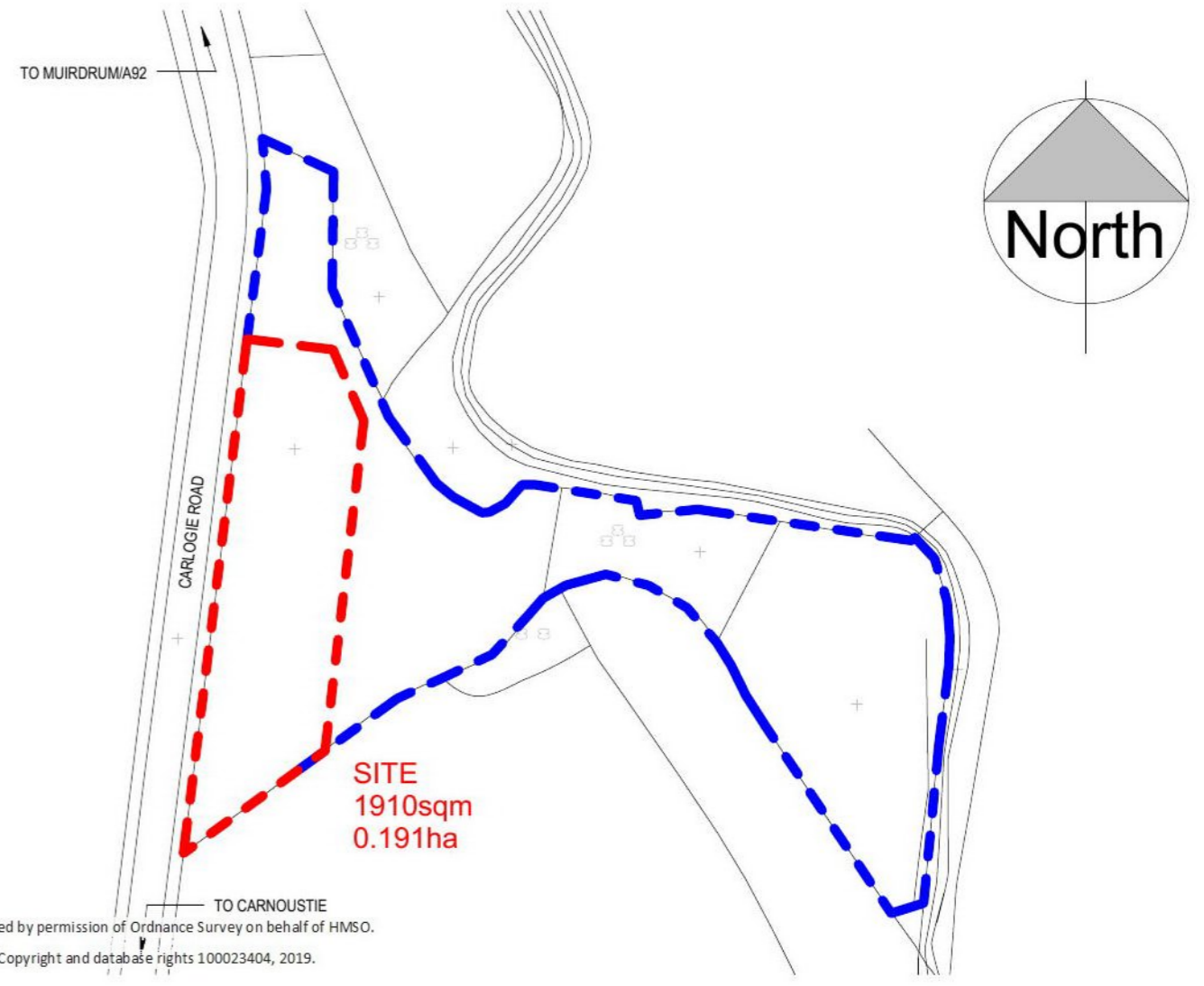
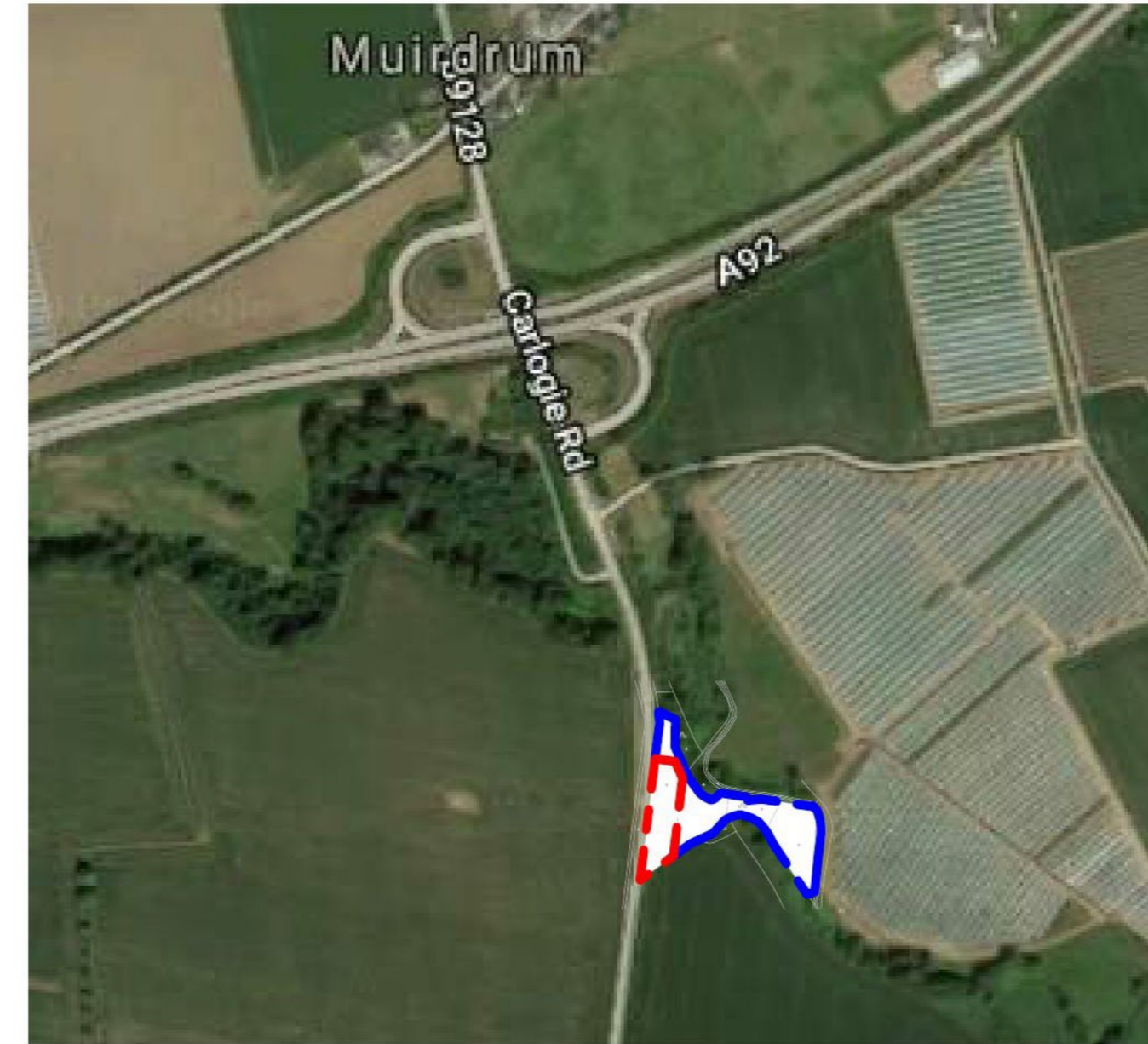


3 SITE LOCATION PLAN 1:5000
1:5000

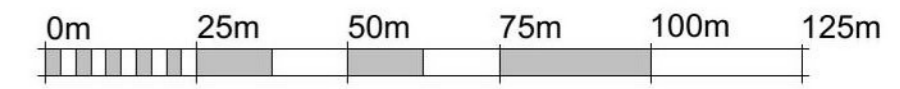


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Refused



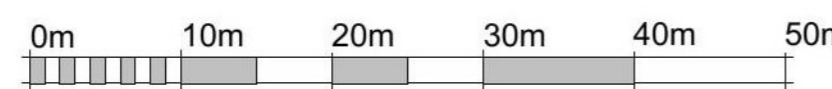
1 SITE LOCATION PLAN
1:1250



VISUAL SCALE 1:1250 @ A2

Refused

2 EXISTING SITE PLAN
1:500



VISUAL SCALE 1:500 @ A2

Rev	Date	Description	Initials
A	08.07.2019	1:5000 SITE LOCATION PLAN ADDED	DB

Project Title:
CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION SITE EAST OF A930, 400m SOUTH OF MUIRDRUM JUNCTION, CARLOGIE ROAD, CARNOUSTIE)

Drawing Title:
SITE LOCATION PLAN AND EXISTING SITE PLAN

Date: 13.06.2019	Scale: As indicated @ A2	Project Drawing No: P19-036_PL-01	Rev: A
Issue: PLANNING	Drawn By: DB		

gwp gauldiwright&partners
Chartered Architects

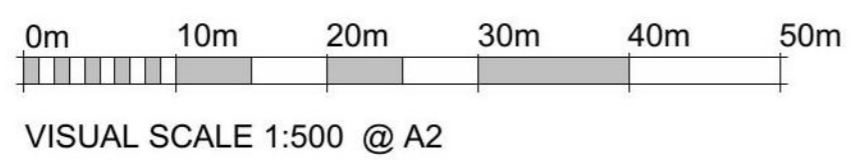
Gauldie Wright & Partners Architects Ltd.
2 Osborne Place
Magdalen Yard Road
Dundee DD2 1BD
t 01382 669241
f 01382 669032
e info@gwp-architects.co.uk
www.gwp-architects.co.uk

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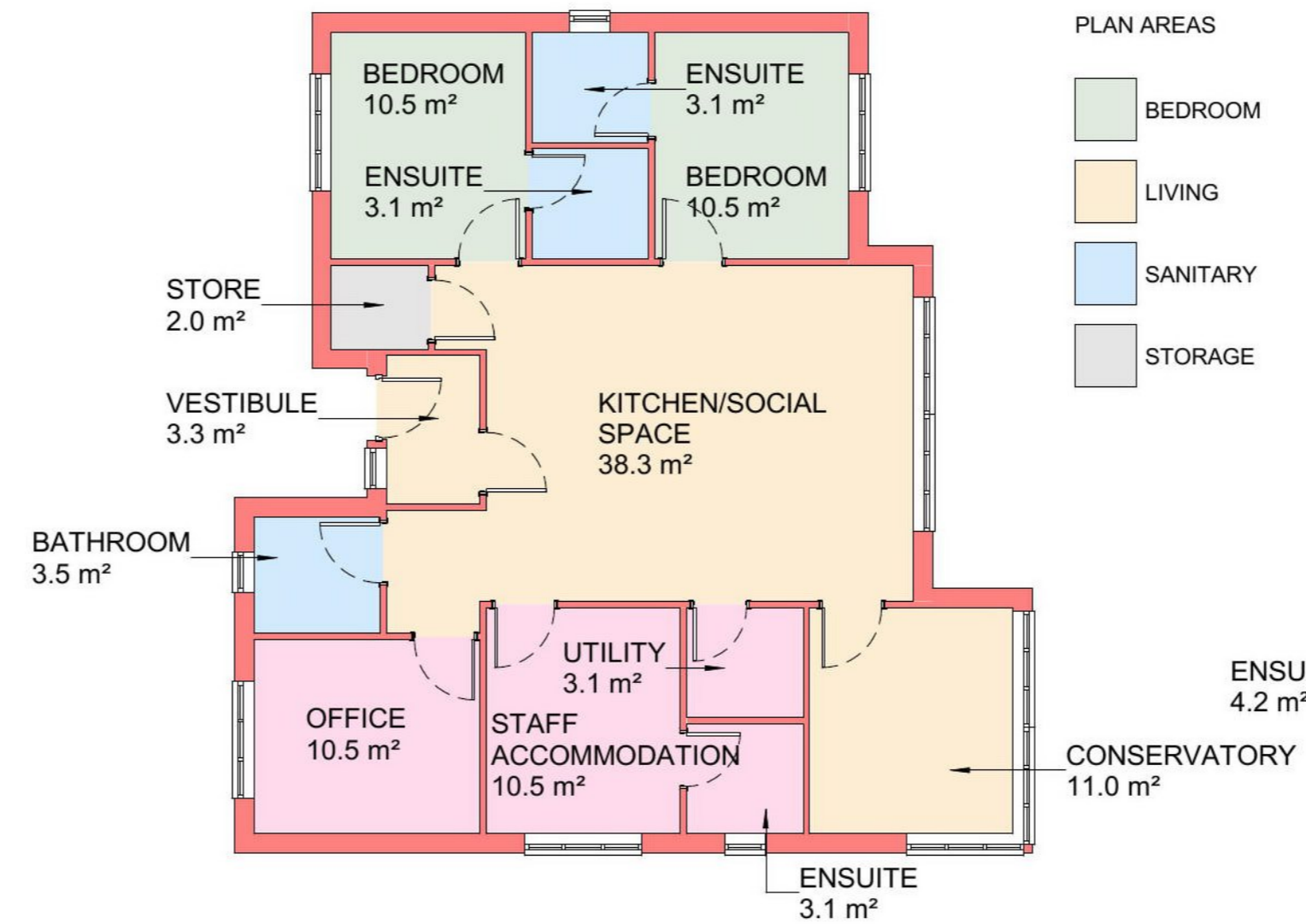
Refused



1 PROPOSED SITE PLAN
1 : 500

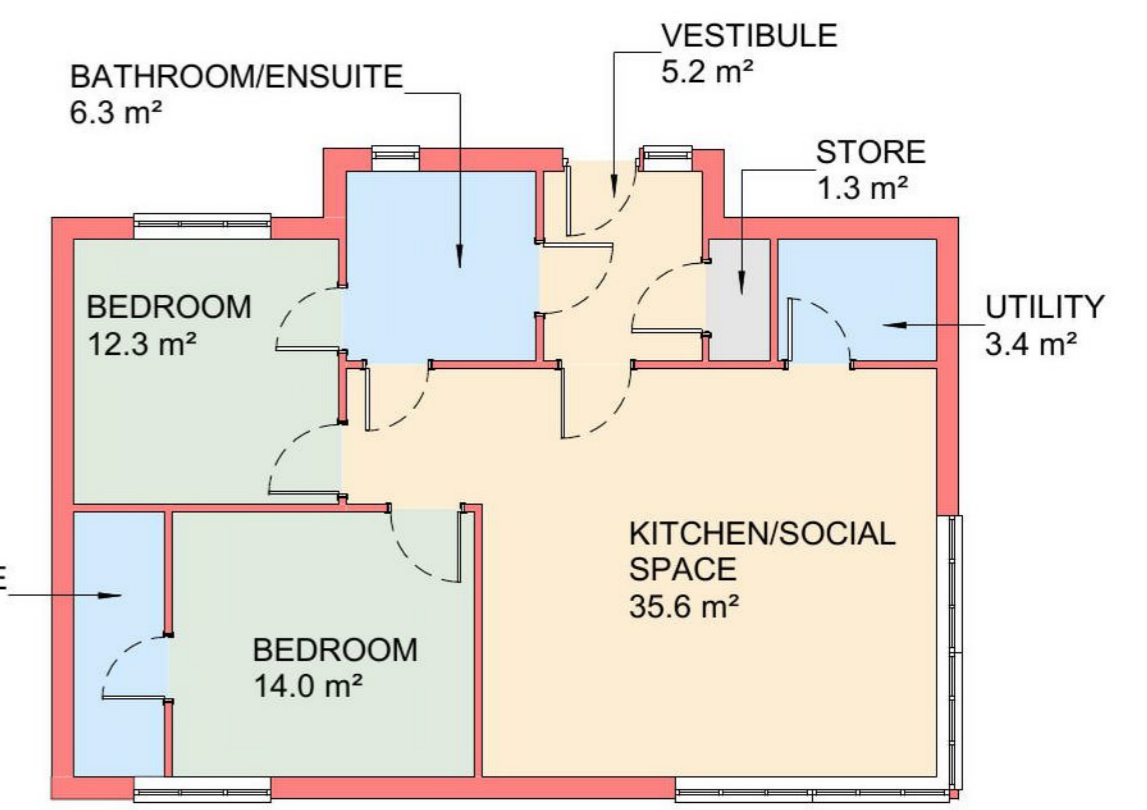


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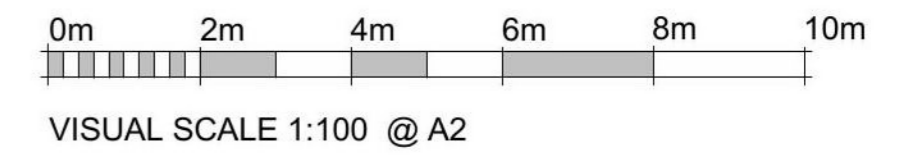


2 UNIT 1 - INDICATIVE PLAN
1 : 100

- PLAN AREAS
- BEDROOM
 - LIVING
 - SANITARY
 - STORAGE



3 UNIT 2 - INDICATIVE PLAN
1 : 100



Refused

Refused

A	19.06.2019	PLAN NOTES UPDATED	DB
Rev	Date	Description	Initials
Project Title:		CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION SITE EAST OF A930, 400m SOUTH OF MUIRDRUM JUNCTION, CARLOGIE ROAD, CARNOUSTIE	
Drawing Title:		PROPOSED SITE PLAN AND INDICATIVE FLOOR PLANS	
Date:	Scale:	Project Drawing No:	Rev:
13.06.2019	As indicated @ A2	P19-036_PL-02	A
Issue:	Drawn By:		
PLANNING	DB		
gauldiewright&partners Chartered Architects		Gauldie Wright & Partners Architects Ltd. 2 Osborne Place Magdalen Yard Road Dundee DD2 1BD t 01382 669241 f 01382 669032 e info@gwp-architects.co.uk www.gwp-architects.co.uk	
		© GAULDIE WRIGHT & PARTNERS ARCHITECTS LTD., 2017	













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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 19/00495/PPPL

To **New Breaks (Ltd)**
c/o Suller & Clark
Karine Suller
Scoutbog Steading
Oldmeldrum
AB51 0BH

With reference to your application dated 15 July 2019 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission in Principle for Care Facility (Class 8 Residential Institution) at Site East Of A930 400M South Of Muirdrum Junction Carlogie Carnoustie for New Breaks (Ltd)

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

The reasons for the Council's decision are:-

- 1 The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and Planning Advice Note 4:2018 on 'Residential Care Homes' because the development would be located within a countryside location and does not benefit from easy access to facilities, services and has limited accessibility.
- 2 The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because insufficient information has been submitted to demonstrate that the development would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development.
- 3 The proposal is contrary to Policy PV15 of the Angus Local Development Plan (2016) because a private drainage system is proposed and insufficient information has been submitted to demonstrate that there is no viable connection to the public sewer.
- 4 The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the applicant can provide and maintain the required 2.4 x 215m visibility splay at the junction of the site with the public road.
- 5 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, DS4, PV12 and PV15.

Amendments:

The application has not been subject of variation.

Dated this **2 October 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 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 Centre
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"/>

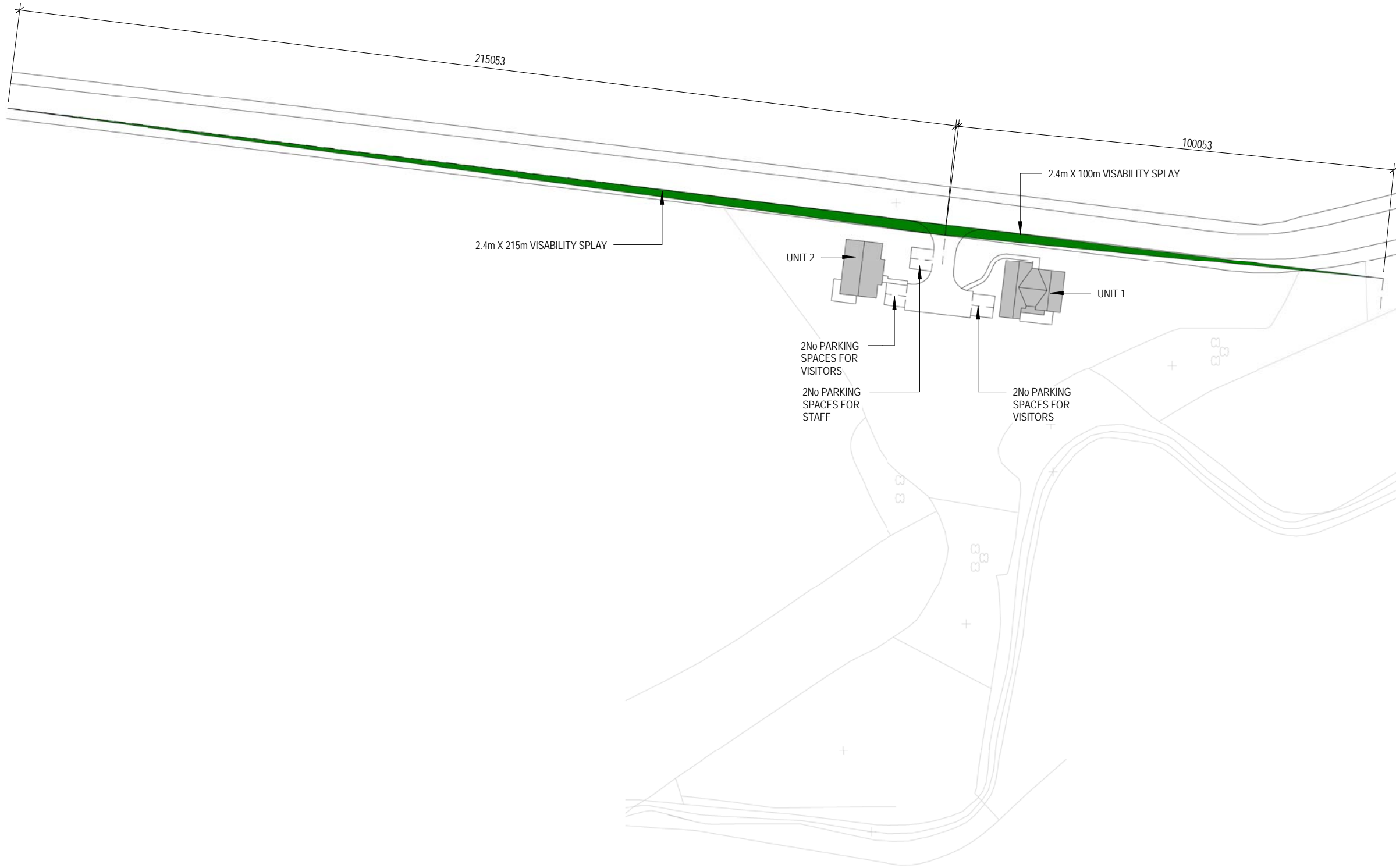
OUTCOME: Outcome of the application:

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"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

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.



1

ROADS INFORMATION

1 : 1000

suffix	date	description	initials
Project Title:		CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION SITE EAST OF A930, 400m SOUTH OF MUIRDRUM JUNCTION, CARLOGIE ROAD, CARNOUSTIE	
Drawing Title:		ROADS INFORMATION	
Date:	Scale:	Project Drawing No:	Rev:
02.08.2019	1 : 1000 @ A3	P19-036 - PL-03	
Issue:	Drawn By:		
PLANNING	DB		
 gauldiwright&partners Chartered Architects		Gaudie Wright & Partners Architects Ltd. 2 Osborne Place Magdalen Yard Road Dundee DD2 1BD t 01382 669241 f 01382 669032 e info@gwp-architects.co.uk w www.gwp-architects.co.uk	
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Planning Statement

in support of

Application for Planning Permission in Principle

for

Care Facility (Class 8 Residential Institution)

**Site East of A930, 400m South of Muirdrum Junction, Carlogie
Road, Carnoustie.**

For

New Breaks Ltd

■ **Karine Suller B.Sc**, M.Sc, MRTPI
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons)**, MRTPI
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: 07930 566 336
karen@sullerandclark.com

1. Introduction

1.1 Overview

1.2 The Developer

2. Site Appraisal

2.1 Site Description

2.2 Site Connection

2.3 Site Context

3. Planning History

4. Application Proposal

4.1 Development Brief

4.2 Proposal

4.3 Sustainability

4.4 Accessibility

5. Development Plan

5.1 Scottish Planning Policy

5.2 TAYplan Development Plan

5.3 Angus Local Development Plan 2016

6. Discussion

1. Introduction

1.1 Overview

The Planning Statement is lodged in support of an application for planning permission in principle for the erection of a Care Facility (Class 8, Residential Institution) on land east of A930, 400m South of Muirdrum Junction, Carlogie Road, Carnoustie. The proposed development will allow the established care provider, New Breaks Ltd, to relocate to modern premises designed specifically for the proposed use, in an appropriate location, enabling the business to continue to provide much needed support facilities for vulnerable young people in an accessible location.

It is submitted that the proposal complies with the policies of Angus Council as it will provide a community facility in much demand.

1.2 The Developer

The applicant, New Breaks Ltd, is an existing approved care provider within Angus. The applicants currently operate a residential care home service for vulnerable children and young people at Birns Farm Cottage, Carmylie. The existing premise is no longer fit for purpose and requires considerable investment to meet the required standards. Access to the cottage is poor for both visiting and staff vehicles, as well as emergency services, with the shared track up to the house requiring on-going maintenance and ideally tarmacking. In addition, the cottage would benefit from being rewired which has been a recommendation by the Fire Service. The water pressure to the house is also poor, providing lesser quality showering facilities for both the child or young person and staff members. As the house does not belong to the company the significant investment required in the existing premises is not considered viable or feasible.

Further, due to the location of the cottage, internet access is extremely poor, rendering it difficult to utilise the positive aspects of internet access for both staff and children and young people. In addition, the service's referrals are predominantly young people who are approaching adulthood rather than younger children and the existing site is considered too remote to enable residents to develop independent living skills, an essential element of the overall aim of the service which seek to develop young people capable of living self-sufficiently within society.

Letters of support from Angus Council Social Work Department are lodged with the application these confirm the difficulties with the existing location and the high level of service which the applicants currently provide to vulnerable people in Angus.

The demand for the service is constant and ever increasing with regular placing requests received from Angus, Dundee City and Perth and Kinross Councils, with additional demand from various Councils in the wider area. Although a handful of these requests are for planned moves for the child or young person, most are more emergency and crisis placements and this reflects the limited number of residential care services currently available to local authorities who are responsible for the safe and appropriate care provision of their children and young people. The applicants receive approximately ten to fifteen placement requests a month.

2. Site Appraisal

2.1 Site Description

The application site measures 0.19 ha and is located to the east of the A930, 400m south of the Muirdrum Junction and 1.2 kilometres north of the settlement boundary for Carnoustie. The site subject of this application currently forms a corner of a larger field set between the road and burn. The small scale and awkward layout of the field has resulted in the field not being cultivated. The site currently has no use nor is there any possibility of the site becoming cultivated. The boundaries of the site are formed by post and wire fencing some of which is complemented by additional planting.



Application site highlighted in red

2.2 Site Connection

The site is located a short distance to the north of Carnoustie, with a footpath available into Carnoustie. Further the site is located on the existing No. 73 bus route which links Arbroath to Ninewells and provides a regular ½ hourly bus service, which links easily to the wider surrounding areas.

2.3 Site Context

Carnoustie is located 1.2 km to the south of the site. Carnoustie provide a wide range of local services including schools, health service, community hall/centre post office, retail outlets and crucially all support services including emergency services.

3. Planning History

An application for outline consent for the erection of a petrol station on the site of the current application (Ref 08/00666/OUT) was considered at the Development Standards Committee in September 2008. The application was recommended for refusal; however, this was overturned by the Councillors as it was considered that there was an overriding need for a filling station on a site readily accessible to Carnoustie.

4. Proposal

4.1 Design Brief

The design has developed from the applicant's requirement to continue to improve their existing care provision in this area, looking to provide high-quality accommodation which complies with the Care Inspectorate's requirements, providing a positive living environment, whilst responding to the continuing strong demand from the various local authorities including Angus Council. The children and young people accommodated within the facility often have complex needs requiring residential support as they are unable to live at home and are unable to sustain or engage with a family-based fostering or kinship service. These children would normally be aged between 8 and 18 years. All children will have an assessed need for a residential child care placement and in some cases, a continuing care placement.

4.2 Proposed Development

The current proposal seeks planning permission in principle for a Residential Institution Class 8 of the Use Class Order (Scotland) 1997 which is defined as

“(a)for the provision of residential accommodation and care to people in need of care other than a use within class 9 (houses);”

The accommodation will provide accommodation for children and young people assessed as requiring residential care. The intention is to provide a small-scale facility as much as possible reflecting a family environment. The units will be single storey accessible for children or young people with additional support needs. The unit will be set within its own grounds with space around it to minimise noise disruption during crisis and play. Grounds will include capacity for flexible use, but will include play facilities, drying area, BBQ, and a vegetable plot. Additionally, the service is looking at introducing a small on-site paddock to allowing access to the equestrian facility provided by New Breaks Ltd which has proved to be extremely beneficial with regards to the development of the children and young people who have been placed with facility.

While the application seeks to establish the principle of the use at this time, in order to provide an indication as to what is intended to be developed on site, an indicative layout plan has been provided. This indicates two proposed blocks, these will accommodate the following:

Unit 1- Residential care facility to accommodate a maximum of 2 children or young adults between the ages of 8-21 years (possibly extending to 25 years depending on proposed changes to legislation). Care and supervision will be provided 24 hours a day, 7 days a week. The accommodation will provide 2 ensuite bedrooms for the residents, communal kitchen and living area, office and staff sleeping accommodation. As can be seen, the aim is to provide small scale family orientated type accommodation.

Unit 2 - Independent living accommodation facility to accommodate 1 individual, likely aged between 18- 21 years (or 25 years depending on legislation changes). This block would allow a young adult to live independently but be supported by staff within Unit 1. This block will provide 1 ensuite room for the resident, with living space and a further bedroom for staff accommodation as and when required, or for visiting family.

The semi-rural location of the proposed new development is essential for this type of accommodation, that being close enough to Carnoustie with good public transport and footpath links to allow the young people a level of independence. However, no immediate neighbours, ensuring there will be no conflict or loss of amenity. Being positioned on the periphery of Carnoustie will also assist with a range of risk factors: including the ease with which young people can abscond from the houses, sexual exploitation, limited access to negative peer groups and breaches in confidentiality. Additionally, a more isolated location will enhance the physical capability of the unit, offering a better experience to both children and the community at large.

The site employs 5 people with 2 staff members on site throughout the day and 1 member of staff on site throughout the night. Further support workers attend the site as and when required. As with the applicant's current premises, the proposed facilities will be registered

with the Care Inspectorate and will be regularly monitored to ensure standards are maintained at all times.

The function of the proposed facility is to provide full time residential care for vulnerable children and young adults who are looked after and accommodated away from home in a supervised, safe and supported environment with the aim of delivering positive long-term outcomes for the children and young adults allowing them able to live productive lives in Angus. It is considered most appropriate to provide these services locally where family links can be maintained and encouraged. It is a matter of fact that it is the experience of the applicants that there is a constant and an increasing demand for this type of facility from the local authorities in the immediate and wider area.

At the present time the applicants operate at Birns Farm Cottage, Carmylie, however this facility has a number of issues including the fact the premises are rented with only a limited period remaining on the lease, as such further investment in the site is not feasible or viable. In addition, the site is considered too remote which does not allow the residents to foster independent living or good links with the local community. Within the wider area there are limited care facilities, all of which experience continuous demand from social services. Letters of support from Angus Council Social Work Department are lodged with the application these confirm the difficulties with the existing location and the high level of service which the applicants currently provide to vulnerable people in Angus.

The site benefits from access to the A930 to the west. The frontage provides good visibility in both directions and it is submitted that the surrounding roads network can accommodate this small-scale use.

4.3 Accessibility

The site will comply with all Angus Council's Building Standards requirements ensuring the site is accessible to those with impaired mobility. In relation to public transport, the site is a short distance from bus stops on the A930 which has frequent services between Arbroath and Dundee. Finally, the site offers excellent footpath linkage to Carnoustie, a short walk to the south.

4.4 Sustainability

The development will be designed with sustainable features at the core of the design and the house will include sustainable urban drainage systems. The applicant is committed to these principles and the unit will be designed to secure maximum solar gain, with the incorporation of high-quality construction methods and use of technology to reduce CO2 emissions.

5. Development Plan Policy

5.1 Scottish Planning Policy

SPP, published June 2014, provides an overview of the key components and overall aims and principles of the planning system in Scotland.

In relation to Specialist Housing Provision and Other Specific Needs local authorities are required to consider the need for specialist provision including supported accommodation, such as care facilities.

5.2 TayPlan 2017

Policy 2 Shaping Better Places advocates “lifetime communities”. These are places that support independent living for all people throughout their lives. TayPlan recognises the need to provide a range of homes, services and facilities that are easily accessible to all.

5.3 The Angus Local Development Plan 2016

T

he ALDP 2016 is the extant plan for the area, the following policies are considered relevant to the determination of this application:

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.

On sites out with development boundaries (such as the current application) 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.

Further, 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.

Response - The current site is on a greenfield site out with Carnoustie which however benefits from good footpath and bus linkages. The proposed use has very particular requirements necessitating a location out with the town but yet close enough to allow easy access. This is confirmed by the applicant's considerable experience in this field of provision and the observation of similar services being provided by other local authorities which are based in rural or non-residential locations (e.g. Cairnie Lodge, James Chalmers Road, Kirkton Industrial Estate, Angus Bachlaw Projects, Cornhill, Aberdeenshire, or Troup House Residential Services, Gamrie, Aberdeenshire and by the letters lodged in support of the application which confirm that the existing premises are too remote which hinders the residents ability to foster independent living. Premises within settlements are not considered appropriate as this can lead to issues of conflict with neighbours and can compound the behavioural difficulties of the residents.

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.

Response - The current application site, while in a countryside location, has excellent access to an existing bus service which links the site to Arbroath and Carnoustie and the wider area. Further the site is adjacent to Carlogie Road which benefits from a safe, good quality footpath leading to Carnoustie. Finally, the proposed use will not result in a significant level of traffic and what traffic will be generated can easily be accommodated within the existing roads network.

Policy DS3 Design Quality and Placemaking Seeks to ensure the development of 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.

Response - The current application seeks planning permission in principle at this time. However, in order to assist in the consideration of the proposal an indicative layout has been provided. The applicants are committed to a high-quality design which reflects the rural setting. The detailed design of any proposal will be the subject of further approval from Angus Council.

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.

Response - Again, the application seeks planning permission in principle at this time. However, it is submitted that any detailed design can address the potential impacts of development.

Policy TC8 Community Facilities and Services. The policy encourages the retention and improvement of public facilities and rural services. New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

Response - The current proposal is for a new residential institution to provide a vital and specific service to vulnerable children and young people within Angus. The applicants have carefully considered alternative locations; however, it is clear that the proposed use requires a specific location, a site which is sufficiently separate from the town to minimise any conflict with neighbours, while not being too far away in order to use the existing services and facilities allowing the residents to become independent. The more rural location will also ensure a high-quality environment for the residents. Finally, being positioned on the periphery of Carnoustie will also assist with behavioural difficulties and helps to minimise risk factors e.g. the ease with which young people can abscond from the unit, sexual exploitation, limits access to negative peer groups and breaches in confidentiality.

Policy PV20 Soils and Geodiversity seeks to protect prime agricultural land.

Response - The application site forms a small isolated section of land lying between the road to the west and burn to the east. While the surrounding land appears to be prime agricultural land the application site is not in any currently in a productive use, further given the fact the site is small scale and of an awkward shape with access difficulties there is no possibility the site is of any use for modern farming methods. Further the site does not form part of an agricultural farm unit.

7. Discussion

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The current application seeks planning permission in principle for a small-scale specialised care facility offering accommodation to vulnerable children and young people in Angus, allowing residents to be accommodated close to family links. The applicants are experienced providers of this very specialised facility however their current accommodation is no longer fit for purpose and as such they are now seeking new build premises designed specifically for their use. The demand for the service is ongoing and growing with clear demand from Angus Council, Dundee Council and Perth and Kinross Councils. The application site has been determined by the locational requirement of the use, that being close enough to facilities and services to allow the residents to become independent while having sufficient separation to minimise any conflict with neighbours while also reducing risk factors. Indeed, it is the experience of the applicants that similar successful facilities are provided in similar rural or non-residential locations. While the application seeks to establish the principle of the use in this location, they are committed to high quality development which reflects the rural setting, the design of which will be developed in conjunction with the Planning Service.

It is submitted that the proposed use complies with the policies of the Scottish Government and the Development Plan and as such we respectfully submit that the application be APPROVED.

June 2019.

Our ref VF

11 June 2019

New Breaks Ltd
Birns Farm Cottage
West Skichen
Carmyllie
Angus

PEOPLE
Strategic Director:
Mark Armstrong

Dear Sarah

Use of Newbreaks

Due to a National shortage of foster carers an increase of residential placements are being sourced for teenagers and young people. Unfortunately there are not always enough locally and external placements need to be sourced which can impact on service users feeling socially isolated from family/friends. I have previously had a young person in placement and currently have another in placement at this time.

The current placement was initially in an external resource and they were pleased that a placement at Newbreaks was sourced. Although the rural position is better for the current young person it did prove problematic at times for my other young person for accessing public transport to develop their independent living skills.

Yours sincerely

Vicki Falconer
Social Worker

From:Karen Clark

Sent:2 Aug 2019 18:47:25 +0100

To:WrightJ

Cc:Sarah Preece;Graham Small;Daryl Barr

Subject:PLANNING APPLICATION: 19/00495/PPPL PLANNING PERMISSION IN PRINCIPLE FOR CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION) SITE EAST OF A930, Carnoustie

Attachments:P19-036_PL-03_rev- Visibility Splays.pdf



Afternoon James,

Many thanks for your comments which are helpful in understanding your concerns. Firstly addressing the issue of planning policy, you refer to PAN 4:2018 Residential Care Homes, to be clear the current application is **not** for a residential care home but rather for a *care facility*, these are two very different uses which have equally different locational requirements. We have very carefully detailed the proposed use and the very specific reasons for needing a site out with an existing settlement, to protect existing residential amenity, but which benefits from footpaths and public transport links. This locational requirement has been supported by Angus Council Social Work Team and we have provided confirmation of this as part of the planning application submission. We fully understand that in general terms housing and residential institutions are directed to existing settlements however in the current circumstances there are clear valid planning material considerations which justify setting aside strict adherence to the policy, these being

- Need for a remote but connected location -The current proposal is for a new residential institution to provide a vital and specific service to vulnerable children and young people within Angus. The proposed use requires a specific location, a site which is sufficiently separate from the town to minimise any conflict with neighbours, while not being too far away in order to use the existing services and facilities allowing the residents to become independent.
- Need for more remote location- This assists with behavioural difficulties and helps to minimise risk factors e.g. the ease with which young people can abscond from the unit, sexual exploitation, limits access to negative peer groups and breaches in confidentiality. In addition the residents can have behavioural issues and therefore in order to protect existing residents a more remote location is essential.

- Need for a connected location- in order to encourage the independence of the residents the site requires to be sufficiently close to a settlement with walking and public transport links.
- No suitable accommodation within the existing settlements, the use requires a site separate from existing residents in order to protect the existing residential amenity while at the same time providing an acceptable residential amenity from the prospective residents of the care facility
- Purpose built accommodation fit for purpose
- Provide a service which has a strong and unmet demand

In relation to comments regarding Policy DS2 Accessible Development we submit that the site is indeed accessible benefitting from excellent access to an existing bus service which links the site to Arbroath and Carnoustie and the wider area. Further the site is adjacent to Carlogie Road which benefits from a safe, good quality footpath leading to Carnoustie. Finally, the proposed use will not result in a significant level of traffic and what traffic will be generated can easily be accommodated within the existing roads network.

With regard to the consultation response from the Roads Service, please find attached a plan which demonstrates the required 2.4x 215 m visibility splay. With regard to parking, the current application seeks planning permission in principle there is sufficient land available to comply with the necessary parking standards, it would be expected that this matter would be considered in detail as part of any MSC application.

Finally, in relation to the objection from SEPA, again this is an application for planning permission in principle. The applicants are more than willing to provide the additional information to demonstrate there is no issue with flooding and that the site can be drained effectively and are confident this can be achieved, however would request that this would be matter to be fully detailed as part of any future MSC application. The applicants are a small company with limited resources and the additional expense to respond to this matter when the principle has not been established would be probative. However, we would further highlight that the site previously benefitted from planning permission for a petrol filling station, this use would have had a greater floor area and potentially a greater impact on the drainage system, and this was considered acceptable.

I trust this information is of assistance, the applicant fully appreciates that this is an uncommon application with very specific locational requirements and as such requires an understanding of the needs of the use and a pragmatic response. As indicated we feel that there are valid planning considerations which justify setting aside strict adherence to policy in this instance and therefore we would ask that you reconsider your stance and support the application.

As always if you require any further information please do not hesitate to contact me by return or on 07930 566336

Kind regards
Karen

From:Karen Clark

Sent:5 Aug 2019 11:54:09 +0100

To:WrightJ

Cc:Sarah Preece;Graham Small;Daryl Barr

Subject:PLANNING APPLICATION: 19/00495/PPPL PLANNING PERMISSION IN PRINCIPLE FOR CARE FACILITY



Morning James,

Further to my e mail of Friday 2nd August 2019 regarding the above-mentioned application I have now had the opportunity to review an application by Angus Council for a very similar development on Land North of Cairnie Lodge, James Chalmers Road, Arbroath Ref 13/00169/FULL for the erection of a six bedroom children's home with a two bedroom annexe. Similar to the current application the proposed development was intended to cater for a small group of children who have very complex needs who require full time residential support. The Council recognised the need to provide a home would be set within their own grounds with space to facilitate outdoor activity and to ensure that noise disruption is minimised.

In considering available site Angus Council dismissed sites close to a residential areas as the proposed accommodation would be likely to be occupied by children with challenging behaviour and it was recognised that this can lead to conflict with neighbours if their accommodation is too close. Angus Council Social Work Department further identified a need for children to play and relax in private space away from immediate neighbour supervision however be close to facilities such as transport and school provision and accessible to other services. Finally Angus Council themselves recognised that the site needed to be away from accommodation that may facilitate the targeting of vulnerable children by those who do not have their best interests at heart. A semi rural location was also recognised as also potentially assisting in reducing absconding rates.

It is this difficult balance that the current applicants also face, the need to be in a location which minimises the potential for neighbour conflict while providing a safe and attractive residential amenity for vulnerable children to grow and develop their independence. As with the Angus Council proposal it was recognised that a more isolated location would enhance the physical capability of the unit while offering a better experience for the children and the wider community.

The site at Land North of Cairnie Lodge was on an identified industrial and as such the proposed care facility did not comply with the Employment Plan policy however in recommending approval The Planning Service recognised

“the specific characteristics of the site and its surroundings along with the specific and particular requirements of the development.”

As discussed in my previous e mail, the applicants who are an established provider of care within Angus, have sought an appropriate site with the current site meeting all their very specific requirements. Therefore, while we recognises that there is some conflict with Policy TC2, as with the application at Carine Lodge we have set out the material considerations which justify setting aside strict adherence to policy in this instance.

I trust the current application will be considered in the same spirit of understanding as the application lodged by Angus Council and an appreciation difficulties in balancing the needs of the proposed use understood.

As always if you required any further information please don't hesitate to contact me

Kind regards

Karen

■ **Karine Suller B.Sc, M.Sc, MRTPI**
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: 07930 566 336
karen@sullerandclark.com

Subject:FW: PLANNING APPLICATION: 19/00495/PPPL PLANNING PERMISSION IN PRINCIPLE FOR CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION) SITE EAST OF A930, Carnoustie

From: Karen Clark [mailto:karen@sullerandclark.com]

Sent: 08 August 2019 18:50

To: WrightJ

Cc: Sarah Preece; Graham Small; Daryl Barr

Subject: FW: PLANNING APPLICATION: 19/00495/PPPL PLANNING PERMISSION IN PRINCIPLE FOR CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION) SITE EAST OF A930, Carnoustie

Morning James,

Thanks for this information.

We are aware the access does not meet the necessary standards but if you can give me an indication if the principle of the use is acceptable in planning terms the applicants will undertake further investigation on the access, including a road safety audit in order to ensure we satisfy the Road Service requirements. Alternatively, similar to the previous application Ref No. 08/00666/OUT simply attach a condition requiring the provision of the necessary visibility splays to any consent.

It must be noted that at the time of this previous planning consent for outline consent for the erection of a petrol station and shop did not attract any objection from the Roads Service. It is clear that this use would have attracted significantly more traffic than the currently proposed small care facility and therefore it is difficult to understand why the Roads Service would not be prepared to accept a condition on the provision of the visibility splays.

Many thanks

Karen.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

**PLANNING PERMISSION IN PRINCIPLE FOR CARE FACILITY
(CLASS 8 RESIDENTIAL INSTITUTION) AT SITE EAST OF A930 400M
SOUTH OF MUIRDRUM JUNCTION, CARLOGIE, CARNOUSTIE**

APPLICATION NO 19/00495/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Statement of Appeal
ITEM 3	Application Form
ITEM 4	Decision Notice
ITEM 5	Letters of Support
ITEM 6	Letter from Millards dated 20 December 2019
ITEM 7	Plans
ITEM 8	Report of Handling



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 100168558-004

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:	<input type="text" value="Suller & Clark"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karine"/>	Building Name:	<input type="text" value="Scoutbog Steading"/>
Last Name: *	<input type="text" value="Suller"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07742613598"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Oldmeldrum"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="AB51 0BH"/>
Email Address: *	<input type="text" value="karen@sullerandclark.com"/>		

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="Bins Farm Cottage"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Carmylie"/>
Company/Organisation	<input type="text" value="New Breaks Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="By Carnousite"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD112QX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="karen@sullerandclark.com"/>		

Site Address Details

Planning Authority:

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

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

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

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

Planning Permission in Principle for Class 8 (Residential Institution) Care Facility for Looked After Children and Young People

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 attached Statement of 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)

Letter from Millard's Consulting Engineers dated 20/12/19 responding to Reasons for refusal 2,3 and 4. The proposal seeks planning permission in principle and it was considered reasonable that conditions could have been attached to any consent to ensure all technical matters were addressed as part of a detailed submission. The letter has been provided in order to assure the Local Review Board that these matters can be adequately addressed.

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)

Appendix 1 Application Forms Appendix 2 Refusal Notice Appendix 3 Letter of Support Appendix 4 Letter from Millards dated 20th December 2019 Appendix 5 Plans Appendix 6 Report of Handling

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00495/PPPL

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

26/06/2019

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

02/10/2019

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

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: Mrs Karine Suller

Declaration Date: 23/12/2019



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

**Appeal against the Refusal of Planning Permission
(Ref 19/00495/PPPL)**

For

Planning Permission in Principle

for

Care Home (Class 8 Residential Institution)

Site East of A930, 400m South of Muirdrum Junction, Carlogie Road, Carnoustie.

For

For: New Breaks ("the appellant")

By Angus Council ("the Council")

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1. Executive Summary
2. Background
3. Reasons for refusal
4. Grounds of Appeal
5. Site Description
6. Appellant
7. Planning History
8. Proposal
9. Development Plan
10. Discussion

Appendixes

Appendix 1 Application Forms

Appendix 2 Refusal Notice

Appendix 3 Letter of Support

Appendix 4 Letter from Millards dated 20th December 2019

Appendix 5 Plans

Appendix 6 Report of Handling

1. Executive Summary

This appeal statement has been prepared on behalf of New Breaks Ltd, the appellants, in respect of the decision of Angus Council's refusal of planning permission in principle for a Care Home (Class 8 Residential Institution) Site East of A930, 400m South of Muirdrum Junction, Carlogie Road, Carnoustie.

The Local Review Board is required to consider the application de novo and is respectfully requested to uphold the review and grant planning permission.

The Review Statement considers in detail the reasons for refusal and demonstrates that, given the very specific locational requirements of the proposal, there exist sufficient material reasons to set aside strict adherence to policy in this instance, upholding the appeal to grant planning permission.

2. Background

The appeal seeks planning permission in principle for the erection of a Class 8 residential institution accommodating looked after children and young people on land east of A930, 400m South of Muirdrum Junction, Carlogie Road, Carnoustie. The proposed accommodation will provide a small-scale facility accommodating a maximum of two children or young people and one continuing care placement at any one time, as much as possible providing a family environment for the residents.

The proposed development will allow this existing business to relocate to modern premises specifically designed for the proposed use in an appropriate location. The looked after young people have very specific locational requirements, the premises require to be close enough to a settlement to have easy access to public transport links and safe footpath linkages thereby encouraging independence and being close to existing facilities such as social work and emergency services while being sufficiently separate from existing residents as the residents often have challenging behaviour and this can lead to conflict with neighbours. The rural location further assists in protecting the young people from negative external influences which may target the vulnerable young people, assists in minimising absconding, offending and child sexual exploitation.

3. Reasons for Refusal

The application was considered under delegated powers and refused planning consent on the 2nd October 2019. The reasons for refusal are provided as the following, (Refusal Notice attached as Appendix 2)

1. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and Planning Advice Note 4:2018 on 'Residential Care Homes' because the development would be located within a countryside location and does not benefit from easy access to facilities, services and has limited accessibility.
2. The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because insufficient information has been submitted to demonstrate that the development

would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development.

3. The proposal is contrary to Policy PV15 of the Angus Local Development Plan (2016) because a private drainage system is proposed and insufficient information has been submitted to demonstrate that there is no viable connection to the public sewer.
4. The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the applicant can provide and maintain the required 2.4 x 215m visibility splay at the junction of the site with the public road.
5. 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, DS4, PV12 and PV15.

4 Grounds of Appeal

The Appeal will concentrate on 3 issues, namely:

- That due to the very specialised nature of this facility, such a location is required.
- That the proposal is much needed, as evidenced by supporting users.
- That all outstanding technical matters can be addressed by suspensive conditions.

In response to the reason for refusal the appellant responds as follows:

The current proposal seeks planning permission in principle for a small-scale Class 8 Residential Institution offering accommodation for looked after children and young people. The locational requirements of the site are determined by the needs of the client group who have complex backgrounds and are vulnerable to outside influences. However, the goal of the facility is to foster independent living allowing the clients to become fully functioning members of society. The appellants, experienced providers of this very specialised facility, and support by social workers from Angus Council and the Care Inspectorate confirm, that the site location has been determined by the locational requirements of the use. The following factors determined the location of the proposed use:

- The use requires to benefit from safe walk distances and access to public transport to allow the looked after young people to become independent.
- Sufficiently separate from existing residents to minimise any conflict with neighbours.
- Away from external influences who may target vulnerable young people.
- Reducing risk factors including the ease with which young people can abscond from the house, sexual exploitation, limits access to negative peer groups and breaches in confidentiality.
- Close to the settlement to allow ease of access by social services and the emergency services.
- Close to settlement, allowing connections to family to be maintained.

The current location on the edge of Carnoustie delivers all the necessary criteria in that it is on a site close to Carnoustie on a bus route with safe footpaths but being sufficiently separate to provide an excellent living environment with no neighbours as this can result in conflict due to the often challenging behaviour of the residents. It is the experience of the appellants that similar facilities are provided in similar rural or non-residential locations.

Considering the specific policies of relevance Policy DS1 Development Boundaries and Priorities confirms that out with 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. Policy TC 2 Residential Development includes non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes, provides guidance on residential development in settlements and in countryside locations.

The appellants submit that the use currently proposed does not fall within the definition of “residential development”. The appeal seeks consent for a Class 8 Residential Institution catering for a very specific client group with very specific locational needs in order to ensure the vulnerable looked after children and young people are protected and yet have the ability to become independent, while not having a detrimental impact on local residents. The particular needs are set out above and these needs have been confirmed by the Care Inspectorate and Angus Council Social Work Department. Therefore, it is submitted that there is sufficient material consideration to justify setting aside Policy TC2.

It is worth noting an application by Angus Council for a very similar development on Land North of Cairnie Lodge, James Chalmers Road, Arbroath (Ref 13/00169/FULL) for the erection of a six-bedroom children’s home with a two-bedroom annexe. Similar to the current proposal, the proposed development was intended to cater for a small group of children with complex needs who require full time residential support. The Council recognised the need to provide a home which would be set within its own grounds with space to facilitate outdoor activity and to ensure that noise disruption is minimised.

After a review of the needs of the users and the available sites by the Social Work Department of Angus Council dismissed sites close to a residential area, as the proposed accommodation would be likely to be occupied by children with challenging behaviour and it was recognised that this can lead to conflict with neighbours if the accommodation is too close. Angus Council Social Work Department further identified a need for children to play and relax in private space away from immediate neighbour supervision however being close to facilities such as transport and school provision and accessible to other services. In addition, Angus Council themselves recognised that the accommodation needed to be away from external influences that may facilitate the targeting of vulnerable children by those who do not have their best interests at heart. A semi-rural location was also recognised as also potentially assisting in reducing absconding rates.

Angus Council Social Care themselves in considering the best location for this type of use concluding:

“It is considered therefore that the proposed location would minimise the potential for neighbour conflict while it is anticipated that the semi-rural location would potentially reduce absconding rates. It is stated that the more isolated location would enhance the physical capability of the unit while offering a better experience for the children and the wider community.” (S&C emphasis)

It is this difficult balance that the current appellants also face; the need to be in a location which minimises the potential for neighbour conflict, while providing a safe and attractive residential amenity for vulnerable children to grow and develop their independence. As with the Angus Council application, it is submitted that a more isolated location would enhance the physical capability of the unit while offering a better experience for the children and the wider community. The site at Land North of Cairnie Lodge was on an identified industrial and as such the proposed care facility did not comply with the Employment Policy of the adopted Angus Local Plan however in recommending approval and setting aside strict adherence to the employment policies which were of relevance the Planning Service recognised

“the specific characteristics of the site and its surroundings along with the specific and particular requirements of the development.”

Therefore, with this background and for the reasons outlined above it is submitted that there is similar sufficient justification to set aside strict adherence to Policy DS1 Development Boundaries and TC2 Residential Development to allow this residential institution, which serves a vulnerable section of society, to live in an appropriate location.

In terms of the submission of information to address the technical matters, the appellants made it clear to the Planning Service that they are prepared to provide whatever information is required once the principle of the use had been established. The applicants are a small company and the considerable expense of submitting the required engineering details in advance of understanding whether the principle is acceptable would be prohibitive. However, to aid consideration a letter has been submitted in support of the appeal by Millards Consulting Engineers attached as Appendix 4 which responds to the technical reasons of refusal.

With regard to Condition 2 which states

“The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because insufficient information has been submitted to demonstrate that the development would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development.”

Millards have reviewed the SEPA flood map and the OS mapping. The SEPA map confirms the appeal site is out with the 1 in 200 and 1 in 1000-year flood extends of the Monikie Burn. Millards conclude the available mapping indicates the site is out with the flood extent of the Monikie Burn and providing sustainable drainage principles are used for surface water run off the site will not increase flooding elsewhere.

Therefore Millard’s have confirmed the once the principle of the development has been established a preliminary flood risk assessment which can be undertaken as a requirement of a suspensive condition on the grant of planning permission in principle.

In terms of Condition 3 which states

“The proposal is contrary to Policy PV15 of the Angus Local Development Plan (2016) because a private drainage system is proposed and insufficient information has been submitted to demonstrate that there is no viable connection to the public sewer.”

Millard’s have reviewed all available information and have indicated that the initial costs for the necessary assessments, modelling, required etc. for connection to the foul sewer is estimated to be in excess of £127,000. In addition, the required pumping station for the proposed relatively small development conflicts with aspirations to reduce future energy requirements.

Further, Millard’s confirm that the nature of the proposed development which effectively comprises the equivalent of 2 residential dwellings, subject to a registration application to SEPA, a passive sewage treatment plant would provide suitable treatment of effluent for discharge to the Monikie Burn.

As such Millard’s conclude that in accordance with Section 6.3 of SEPA’s Land Use Planning System SEPA Guidance Note 19 sufficient information has been provided to demonstrate that connection to the public foul sewer system is not feasible and the environmental risk of a treated discharge to watercourse is negligible.

With regard to Condition 4 which states

“The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the applicant can provide and maintain the required 2.4 x 215m visibility splay at the junction of the site with the public road.”

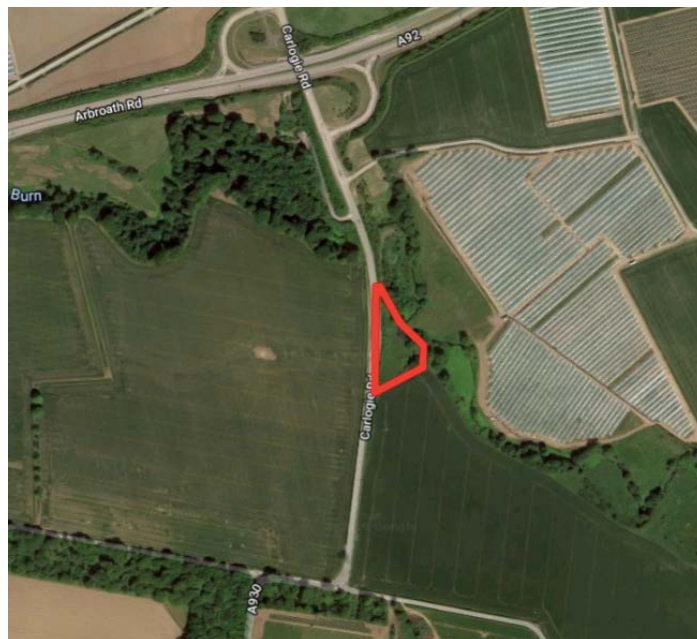
Millard’s have reviewed the site with visibility splays checked using “OS MasterMap Topography Layer” data obtained from Promap. Within the current red line boundary, the northernmost point a junction could be formed which achieves visibility splays of 2.4m x 215m to the south. Visibility to the north is restricted by third party land on the opposite side of the road from the junction, however 2.4m x 182m can be achieved. Millard’s have however confirmed that the necessary 2.4 x 215m visibility can be achieved within the extent of the appellants land ownership, as indicated by the blue line in the appeal documentation. As such it has been demonstrated that the site under the appellant’s ownership can be accessed safely from the public road. Therefore, a suspensive condition requiring the provision of the necessary visibility splays prior to occupation of the proposed use will ensure the required visibility splays are provided.

It is worth noting that the appeal site previously benefitted from planning consent for a petrol filling station, this use did not attract an objection from the Roads Service. It is clear that this use would have attracted significantly more traffic than the current proposal for a small residential care facility.

Therefore, in line with many other developments, we suggest suspensive conditions can be attached to any consent requiring submission of all technical details prior to development on site.

5 Site Description

The application site measures 0.19 ha and is located to the east of the A930, 400m south of the Muirdrum Junction and 1.2 kilometres north of the settlement boundary for Carnoustie. The site subject of this application currently forms a corner of a larger field set between the road and burn. The scale and awkward layout of the field have resulted the field not being cultivated. The site has no current use. The boundaries of the site are formed by post and wire fencing some of which is complemented by additional planting.



The site is located a short distance to the north from Carnoustie. A footpath is available into Carnoustie. Further the site is located on the existing No. 73 bus route which links Arbroath to Ninewells and provides regular ½ hourly bus service which links easily the wider surrounding areas.

Carnoustie is located 1.2 km to the south of the site. Carnoustie provide a wide range of local services including schools, health service, community hall/centre post office, retail outlets and crucially all support services including emergency services.

6 Appellant

The applicant, New Breaks Ltd, is an existing approved care provider within Angus. The applicants currently operate a residential care home service for vulnerable children and young people at Birns Farm Cottage, Carmylie. The existing premise is no longer fit for purpose and requires considerable investment to meet the required standards. The site is remote with access poor for both visiting and staff vehicles, as well as emergency services. Further, the shared track up to the house requiring on-going maintenance and ideally tarmacking. In addition, the cottage would benefit from being

rewired which has been a recommendation by the Fire Service. The water pressure to the house is also poor, providing lesser quality showering facilities for both the child or young person and staff members. As the house does not belong to the company the significant investment required in the existing premises is not considered viable or feasible.

Further, due to the location of the cottage, internet access is extremely poor, rendering it difficult to utilise the positive aspects of internet access for both staff and children and young people. In addition, the service's referrals are predominantly young people who are approaching adulthood rather than younger children and the existing site is considered too remote to enable residents to develop independent living skills, an essential element of the overall aim of the service which seek to develop young people capable of living self-sufficiently within society. The remote location results in emergency services often being detained for longer than required.

Letters of support from Angus Council Social Work Department have been lodged as Appendix 3 in support of the proposal these confirm the difficulties with the existing location and the high level of service which the applicants currently provide to vulnerable people in Angus.

The demand for the service is constant and ever increasing with regular placing requests received from Angus, Dundee City and Perth and Kinross Councils, with additional demand from various Councils in the wider area. Although a handful of these requests are for planned moves for the child or young person, most are more emergency and crisis placements and this reflects the limited number of residential care services currently available to local authorities who are responsible for the safe and appropriate care provision of their children and young people. The applicants receive approximately ten to fifteen placement requests a month.

7 Planning History

An application for outline consent for erection of a petrol station on the site of the current application Ref 08/00666/OUT was considered at the Development Standards Committee September 2008. The application was recommended for refusal however this was overturned by the Councillors as it was considered that there was an overriding need for a filling station on a site readily accessible to Carnoustie.

8. Proposal

The current proposal seeks planning permission in principle for a Residential Institution Class 8 of the Use Class Order (Scotland) 1997 which is defined as

“(a)for the provision of residential accommodation and care to people in need of care other than a use within class 9 (houses);”

The accommodation will provide accommodation for looked after children and young people assessed as requiring residential care. The intention is to provide a small-scale facility as much as possible reflecting a family environment. The units will be single storey accessible for children or young people with additional support needs. The unit will be set within its own grounds with space around it to minimise noise disruption during crisis and play. Grounds will include capacity for

flexible use, but will include play facilities, drying area, BBQ, and a vegetable plot. Additionally, the service is looking at introducing a small on-site paddock to allowing access to the equestrian facility provided by New Breaks Ltd which has proved to be extremely beneficial with regards to the development of the children and young people who have been placed within the facility.

While the application seeks to establish the principle of the use at this time, in order to provide an indication as to what is intended to be developed on site, an indicative layout plan has been provided. This indicates two proposed blocks, these will accommodate the following:

Unit 1 - Residential care facility to accommodate a maximum of 2 children or young adults between the ages of 8-21 years (possibly extending to 25 years depending on proposed changes to legislation). Care and supervision will be provided 24 hours a day, 7 days a week. The accommodation will provide 2 en-suite bedrooms for the residents, communal kitchen and living area, office and staff sleeping accommodation. As can be seen, the aim is to provide small scale family orientated type accommodation.

Unit 2 - Independent living accommodation facility to accommodate 1 individual, likely aged between 18-21 years (or 25 years depending on legislation changes). This block would allow a young adult to live independently but be supported by staff within Unit 1. This block will provide 1 en-suite room for the resident, with living space and a further bedroom for staff accommodation as and when required, or for visiting family.

The semi-rural location of the proposed new development is essential for this type of accommodation, that being close enough to Carnoustie with good public transport and footpath links to allow the young people a level of independence. However, a site with no immediate neighbours, ensuring there will be no conflict or loss of amenity with residents. Being positioned on the periphery of Carnoustie will also assist with a range of risk factors: including the ease with which young people can abscond from the houses, sexual exploitation, limited access to negative peer groups and breaches in confidentiality. Additionally, a more isolated location will enhance the physical capability of the unit, offering a better experience to both children and the community at large.

The site employs 5 people with 2 staff members on site throughout the day and 1 member of staff on site throughout the night. Further support workers attend the site as and when required. As with the applicant's current premises, the proposed facilities will be registered with the Care Inspectorate and will be regularly monitored to ensure standards are maintained at all times.

The function of the proposed facility is to provide full time residential care for vulnerable children and young adults who are looked after and accommodated away from home in a supervised, safe and supported environment with the aim of delivering positive long-term outcomes for the children and young adults allowing them able to live productive lives in Angus. It is considered most appropriate to provide these services locally where family links can be maintained and encouraged. It is a matter of fact that it is the experience of the applicants that there is a constant and an increasing demand for this type of facility from the local authorities in the immediate and wider area.

The site benefits from access to the A930 to the west. The frontage provides good visibility in both directions and it is submitted that the surrounding roads network can accommodate this small-scale use.

The site will comply with all Angus Council's Building Standards requirements ensuring the site is accessible to those with impaired mobility. In relation to public transport, the site is a short distance from bus stops on the A96 which has frequent services between Arbroath and Dundee. Finally, the site offers excellent footpath linkage to Carnoustie a short walk to the south.

The development will be designed with sustainable features at the core of the design and the house will include sustainable urban drainage systems. The applicant is committed to these principles and the house has been designed to secure maximum solar gain, with the incorporation of high-quality construction methods and use of technology to reduce CO2 emissions.

9. Development Plan Policy

The SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland.

In relation to Specialist Housing Provision and Other Specific Needs local authorities are required to consider the need for specialist provision including supported accommodation, such as care homes.

TayPlan 2017 Policy 2 Shaping Better Places - advocates lifetime communities. These are places that support independent living for all people throughout their lives. TayPlan recognises the need to provide a range of homes, services and facilities that are easily accessible to all.

The Angus Local Development Plan 2016 is the extant plan for the area, the following policies are considered relevant to the determination of this application:

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.

On sites out with development boundaries, such as the current application, 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.

Further, 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.

Response - The current site is on a greenfield site out with Carnoustie which however benefits from good footpath and bus linkages. The proposed use has very specific locational requirements necessitating a site out with the town but yet close enough to allow easy access. This is confirmed by the applicant's considerable experience in this field of provision and the observation of similar services being provided by other local authorities which are based in rural or non-residential locations (e.g. Cairnie Lodge, James Chalmers Road, Kirkton Industrial Estate, Angus Bachlaw Projects, Cornhill, Aberdeenshire, or Troup House Residential Services, Gamrie, Aberdeenshire and by the letters lodged in support of the appeal which confirm that the existing premises are too remote which hinders the residents ability to foster independent living. Premises within settlements are not considered appropriate as this can lead to issues of conflict with neighbours and can compound the behavioural difficulties of the residents.

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.

Response - The current appeal site while in a countryside location has excellent access to an existing bus service which links the site to Arbroath and Carnoustie and the wider area. Further the site is adjacent to Carlogie Road which benefits from a good quality footpath leading to Carnoustie. Finally, the proposed use will not result in a significant level of traffic and what traffic will be generated can be accommodated within the existing roads network.

Policy DS3 Design Quality and Placemaking Seeks to ensure the development of 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.

Response - The appeal seeks planning permission in principle at this time. However, in order to assist in the consideration of the proposal an indicative layout has been provided. The applicants are committed to a high-quality design which reflects the rural setting. The detailed design of any proposal will be the subject of further approval from Angus Council.

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.

Response - Again, the appeal seeks planning permission in principle at this time. However, it is submitted that any detailed design can address the potential impacts of development.

It is worth noting that should the proposed use be located within a settlement it is likely that the use will cause significant disturbance to any existing use.

Policy TC2 Residential Development. The proposal supports the development of housing in the countryside in particular circumstances. The policy includes non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

Response - The appellants submit that the use currently proposed does not fall within any of these specified categories. The proposed use is for a Class 8 Residential Institution catering for a very specific client group who have very specific needs. In order to ensure the vulnerable looked after children and young people are protected and yet have the ability to become independent, similar to Angus Council's own facility at Carnie Lodge, a semi-rural location is considered most appropriate. The particular needs have been set out in this report and these needs have been confirmed by the Care Inspectorate and Angus Council Social Work Department.

Therefore, it is submitted that the very particular set of needs of this vulnerable group within our society justify setting aside strict adherence to Policy TC2 in the current circumstances.

Planning Advice Note: Residential Homes. Firstly, it is worth noting this document only provides *advice* to the Planning Service and is not adopted planning policy. The introduction of this Advice Note confirms that it applies "primarily" to proposals for residential care homes for older people but also other residential institutional uses (e.g. adults with disabilities and children etc).

Response - In the current circumstance it is submitted that the end user of the proposed use differs considerably from the elderly or adults with disabilities, as such their location requirements are similarly significantly different. As such it is submitted that the Advice Note does not apply to the current proposal.

Policy TC8 Community Facilities and Services. The policy encourages the retention and improvement of public facilities and rural services. New community facilities should be accessible and of an appropriate scale and nature for the location. In the towns of Angus, and where appropriate to the type of facility, a town centre first approach should be applied to identifying a suitable location.

Response - The current proposal is for a new residential institution to provide a vital and specific service to vulnerable children and young people within Angus. The applicants have carefully considered alternative locations; however, it is clear that the proposed use requires a specific location, a site which is sufficiently separate from the town to minimise any conflict with neighbours, while not being too far away in order to use the existing services and facilities allowing the residents to become independent. The more rural location will also ensure a high-quality environment for the residents. Finally, being positioned on the periphery of Carnoustie will also assist with behavioural difficulties and helps to minimise risk factors e.g. the ease with which young people can abscond from the unit, sexual exploitation, limits access to negative peer groups and breaches in confidentiality.

Policy PV20 Soils and Geodiversity.

Response - The appeal site forms a small isolated section of land lying between the road to the west and burn to the east. While the surrounding land appears to be prime agricultural land the appeal site is not in any currently in a productive use, further given the fact the site is small scale and of an awkward shape with access difficulties there is no possibility the site is of any use for modern farming methods. Further the site does not form part of an agricultural farm unit.

10 . Discussion

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The appeal represents a very unique set of circumstances, planning permission in principle is requested for a small-scale care home offering accommodation to looked after vulnerable children and young people in Angus. The appellants are experienced providers of this very specialised facility however their current accommodation is no longer fit for purpose and as such they are now seeking a new build premises designed specifically for the use. The demand for the service is ongoing with clear and growing demand from Angus Council, Dundee Council and Perth and Kinross Council. The appeal site has been determined by the locational requirements of the use, that being close enough to facilities and services to allow the residents to become independent while having sufficient separation to minimise any conflict with neighbours while also reducing risk factors. Indeed, it is the experience of the applicants that similar facilities are provided in similar rural or non-residential locations. While the appeal seeks to establish the principle of the use in this location, they are committed to high quality development which reflects the rural setting, the design of which will be developed in conjunction with the Planning Service. The appellants have demonstrated that all technical issues can be satisfactorily addressed through the use of suspensive conditions.

It is submitted that the proposed use with the policies of the Scottish Government and the Development Plan and as such we respectfully submit that the appeal be UPHELD and planning permission granted subject to conditions.

December 2019.



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 100168558-001

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)

Planning Permission in Principle for Care Facility (Class 8 Residential Institution)

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:	Suller & Clark		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Karine	Building Name:	Scoutbog Steading
Last Name: *	Suller	Building Number:	
Telephone Number: *	07742613598	Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Oldmeldrum
Fax Number:		Country: *	UK
		Postcode: *	AB51 0BH
Email Address: *	karine@sullerandclark.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Birns Farm Cottage
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Carmylie
Company/Organisation	New Breaks (Ltd)	Address 2:	
Telephone Number: *		Town/City: *	By Carnoustie
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	DD112QX
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

Northing

736616

Easting

356344

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.19

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)

Agricultural

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

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

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

What private arrangements are you proposing? *

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

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

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

To be agreed at detailed planning stage

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 8 Residential Institutions

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

8

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Indicative plan provided

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: Karine Suller

On behalf of: New Breaks (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 principal 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. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

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

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: Mrs Karine Suller

Declaration Date: 25/06/2019

Payment Details

Cheque: New Breaks Ltd PAID BY BACS, 0000

Created: 25/06/2019 14:11

ANGUS COUNCIL

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
 REFERENCE : 19/00495/PPPL

To **New Breaks (Ltd)**
 c/o Suller & Clark
 Karine Suller
 Scoutbog Steading
 Oldmeldrum
 AB51 0BH

With reference to your application dated 15 July 2019 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission in Principle for Care Facility (Class 8 Residential Institution) at Site East Of A930 400M South Of Muirdrum Junction Carlogie Carnoustie for New Breaks (Ltd)

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

The reasons for the Council's decision are:-

- 1 The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and Planning Advice Note 4:2018 on 'Residential Care Homes' because the development would be located within a countryside location and does not benefit from easy access to facilities, services and has limited accessibility.
- 2 The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because insufficient information has been submitted to demonstrate that the development would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development.
- 3 The proposal is contrary to Policy PV15 of the Angus Local Development Plan (2016) because a private drainage system is proposed and insufficient information has been submitted to demonstrate that there is no viable connection to the public sewer.
- 4 The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the applicant can provide and maintain the required 2.4 x 215m visibility splay at the junction of the site with the public road.
- 5 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, DS4, PV12 and PV15.

Amendments:

The application has not been subject of variation.

Dated this **2 October 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 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 Centre
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"/>
----------------------------	--------------------------	----------------------------	--------------------------	-----------	--------------------------

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.

Subject:RE: Service Development Plan

Date:07/06/2019 10:45

From:CargillW <CargillW@angus.gov.uk>

To:'Sarah Preece' <sarah.preece@newbreaks.org>

For Karen Clark

Hi Karen

I have worked with New Breaks in relations to them supporting young people that I work with for a number of years. The support they have offered has been great for the young people and they offer very personal support for each individual. The staff do all the tasks we ask them to do to help young people move towards independent living i.e. shopping, cleaning and budgeting. The only issue is the location of the cottages. If the placements were closer to bus routes then young people can use public transport and again support them to become more independent and they won't have to rely on staff for transport.

Some young people do need their placements to be rural, but closer to transport links would be much better. If you need anymore information please contact 01241 465115 or cargillw@angus.gov.uk.

Thanks

Wendy

Following the introduction of new GDPR Legislation Angus Council want to ensure we get information to the correct person.

Please review the subject header of this e-mail, if you do not recognise the child by the initials and DoB please call the number below prior to opening the attachment.

Wendy Cargill, Social Care Officer, Children and Learning, Throughcare/Aftercare, Angus Council, 28 Millgate Loan, Arbroath, DD11 1PQ Tele 01241 465115, email Mobile 07900 606 673, Cargillw@angus.gov.uk

Sarah

I write to confirm that we currently have a young person living in New Breaks and have placed several young people prior to this. We have found the service helpful for our young people, however, being less remote would enable young people to better develop their independent living skill due to easier access to the local community.

Should you require further information please do not hesitate to contact me.

Best regards

Alison

Alison Millar, Team Leader, Throughcare and Aftercare Team, Children's Services,
People, 28A Millgate Loan, Arbroath, DD11 1PQ, Tel 01241465115

Our ref VF

11 June 2019

New Breaks Ltd
Birns Farm Cottage
West Skichen
Carmyllie
Angus

PEOPLE

Strategic Director:
Mark Armstrong

Dear Sarah

Use of Newbreaks

Due to a National shortage of foster carers an increase of residential placements are being sourced for teenagers and young people. Unfortunately there are not always enough locally and external placements need to be sourced which can impact on service users feeling socially isolated from family/friends. I have previously had a young person in placement and currently have another in placement at this time.

The current placement was initially in an external resource and they were pleased that a placement at Newbreaks was sourced. Although the rural position is better for the current young person it did prove problematic at times for my other young person for accessing public transport to develop their independent living skills.

Yours sincerely

Vicki Falconer
Social Worker

Millard Consulting,
Seabraes, 18 Greenmarket,
Dundee, DD1 4QB

t: 01382 227 380
e: dundee@millardconsulting.co.uk
w: millardconsulting.co.uk



Our Ref: FP/FLM/1011/

20 December 2019

Karen Clark
Suller & Clark
Mayriggs
69 Brechin Road
Kirriemuir
DD8 4DE

Structures
Infrastructure
Flood Risk
Environmental
Hydrology
Transportation

Dear Karen,

PLANNING APPLICATION REF: 19/00495/PPPL

PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION) AT SITE EAST OF A930 400m SOUTH OF MUIRDRUM JUNCTION, CARLOGIE, CARNOUSTIE

As requested, we have reviewed Angus Council's Refusal Notice for the above Planning Application and would comment as follows. The numbers related to Angus Council's letter of 2 October 2019:

2. The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because insufficient information has been submitted to demonstrate that the development would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development.

We have reviewed both the SEPA flood map and Ordnance Survey mapping. The SEPA flood map shows the site outwith both the 1 in 200 and 1 in 1000 year flood extents of the Monikie Burn. Contours on Ordnance Survey mapping show a steep slope down to the valley of the Monikie Burn in the vicinity of the site. The mapping indicates the site is above a level of 35m AOD. It is possible the site is significantly higher than this given the level of the adjacent road being noted at 39.6m AOD and the sites location immediately adjacent to the road. Ordnance Survey mapping indicates the banks of the watercourse are lower than 30m AOD. The available mapping indicates the site is outwith the flood extent of the Monikie Burn, and providing sustainable drainage principles are utilised for surface water runoff from the site, the development should not increase flood risk elsewhere.

Following establishment of the principle of the development being acceptable, it is recommended that a preliminary level flood risk assessment be undertaken to provide confirmation of the above.

3. The proposal is contrary to Policy PV15 of the Angus Local Development Plan (2016) because a private drainage system is proposed and insufficient information has been submitted to demonstrate that there is no viable connection to the public sewer

We have reviewed Scottish Water sewer records. The nearest public sewer is approximately 500m to the north, comprising a small treatment works discharging to Monikie Burn. From a preliminary assessment of levels, foul drainage would require to be pumped to the sewer. In accordance with Scottish Water policy, a pumped discharge to the foul sewer requires a detailed analysis of the network to confirm if the discharge rate can be accommodated. Budget costs for this analysis are in the region on £12,000 and the modelling works can take up to 3 months, subject to a suitable model being available. However, based on the information contained on record drawings, it is unlikely that capacity for the discharge is available at the existing treatment works.



In addition to the fees of the study, the cost of an adoptable pumping station is likely to be in the region of £80,000, with rising main costs of approximately £35,000. This excludes the cost of any access rights through third party land. Initial costs for connection to the foul sewer is therefore estimated to be in excess of £127,000

Furthermore, the provision of a pump station for the proposed relatively small development conflicts with aspirations to reduce future energy requirements.

The nature of the proposed development effectively comprises the equivalent of 2 residential dwellings, with an estimated Population Equivalent of 10 PE, including visitors. Subject to a Registration application to SEPA, a passive sewage treatment plant, such as an ECOROCK-2000 by BIOROCK would provide suitable treatment of effluent for discharge to the Monikie Burn.

It is noted that the field to the south of the site (Reference C6 of Local Development Plan) is allocated for employment and this would likely have the scale to make installation of a pumped system viable. Drainage for the proposed care facility could be designed to allow future connection to this network.

In accordance with Section 6.3 of SEPA's Land Use Planning System SEPA Guidance Note 19, we consider the foregoing sufficient to demonstrate that connection to the public foul sewer system is not feasible and the environmental risk of a treated discharge to watercourse is negligible.

4. The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the applicant can provide and maintain the required 2.4 x 215m visibility splay at the junction of the site with the public road.

Visibility splays have been checked using "OS MasterMap Topography Layer" data obtained from Promap.

Within the current red line boundary, the northernmost point a junction could be formed achieves visibility splays of 2.4m x 215m to the south. Visibility to the north is restricted by third party land on the opposite side of the road from the junction, however 2.4m x 182m can be achieved.


If the access is relocated to the northern extents of the blue line boundary, 2.4m x 215m can be achieved in both directions.

It can therefore be demonstrated that the site under the Applicant's ownership can be accessed from the public road.

Levels and gradients of the proposed access have not been assessed as part of these works.

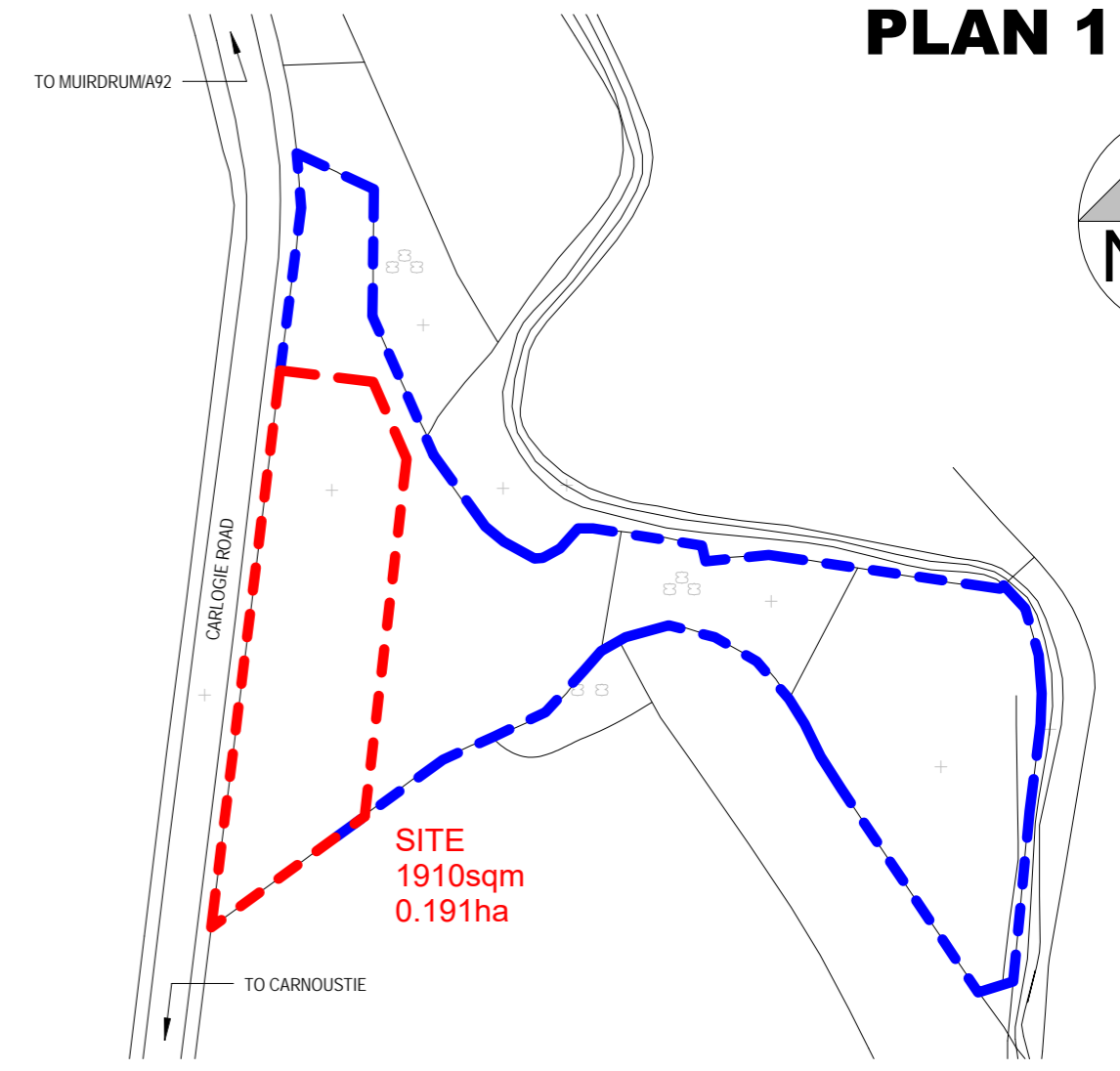
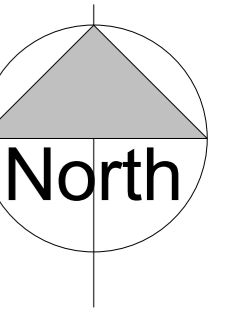
We trust you find the foregoing to be in order however please do not hesitate to contact the undersigned should you have any queries or require any additional information.

Yours faithfully,

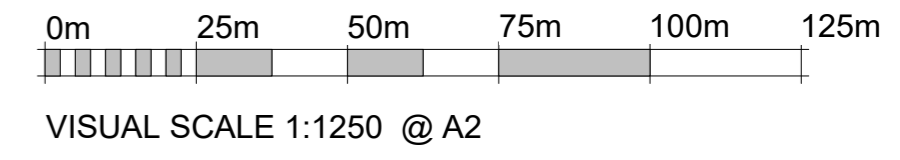
A solid black rectangular box used to redact the signature of Fraser Petrie.

Fraser Petrie
Associate Director

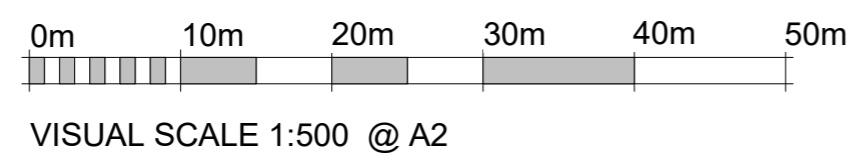
ITEM 7 PLAN 1



1 SITE LOCATION PLAN
1 : 1250



2 EXISTING SITE PLAN
1 : 500



Rev	Date	Description	Initials
Project Title: CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION SITE EAST OF A930, 400m SOUTH OF MUIRDRUM JUNCTION, CARLOGIE ROAD, CARNOUSTIE)			
Drawing Title: SITE LOCATION PLAN AND EXISTING SITE PLAN			
Date: 13.06.2019	Scale: As indicated @ A2	Project Drawing No: P19-036_PL-01	Rev:
Issue: PLANNING	Drawn By: DB		
		gauldiwright&partners Chartered Architects <small>Gauldie Wright & Partners Architects Ltd. 2 Osborne Place Magdalen Yard Road Dundee DD2 1BD t 01382 669241 f 01382 669032 e info@gwp-architects.co.uk www.gwp-architects.co.uk</small>	
<small>© GAULDIE WRIGHT & PARTNERS ARCHITECTS LTD., 2017</small>			

ITEM 7 PLAN 2



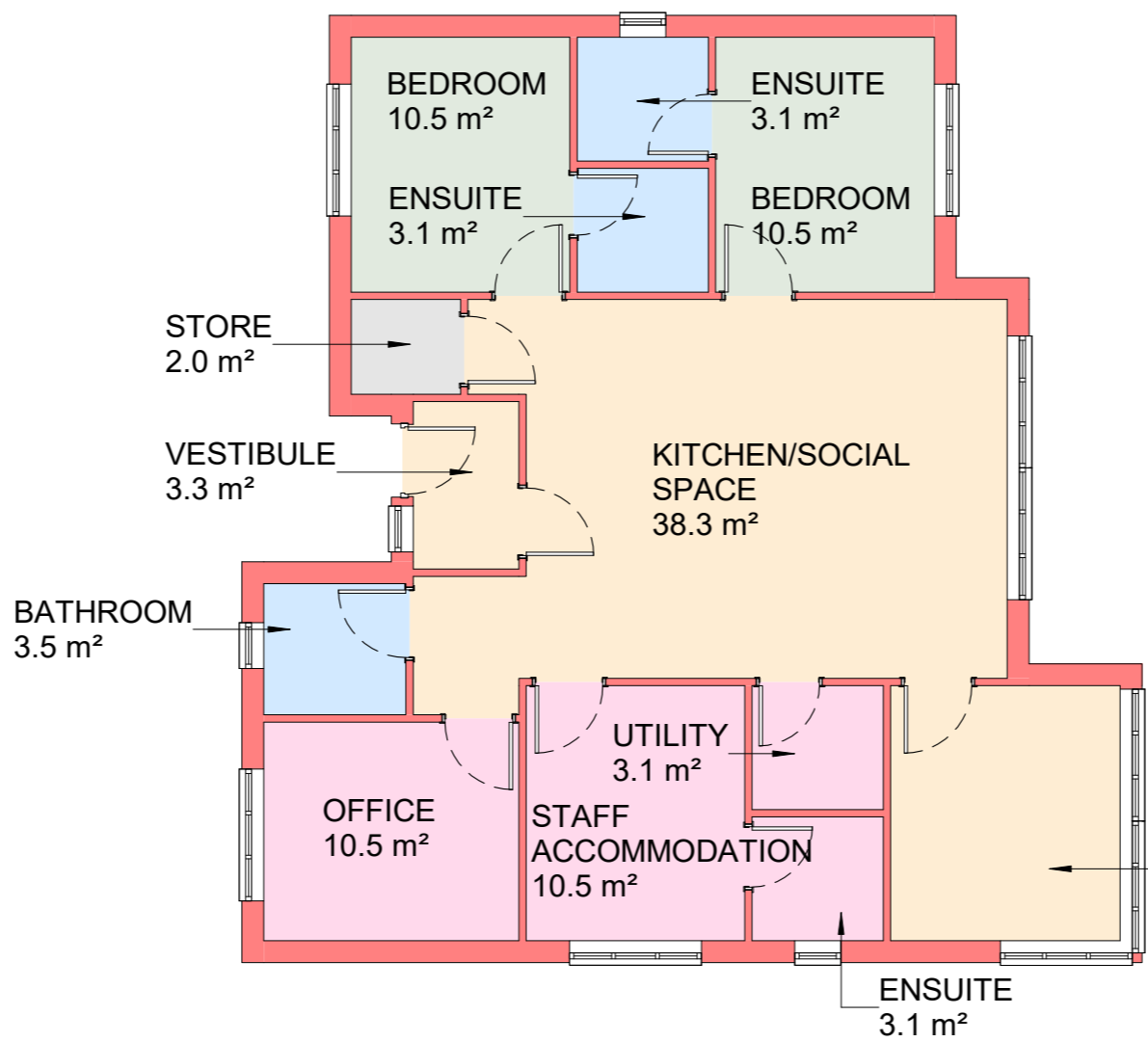
1 PROPOSED SITE PLAN
1 : 500



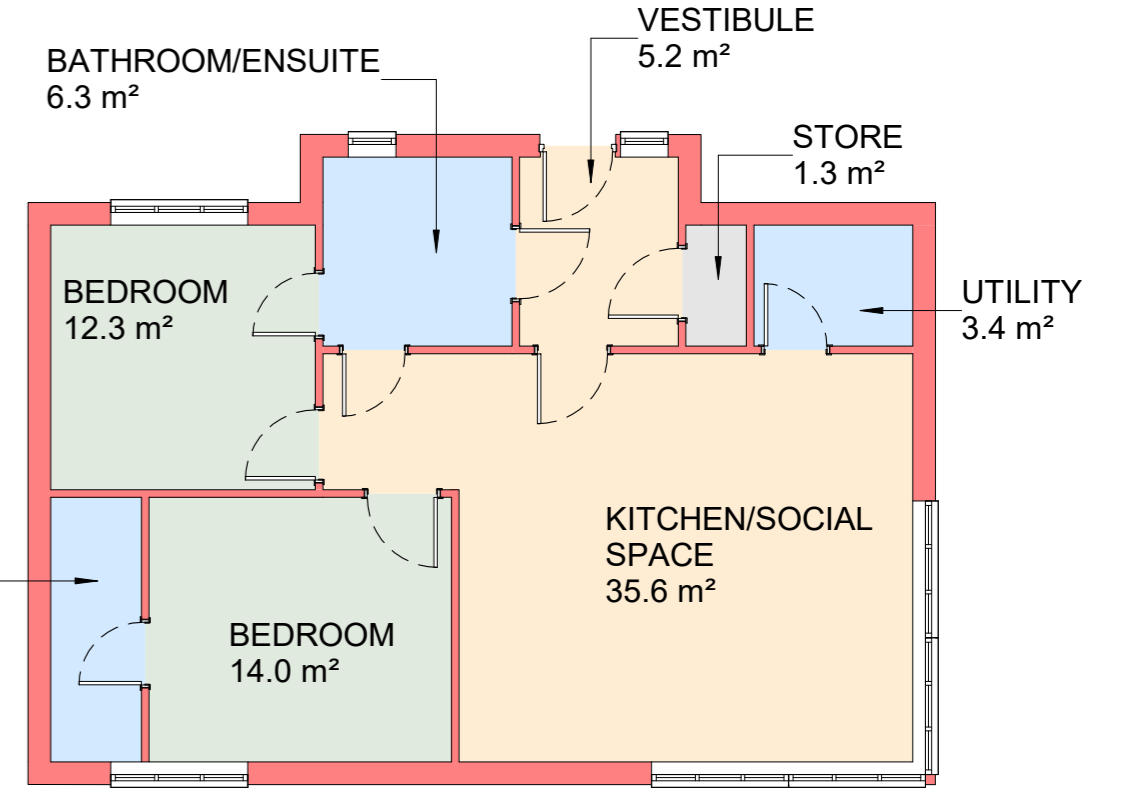
VISUAL SCALE 1:500 @ A2

PLAN AREAS

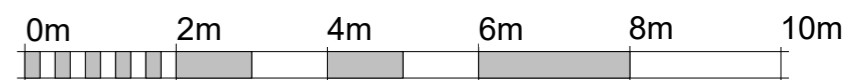
- BEDROOM
- LIVING
- SANITARY
- STORAGE



2 UNIT 1 - INDICATIVE PLAN
1 : 100



3 UNIT 2 - INDICATIVE PLAN
1 : 100



VISUAL SCALE 1:100 @ A2

Rev	Date	PLAN NOTES UPDATED	Description	DB	Initials
A	19.06.2019	PLAN NOTES UPDATED		DB	

Project Title: CARE FACILITY (CLASS 8 RESIDENTIAL INSTITUTION SITE EAST OF A930, 400m SOUTH OF MUIRDRUM JUNCTION, CARLOGIE ROAD, CARNOUSTIE)

Drawing Title: PROPOSED SITE PLAN AND INDICATIVE FLOOR PLANS

Date: 13.06.2019	Scale: As indicated @ A2	Project Drawing No: P19-036_PL-02	Rev: A
Issue: PLANNING	Drawn By: DB		

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Angus Council

Application Number:	19/00495/PPPL
Description of Development:	Planning Permission in Principle for Care Facility (Class 8 Residential Institution)
Site Address:	Site East Of A930 400M South Of Muirdrum Junction Carlogie Carnoustie
Grid Ref:	356332 : 736596
Applicant Name:	

Report of Handling**Site Description**

The 1905sqm application site is located to the east of the A930 public road, approximately 500m south of Muirdrum on the public road to Carnoustie. Agricultural land bounds the site to the south and trees bound the site to the north and east. The Monikie burn is located further to the east.

Proposal

Planning permission in principle is sought for the erection of a care facility (Class 8 Residential Institution). The proposed site plan and indicative floor plans show that two separate detached units would be formed. The supporting information suggests that one unit is to be used for a supported residential care facility to accommodate a maximum of two children or young adults and the other proposed unit would be an independent living accommodation facility, to accommodate one individual. The application form indicates that the proposal would make private drainage arrangements (new / altered septic tank and soakaway), that SUDS would be provided and that the proposal would connect to the public water supply network.

The application has not been subject of variation.

Publicity

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 26 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

08/00666/OUT for Outline Consent for Erection of a Petrol Station and Shop was determined as "approved subject to conditions" on 2 October 2008.

Applicant's Case

A Supporting Planning Statement, Supporting Letter and Additional Information Document were submitted as part of the application. In addition to this, e-mails from the agent were submitted. All of this correspondence is summarised as follows:

Supporting Planning Statement:

- o Provides an overview of the development and confirms that the developer is an approved care provider within Angus;

- o The applicants currently operate a residential care home at Carmyllie. The existing premise is no longer fit for purpose;
- o The demand for the service is constant;
- o Application site - The small scale and awkward layout of the field has resulted in the field not being cultivated. The site currently has no use nor is there any possibility of the site becoming cultivated;
- o The site is located a short distance to the north of Carnoustie, with a footpath available into Carnoustie. Further, the site is located on the existing No. 73 bus route which links Arbroath to Ninewells and provides a regular ½ hourly bus service, which links easily to the wider surrounding areas;
- o Notes planning history;
- o The children and young people that would be accommodated within the facility often have complex needs;
- o Indicates that the semi-rural location of the proposed new development is essential for this type of accommodation;
- o The development would employ 5 people with 2 staff members on site throughout the day and 1 member of staff on site throughout the night;
- o The site benefits from access to the A930 to the west. The frontage provides good visibility in both directions;

Supporting Letter:

- o A letter from Angus Council Social Work relating to the use of the existing facility (Carmyllie) was submitted. This confirms that due to a national shortage of foster carers, an increase of residential placements are being sourced for teenagers and young people. Indicates that a rural location can be problematic for young people accessing public transport and developing independent living skills.

Additional Information:

- o Consists of e-mail correspondence from Angus Council Children and Learning Section and confirms that the existing accommodation the applicant owns offers great support but highlights (in general terms) that the only issue is the location of the cottages. Highlights if the placements were closer to bus routes, then young people can use public transport and again support them to become more independent and they won't have to rely on staff for transport.

E-mail from Agent 02/08/19:

- o Provided a plan showing visibility splays;
- o Confirms application is not for a residential care home but rather for a care facility,
- o Provides other comments on locational requirements;
- o Considers the site to be accessible;
- o Applicant willing to provide information for SEPA and considers this can be dealt with as part of an MSC application.

E-mail from Agent 05/08/19:

- o Refers to a similar development on Land North of Cairnie Lodge, James Chalmers Road, Arbroath Ref 13/00169/FULL;
- o Recognises that there is some conflict with Policy TC2.

E-mail from Agent 08/08/19:

- o Aware the access does not meet the necessary standards but if the principle of the use was acceptable in planning terms, the applicants will undertake further investigation on the access, including a road safety audit;
- o The previous planning consent for the erection of a petrol station and shop did not attract any objection from the Roads Service.

Consultations

Scottish Environment Protection Agency - Objects to the application on the grounds of a lack of information relating to flood risk and foul drainage but offered to review their objection if additional supporting information was provided to address these matters.

SEPA has indicated that there is a high risk of flooding from the Monikie Burn and requires the submission of further information to assess that flood risk.

With regards to foul drainage, SEPA notes that the site lies between two Scottish Water foul sewerage networks. SEPA's preference is that foul drainage for the development connects to either of these sewerage networks. SEPA indicates that a private foul drainage system at this location may be problematic and all avenues of connecting to the foul sewer should be exhausted before assessing any options for private foul drainage solutions. SEPA therefore object to the application until this matter is addressed.

The additional information required to address the SEPA objection has not been provided.

Angus Council - Roads - Indicated that in order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215 metres should be provided on both sides of the proposed access at its junction with the public road. Similarly, a forward visibility sightline of 215 metres should be available on the approach to the access point to ensure that sufficient stopping sight distance is provided. Roads has indicated that parking for four cars and one bicycle stand should be provided within the site.

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

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

Representations

There were no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS2 : Accessible Development
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV12 : Managing Flood Risk
Policy PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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

Assessment

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

The suitability of the location for the proposed use

The site is located outside of a development boundary in the countryside between Carnoustie and Muirdrum. Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be

expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and are in accordance with the relevant policies of the ALDP.

Policy TC2 provides the main local development plan basis for assessing planning applications for residential development. Policy TC2 indicates that residential development 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. It indicates that Angus Council will support proposals for residential development (including non-mainstream housing for people with particular needs) within development boundaries where the site is not allocated or protected for another use; and the proposal is consistent with the character and pattern of development in the surrounding area. In countryside locations, Policy TC2 allows for the development of new houses on qualifying sites but does not provide support for other forms of residential development including non-mainstream housing for people with particular needs. The proposal is therefore contrary to Policy TC2 because the site is located in the countryside.

Angus Council Advice Note 4/2018 'Residential Care Homes' is relevant to the assessment of proposals for new residential care homes for the elderly, adults with learning difficulties and children. It states that the preferred location for this type of facility is within existing towns and rural service centres which benefit from access to nearby facilities and services such as shops and public transport. It also states that residential care homes located in remote locations such as the open countryside will be unacceptable as they do not benefit from access to nearby facilities and services. It notes that these locations are likely to present problems regarding accessibility for visitors (as not every visitor will possess ownership of a car); staff; ambulances; doctors (where valuable time may be spent travelling); snow clearance; and limiting the opportunities for the less able residents to get out and about safely.

Planning Advice Note 4/2018 reflects the locational principles of Policy TC2 and promotes residential care facilities in towns and rural service centres because those locations are more sustainable with access to services and transport for staff, residents and visitors of those residents.

The site is located in the countryside, around 2.5km from Carnoustie town centre. The applicant has indicated that their existing operation at Carmyllie is too remote from services and transport and the letters submitted from Angus Council Children and Learning in support of the application indicate that it would be beneficial for the children resident in the units to have access to services and transport. While the location proposed is closer to services than those available to the existing location in the Carmyllie area, the proposed location remains divorced from Carnoustie and is not located particularly close to bus stops in Muirdrum or Carnoustie.

Both Policy TC2 and Advice Note 4/2018 promotes this form of development within development boundaries and not in the open countryside and the proposal is contrary to Policy TC2 and Angus Council Advice Note 4/2018 because it is located in the countryside and not in a development boundary.

Access and road safety

Policy TC2 indicates that all proposals for new residential development must not result in an unacceptable impact on access and Policy DS4 indicates that the Council will consider impacts of development on a number of matters including 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 Roads Service has been consulted on the application and has indicated that in order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215 metres should be provided on both sides of the proposed access at its junction with the public road. Roads has also indicated that a forward visibility sightline of 215 metres should be available on the approach to the access point to ensure that sufficient stopping sight distance is provided.

The site is located close to a bend in the public road to the north and available information suggests that the applicant does not control all of the land require to provide and maintain the required 2.4 x 215m visibility splay from the site. On that basis the proposal is contrary to policies DS4 and TC2 because it has not been

demonstrated that a safe and suitable vehicular access to the site from the A930 public road could be provided.

Flooding and drainage

Policy PV12 Managing Flood Risk indicates that to reduce risk from flooding there will be a general presumption against built development proposals on the functional floodplain or which would materially increase the probability of flooding to existing or planned development. SEPA was consulted on the proposal and noted that the site is adjacent to the medium likelihood fluvial flood extent of the SEPA Flood Map and may therefore be at high risk of flooding from the Monikie Burn. SEPA has indicated that insufficient information has been submitted to assess flood risk on this site and therefore object to the proposal. The applicant's agent was made aware of SEPA's objection but has not provided any additional information to address it. On the basis of the above it is not possible to conclude that the proposal would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development contrary to the terms of Policy PV12.

Policy PV15 Drainage Infrastructure indicates that 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. The application form indicates that private drainage arrangements would be provided to serve the development.

SEPA has indicated that the site lies between two Scottish Water foul sewerage networks, one of which is to the north serving Muirdrum which discharges to the Monikie Burn just upstream of this development and the other is to the south serving Carnoustie which is pumped to Hatton Wastewater Treatment Plant which discharges to the North Sea. SEPA has indicated that the possibility of connecting to this infrastructure should be explored with Scottish Water noting that a private foul drainage system at this location may be problematic.

SEPA has objected to the use of a private drainage system and satisfactory evidence has not been submitted to deal with their concerns. The applicant's agent was made aware of SEPA's objection but has not provided any additional information to address it. It is not possible to conclude that there is no viable connection to the public sewer. Based on the information submitted, it has not been demonstrated that it is necessary to use a private drainage system at the site and the proposal is therefore contrary to Policy PV15.

The proposal is contrary to policies of the Angus Local Development Plan for the reasons detailed above. For completeness, an assessment against other policies of the local development plan is provided below.

Other development plan considerations

There are no conflicting land uses which would render the proposed use of the site unsuitable. In terms of the residential environment to be provided, the site would be capable of providing a reasonable degree of privacy for residents. There would be garden ground and adequate space to provide vehicle parking and turning and bin/recycling storage.

The site contains no designation for natural or built heritage interests and 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 when assessed against council guidance. There would be no unacceptable impacts on surrounding amenity resulting from the proposal.

The development would not give rise to any other significant issues in terms of infrastructure in the area and the Council's approved Supplementary Guidance on Developer Contributions and Affordable Housing does not require any particular contributions for a development of this scale and nature.

The proposal is contrary to policies DS4, TC2, PV12, PV15 of the Angus Local Development Plan. On that basis, the proposal also fails Policy DS1.

It is noted that outline planning permission was granted for the development of a petrol station and shop on the site in 2008. However, that decision relates to a different proposal assessed against a different development plan and is of limited relevance and weight in the consideration of the current proposal.

The proposal is contrary to the development plan. There are no material considerations which justify approval of the application contrary to the provisions of the development plan. Planning permission in principle is therefore refused.

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 TC2 of the Angus Local Development Plan (2016) and Planning Advice Note 4:2018 on 'Residential Care Homes' because the development would be located within a countryside location and does not benefit from easy access to facilities, services and has limited accessibility.
2. The proposal is contrary to Policy PV12 of the Angus Local Development Plan (2016) because insufficient information has been submitted to demonstrate that the development would not be subject to an unacceptable level of flood risk and would not materially increase the probability of flooding to existing or planned development.
3. The proposal is contrary to Policy PV15 of the Angus Local Development Plan (2016) because a private drainage system is proposed and insufficient information has been submitted to demonstrate that there is no viable connection to the public sewer.
4. The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because it has not been demonstrated that the applicant can provide and maintain the required 2.4 x 215m visibility splay at the junction of the site with the public road.
5. 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, DS4, PV12 and PV15.

Notes:

Case Officer: James Wright
Date: 2 October 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 DS2 : Accessible Development

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

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o 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
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

Policy DS3 : Design Quality and Placemaking

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

- o Distinct in Character and Identity: Where development fits with the character and pattern of

development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.

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

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

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

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

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

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

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

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

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

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

Policy PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

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

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>)

APPENDIX 3

FURTHER LODGED REPRESENTATIONS

From: [Karen Clark](#)
To: [ForsythSL](#)
Cc: [Graham Small](#); [Sarah Preece](#)
Subject: Application for Review - Application No 19/00495/PPPL - DMRC-10-19400M South of Muirdrum Junction, Carlogie, Carnoustie
Date: 05 February 2020 09:31:44
Attachments: [image001.png](#)
[image002.png](#)



Dear Sir/Madam,

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission in Principle for Care Facility (Class 8 Residential Institution) at Site East of A930 400M South of Muirdrum Junction Carlogie Carnoustie – New Breaks Ltd
Application No 19/00495/PPPL - DMRC-10-19

We refer to the abovementioned Local Review and to the comments received from the Roads Service forwarded to us for comment on the 30th January 2020. In response the appellants would take this opportunity to reiterate their willingness to provide whatever technical information is necessary once the principle of the use has been established. The appellants are a small company and the considerable expense of submitting the required engineering details in advance of understanding whether the principle is acceptable is prohibitive.

However, that said and to aid consideration of the appeal by the Local Review Board, the appellants instructed Millards Consulting Engineers to assess the technical matters. In relation to the issue of the access, Millard's have reviewed the site with visibility splays checked using "OS MasterMap Topography Layer" data obtained from Promap. Within the current red line boundary, the northernmost point a junction could be formed which achieves visibility splays of 2.4m x 215m to the south. Visibility to the north is restricted by third party land on the opposite side of the road from the junction, however 2.4m x 182m can be achieved. Millard's have however confirmed that the necessary 2.4 x 215m visibility can be achieved within the extend of the appellants land ownership, as indicated by the blue line in the appeal documentation. As such it has been demonstrated that the site under the appellant's ownership can be accessed safely from the public road.

As with many other proposals throughout Scotland, it is respectfully submitted that a suspensive condition requiring the provision of the necessary visibility splays prior to occupation of the proposed use will ensure the required visibility splays are provided.

Finally, it is worth noting that the site formerly had planning permission in principle for a petrol filling station, a use which would have attracted considerable level of car movement. At this

time no comment or objection was made to the proposal by the Roads Service. The current proposal is for a small scale use which will attract a very low level of traffic as such the suggested suspensive condition will ensure that the a safe access is provided.

We would be grateful if these comments can be passed to the Local Review Board and considered as part of the appeal submissions

Many thanks
Suller & Clark



Sarah,

The Roads service comment of 31 July 2019 requested the provision of further information to satisfy its queries on road safety grounds. Reason no. 4 on the Decision Notice refers.

The review body is asked to take that into consideration when making their decision.

Until further, confirmatory information is provided regarding the sightlines at the site access the original Roads service comment should be read as an objection to the application.

Regards,

Andrew Barnes | Team Leader - Traffic | Roads & Transportation | Infrastructure
| **Angus House** | Silvie Way | Orchardbank Business Park | Forfar | DD8 1AN |
T: (01307) 491770 | E: barnesa@angus.gov.uk | www.angus.gov.uk

From: Karen Clark [karen@sullerandclark.com]

Sent: 30 January 2020 15:04

To: ForsythSL

Subject: Re: Application for Review - 400M South of Muirdrum Junction, Carlogie, Carnoustie

Hi Sarah, sorry no attachment?

Karen

From: ForsythSL <ForsythSL@angus.gov.uk>

Date: Thursday, 30 January 2020 at 14:35

To: Karen Clark <karen@sullerandclark.com>

Subject: Application for Review - 400M South of Muirdrum Junction, Carlogie, Carnoustie

Dear Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission in Principle for Care Facility (Class 8 Residential Institution) at Site East of A930 400M South of Muirdrum Junction Carlogie Carnoustie – New Breaks Ltd
Application No 19/00495/PPPL - DMRC-10-19**

I refer to the above application for review and to previous correspondence, and write to advise you that I have received further representation from the Roads Division.

In accordance with the legislation, I am now forwarding a copy of this to you.

You have the right to make comment on the representations and, should you wish to do so, you have 14 days from the date of receipt of this correspondence to make any such representations which should be sent directly to me.

Kind regards

Sarah

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

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APPENDIX 4

APPLICANT'S REPOSE TO FURTHER REPRESENTATIONS

From: [Karen Clark](#)
To: [ForsythSL](#)
Cc: [Graham Small](#); [Sarah Preece](#)
Subject: Application for Review - Application No 19/00495/PPPL - DMRC-10-19400M South of Muirdrum Junction, Carlogie, Carnoustie
Date: 05 February 2020 09:31:44
Attachments: [image001.png](#)
[image002.png](#)



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From: Karen Clark [karen@sullerandclark.com]

Sent: 30 January 2020 15:04

To: ForsythSL

Subject: Re: Application for Review - 400M South of Muirdrum Junction, Carlogie, Carnoustie

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Date: Thursday, 30 January 2020 at 14:35

To: Karen Clark <karen@sullerandclark.com>

Subject: Application for Review - 400M South of Muirdrum Junction, Carlogie, Carnoustie

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