

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 4 NOVEMBER 2020**

**LAND ADJACENT TO HAWTHORN COTTAGE, BALDOVAN, STRATHMARTINE**

**REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of new dwellinghouse (re-application), application No 20/00167/FULL, at Land Adjacent to Hawthorn Cottage, Baldovan, Strathmartine.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

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

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN**

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

**3. CURRENT POSITION**

The Development Management Review Committee is required to determine if they have sufficient information 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. FINANCIAL IMPLICATIONS**

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

**5. CONSULTATION**

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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**ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**

**APPLICATION NUMBER – 20/00167/FULL**

**APPLICANT- MR KENNETH GRANT**

**PROPOSAL & ADDRESS – ERECTION OF NEW DWELLINGHOUSE RE-APPLICATION  
AT LAND ADJACENT TO HAWTHORN COTTAGE BALDOVAN STRATHMARTINE**

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**Angus Council**

<b>Application Number:</b>	20/00167/FULL
<b>Description of Development:</b>	Erection of new dwelling house re-application
<b>Site Address:</b>	Land Adjacent To Hawthorn Cottage Baldovan Strathmartine
<b>Grid Ref:</b>	339015 : 734366
<b>Applicant Name:</b>	Mr Kenneth Grant

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

The application site measures approximately 2000sqm and is located to the north of the Dighty Water at Baldovan. The site lies immediately east and adjacent to Hawthorn Cottage at the end of a 180m long private track which serves four other existing houses. The Dundee City Council boundary is located to the south of the site beyond this watercourse. The site currently consists of a grassed area and also contains the walls of a derelict 60sqm stone building and a number of trees.

**Proposal**

The proposal seeks planning permission to erect a two storey dwelling and detached garage. The proposed dwellinghouse would measure 7.1m to its ridge. The proposed house design consists of two rectangular sections connected by a flat roof link. Information submitted in support of the application indicates that the house would be finished in a mix of stone and roughcast, timber cladding and slate on the roof. A single storey, triple garage, is proposed in the north west corner of the site.

The application form indicates that the house would make private foul drainage arrangements with sustainable drainage used for the management of surface water. The house would connect to the public water supply.

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 20 March 2020 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**

03/00776/FUL for alterations and an extension to Hawthorn Cottage and reconstruction of outhouse to sun house was approved subject to conditions on 1 August 2003. That planning permission identified the current site as being within the curtilage of Hawthorn Cottage and the planning permission provided for the alteration of the stone building within the site to form a sun house in association with Hawthorn Cottage.

19/00704/FULL for Erection of a Dwellinghouse was determined as "Application Withdrawn" on 25 October 2019.

**Applicant's Case**

Bat Survey Report Dated August 2019 by GLM Ecology:

- No signs of bats were recorded and none are considered to be present in the building on site. It is considered that the proposed works pose a negligible risk of death or disturbance to European Protected Species and it is safe to proceed.

#### Planning Statement:

- The site was formerly part of Baldovan Bleach Fields;
- Historical mapping is provided to show the former bleach fields along with photographs which the information suggests show that the site is not part of the curtilage of Hawthorn Cottage;
- Indicates that the history of the dilapidated building on site was researched and that it is not a domestic building but instead like Hawthorn Cottage formed an integral part of Baldovan Bleach Fields;
- Following the closure of the Baldovan Bleach Fields, Hawthorn Cottage was sold as a dwellinghouse with the current application site being used as grazing ground for horses;
- Planning permission was obtained in 2003 to extend Hawthorn Cottage. The site location plan for planning application ref: 03/00776/FUL included the application site for the current application within the red edge boundary. This was because this was all of the land in the ownership of the applicant, but does not mean that it formed part of its curtilage;
- Indicates that the dilapidated stone building that was formerly used as a boiler house was last known to be used for the storage of hay and feed for horses grazing on the site;

#### Response to matters raised by Planning Service - dated 21/04/20

- SEPA objection - The agent confirmed they have tried to show the difference in level between the existing burn and the proposed development. They confirm that they would be happy to provide a Flood Risk Assessment, Waste Water Drainage Strategy, and levels information as a part of any planning conditions following approval of planning permission;
- Brownfield Site / Curtilage Considerations - The agent has highlighted that they are aware that the previous application considers the site to be within the curtilage of Hawthorn Cottage but believes this to be incorrect. In terms of visual impact, considers that the removal of a highly dilapidated building & compromised trees with the design and associated landscaping would be a significant improvement. Considers that the historical practices on the site determine the likelihood of contamination to the land and removal of this can only be an improvement.
- Creation of gap site (between the proposed site and the property at Rynfield)- the agent does not agree that a gap site would be created indicates that there are clear natural and historic boundary treatments that separate the site from the curtilage of Hawthorn Cottage.
- Access Road - the agent confirmed that passing places could be provided and confirmed that they are happy to provide a road design as part of any planning conditions following a positive determination.

#### Consultations

##### Scottish Environment Protection Agency - object to the application on the grounds that:

- the proposed development may place buildings and persons at flood risk contrary to Scottish Planning Policy; and
- the application proposes private drainage within/adjacent to a publicly sewered area.

SEPA has indicated that it can only remove its objection on flood risk grounds if a Flood Risk Assessment (or other information) demonstrates that the proposed development accords with the principles of Scottish Planning Policy. SEPA has also indicated that in the event that the planning authority proposes to grant planning permission contrary to their 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.

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

**Angus Council - Roads** - No objections subject to conditions. Notes that the existing access is approximately 4.5 metres wide with stone walls on each side which restrict the sightlines slightly. However,

given the restricted speed limit in place and the existing daily use of the access the Roads Service is satisfied, that in this case, the sightlines are adequate. As the site is approximately 190 metres from Craigmill Road and the access is narrow, passing places should be provided between Craigmill Road and the site at intervals of no more than 150 metres.

**Scottish Water** - No objections but comments that Scottish Water is unable to confirm water supply capacity at this time. With regard to foul drainage, confirmed there is currently sufficient capacity in the HATTON PFI Waste Water Treatment Works.

**Angus Council Environmental Health** - No objections subject to conditions. Notes that there may have been storage of chemicals, vehicles or fuel tanks, as well as processes in which chemicals were used that may have resulted in contamination of the site. Any potential for land contamination could be investigated and remediated by planning condition.

**Aberdeenshire Council Archaeology Service** - Noted the application affects an archaeology site (NO33SE0015 - the remains of a mill complex dating to the 19th Century (or earlier)). Asked for a photographic survey condition to be applied.

## **Representations**

Three objections were submitted in connection with the proposal. The content of these is summarised as follows:

- Development is outwith development boundary of Strathmartine;
- Detrimental impact on amenity of existing properties;
- Environmental pollution;
- Road safety issues. inadequate access track with lack of passing places and visibility concerns at junction;
- Information relating to previous uses of the site and its condition is disputed;
- There is virtually no trace of the former bleachworks on the site with nature largely taken the area back.
- Impacts on trees and wildlife;
- Applicant has failed to notify one of landowners which wraps around applicants site.

## **Development Plan Policies**

### **Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC2 : Residential Development

Policy PV7 : Woodland, Trees and Hedges

Policy PV12 : Managing Flood Risk

Policy PV15 : Drainage Infrastructure

Policy PV5 : Protected Species

### **TAYplan Strategic Development Plan**

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

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

## **Assessment**

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

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

The key issues in this case relate to (i) whether the development of a house on the site is in accordance with housing policies of the local development plan; (ii) whether sufficient information has been submitted to address potential flood risk; and (iii) whether the proposed private drainage arrangements are suitable.

### **The principle of a house on the site**

The site is located within a Category 1 Rural Settlement Unit (RSU1). The local development plan indicates that Category 1 RSU's are non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The local development plan indicates that in these areas new housing development outwith settlements should be restricted. Policy TC2 supports housing in countryside locations where the development falls within one of a number of categories and complies with the Countryside Housing Supplementary Guidance.

The proposed dwelling does not comply with any of the circumstances where a new house in the countryside is permitted and is not in accordance with the Countryside Housing Supplementary Guidance.

The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it would not involve the rounding off of an established building group of 3 or more existing dwellings; it is not for an essential worker supported by appropriate evidence of need; it would not fill a gap site between the curtilages of two houses or the curtilage of one house and a metalled road, or the curtilage of one house and an existing substantial building; and it would not involve the regeneration or redevelopment of a qualifying brownfield site.

Criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria indicates that development proposals should not create a gap or rounding off opportunity for additional greenfield development. It also indicates that the sub division of existing residential curtilages to artificially create new build plots will not be supported.

The proposal fails both of those tests because the site is within an existing residential curtilage and a house on this site would create a gap site for an additional house to the west. The planning history of Hawthorn Cottage (ref: 03/00776/FUL) proposed works to stone building within the site and identifies it as falling within its garden ground. Aerial imagery shows that that site appears to have been maintained as garden ground, unlike the unmaintained land further to the east. The development of a house on the site would also create a gap site for an additional new dwelling to the west between the proposed new house and Rynfield. As such, the proposal is contrary to both tests of criterion (a) and the principle of a house on the site does not comply with Policy TC2 and the associated Countryside Housing Supplementary Guidance.

### **Flood risk**

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 proposals which would materially increase the probability of flooding to existing or planned development. It requires an assessment of flood risk to be carried out in areas known or suspected to be at risk from flooding.

The application is not supported by information to enable an assessment to be made in respect of flood risk. SEPA has been consulted on the application and has noted that the site lies adjacent to the Dighty Burn and the to the medium likelihood (0.5% annual probability) flood extent of the SEPA Flood Map. The site may therefore be at medium to high risk of flooding. SEPA's Flood Map shows a flow path from the Dighty Water road bridge along the access track to Hawthorn Cottage and towards the application site and indicates that the site is at risk of flooding to a depth greater than 1 metre.

SEPA has commented that insufficient information has been submitted to be able to assess that flood risk and objects to the application. The application is not supported by information sufficient to conclude that it would not be subject to (or result in) an unacceptable level of flood risk and it would not be appropriate to regulate that matter using planning conditions, as suggested by the applicant. The proposal is contrary to



Policy PV12.

### **The proposed foul drainage arrangements**

Policy PV15 indicates that outwith areas served by public sewers or where there is no viable connection (to the public sewer) 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 the proposal would provide private drainage arrangements which is only an acceptable foul drainage solution where a connection to the public sewer is not viable. Scottish Water has been consulted on the application and has indicated that there is currently sufficient capacity in the waste water treatment network to accommodate the development. SEPA has objected to the use of a private foul drainage system because it has indicated that the site is within/adjacent to a publicly sewered area.

Based on the information available and having regard to the responses of Scottish Water and SEPA, it is not possible to conclude that there is no viable connection to the public sewer and as such the proposal is contrary to Policy PV15.

### **Other development plan considerations**

Policy TC2 also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

Residential use of the site represents a compatible land use and the site is capable of providing a reasonable residential environment. The development is unlikely to result in any significant direct or indirect impacts on natural or built heritage. The Archaeology Service has requested a photographic survey of the existing building to ensure a record of the building is made. The Roads Service is satisfied that the proposal would not adversely impact on road traffic or pedestrian safety and parking. It has commented that adequate sightlines exist at the junction of the access track to Craigmill Road and is satisfied the access track is appropriate for use subject to the provision of passing space. The proposal would connect to the public water supply and Scottish Water has not objected to the proposal. Surface water drainage could be managed on site. There is no reason to consider the proposal would have an unacceptable impact on infrastructure and the proposal is not of a scale where it would require to make provision for affordable housing or other developer contribution.

The proposed plot would be an acceptable size. The proposal would also not extend ribbon development or result in the coalescence of building groups. The proposed house is an acceptable design solution having regard to the Design and Placemaking Supplementary Guidance. The proposed house would not have an unacceptable impact on the amenity of other residential property.

In relation to material considerations it is relevant to note that objections have been submitted to the proposal. The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

Concerns are expressed relating to the location of the site outside the Strathmartine boundary. The proposal has been assessed against policies relating to housing in the countryside and it is noted that the site is located outside of a development boundary. In terms of impacts on amenity, the house is positioned in a manner that it would not give rise to unacceptable impacts in terms of overlooking, privacy or loss of light when assessed against Council guidance. There would be some impact associated with increased activity along the site access track but that impact is not likely to be so significant as to warrant refusal of planning permission. The Roads Service is satisfied that the access could accommodate an additional dwelling subject to improvements being made to allow space for vehicles to pass.

The proposal is unlikely to result in any significant impact on wildlife. No signs of bats were recorded in the bat survey and the large open areas close to the site would be largely unaffected by the proposal. While the site does contain some planting, were the proposal otherwise acceptable planning conditions could

have been applied to ensure suitable planting within the site is maintained or enhanced. The application has been subject to publicity and notification in accordance with legislation.

In summary, whilst the proposal complies with some aspects of development plan policy, the site is located in an area where the local development plan indicates new housing development outwith settlements should be restricted and a house on the site would not comply with countryside housing policy and would create a gap site for a an additional house. It has not been demonstrated that the proposal would not be subject to an unacceptable level of flood risk; or that the proposed house could not connect to the public sewer and SEPA has objected on the basis of those matters. The proposal is contrary to policies of the Angus Local Development Plan. There are no material considerations which justify approval of planning permission contrary to the provisions of the development plan.

## **Human Rights Implications**

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

## **Equalities Implications**

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

## **Decision**

The application is refused

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

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the Countryside Housing Supplementary Guidance because it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.
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 application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV12 and PV15.

## **Notes:**

Case Officer: James Wright  
Date: 28 May 2020

## **Appendix 1 - Development Plan Policies**

## **Angus Local Development Plan 2016**

### Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

### Policy DS3 : Design Quality and Placemaking

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

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

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

### Policy DS4 : Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

#### Policy TC2 : Residential Development

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

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

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

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

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

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

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

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

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

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

#### Policy PV7 : Woodland, Trees and Hedges

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

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

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

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

#### Policy 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>)

#### Policy PV5 : Protected Species

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

#### European Protected Species

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

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

#### Other Protected Species

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

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

## ANGUS COUNCIL

### PLACE PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

20/00167/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

13	03	20
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PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES WILL BE PROVIDED ON REQUEST

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



# Memorandum

Infrastructure  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 26 MARCH 2020

SUBJECT: **PLANNING APPLICATION REF. NO. 20/00167/FULL – PROPOSED ERECTION OF DWELLING HOUSE AT HAWTHORN COTTAGE, BALDOVAN, DUNDEE**

---

I refer to the above planning application.

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

The site is located on land which is accessed from the unnumbered, classified Dundee to Dronly road (Craigmill Road) at Baldovan, Starthmartine which is subject to a 30mph speed restriction.

In order to provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 43 metres should be provided on both sides of the proposed access at its junction with Craigmill Road. The existing access is approximately 4.5 metres wide with a stone walls on each side which restrict the sightlines slightly. However, given the restricted speed limit in place and the existing daily use of the access I am satisfied, that in this case, the sightlines are adequate.

As the site is approximately 190 metres from Craigmill Road and the access is narrow, passing places should be provided between Craigmill Road and the site at intervals of no more than 150 metres.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application but would recommend that any consent granted shall be subject to the following condition:

- 1 That, prior to the commencement of development, a scheme of improvements to the access track between Craigmill Road and the application site shall be



submitted for the consideration of the planning authority. The scheme of improvement shall include

- (i) a drawing showing the widening of the access track and/or provision of inter-visible passing places at maximum intervals of 150 metres;
- (ii) a construction specification in accordance with the council's planning advice note; PAN 17 – Miscellaneous Planning Policies;
- (iii) the provision of adequate means of surface water drainage; and
- (iv) an agreement for the upgrading works with any other owner(s) or person(s) with rights of access over the track, or other suitable evidence of a legal right to affect the scheme of improvements.

The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the access track shall thereafter be completed prior to the occupation of any dwelling house hereby approved.

*Reason: to provide a safe and suitable access and an adequate level of residential amenity.*

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





17<sup>th</sup> March 2020

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

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

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

Dear Local Planner

**DD3 Strathmartine Hawthorn Cottage Land Adj To  
 PLANNING APPLICATION NUMBER: 20/00167/FULL  
 OUR REFERENCE: 790265  
 PROPOSAL: Erection of new dwelling house re-application**

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

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

#### **Water**

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

#### **Foul**

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

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

#### **Infrastructure within boundary**

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

#### **Scottish Water Disclaimer**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

#### **Surface Water**

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

#### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

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

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water

pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### Next Steps:

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

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

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

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

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

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

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

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

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

Yours sincerely

**Pamela Strachan**  
Planning Consultations Administrator

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

17 March 2020

By email only to: [PLNProcessing@angus.gov.uk](mailto:PLNProcessing@angus.gov.uk)

Dear Mr Wright

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
PLANNING APPLICATION: 20/00167/FULL  
ERECTION OF NEW DWELLING HOUSE  
LAND ADJACENT TO HAWTHORN COTTAGE, BALDOVAN, STRATHMARTINE.**

Thank you for your consultation email which SEPA received on 12 March 2020.

**Advice for the planning authority**

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

**1. Flood Risk**

- 1.1 We **object** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.
- 1.2 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 wish to consider if this proposal falls within the scope of this Direction.
- 1.3 We have reviewed the information provided in this consultation and it is noted that the application site is adjacent to the to the medium likelihood (0.5% annual probability) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.
- 1.4 We note that the application is for the erection of a dwellinghouse which falls within the Highly Vulnerable Use category within SEPA's Land Use Vulnerability Classification for flood risk.

Continued...

- 1.5 SEPA's Flood Map shows a flow path from the Dighty Water road bridge along the access track to Hawthorn Cottage and towards the application site. The Flood Maps indicate that the site is at risk of flooding to a depth greater than 1 metre. However, we are aware that due to forestry cover there is uncertainty with LiDAR accuracy in this area and, therefore, we cannot have full confidence in the accuracy of the flow path along the access track.
- 1.6 Due to the uncertainty of the flow path, insufficient information is provided with this consultation for an assessment of flood risk to this site. We therefore **object** to this development until a Flood Risk Assessment or other appropriate information is provided in support of the application. We can only remove our objection on flood risk grounds if a Flood Risk Assessment (or other information) demonstrates that the proposed development accords with the principles of Scottish Planning Policy.
- 1.7 Other appropriate information might include proposed development site and finished floor levels related to nearby watercourses, appropriate photographs and/or any nearby historical flood levels. Topographic information could include cross sections across the river (including the channel bed levels and bank levels of the opposite bank), upstream, downstream and adjacent to the site. 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.
- 1.8 Consideration should be given to the provision of safe, flood free access and egress to and from the proposed development during the 0.5% AP flood event. SEPA's Flood Maps indicate that the access track is located within the functional floodplain of the Dighty Water and may flood to a depth greater than 1m. Additional information may show that this is not accurate. However, we would ask that the applicant consider alternative access and egress requirements should further information or FRA show that the access track is inundated during a 0.5% AP flood. It is for Angus Council to comment on its requirements for safe, flood free, access/egress to the proposed site.

## Summary

- 1.9 In summary, clarification is needed on the following points before we can review our objection to the proposed development:
- Topographic survey information of the site should be provided as well as the proposed Finished Floor Level of the development.
  - Consideration to the provision of safe, flood free access and egress up to and from the development during the 0.5% AP flood event.

## Caveats & Additional Information for Applicant

- 1.10 The [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> 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.
- 1.11 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.

Continued...

- 1.12 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).

## **Regulatory advice for the applicant**

### **2. Regulatory requirements**

- 2.1 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 the local SEPA office at:

SEPA, Unit 17, Lindsay Street, Arbroath DD11 1RP. Tel: 01241 874370

If you have any queries relating to this letter, please contact me by e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Paul Lewis  
Senior Planning Officer  
Planning Service

ECopy to: Jon Frullani – [jon@jfarchitect.co.uk](mailto:jon@jfarchitect.co.uk)

#### *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](#).*



## MEMORANDUM

TO: James Wright, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 20/00167/FULL

OUR REF: Site 567

DATE: 25 March 2020

SUBJECT: Erection of new dwelling house at Land Adjacent to Hawthorn Cottage, Baldovan, Strathmartine.

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

Available information including historic mapping and aerial photography has been reviewed. It would be useful to have some further information about the previous uses of the land and studies should be directed to any potential source of contamination. There may have been storage of chemicals, vehicles or fuel tanks, as well as processes in which chemicals were used that may have resulted in contamination.

I have no objections to the above application however would recommend the undernoted suspensive conditions be placed on any consent granted;

1) That, prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted for the written approval of the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33.

2) That where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the planning authority.

**From:**Claire Herbert  
**Sent:**Thu, 26 Mar 2020 17:10:38 +0000  
**To:**PLNProcessing  
**Cc:**WrightJ  
**Subject:**Planning application 20/00167/FULL - Archaeology comments

**Planning Reference:** 20/00167/FULL

**Case Officer Name:** James Wright

**Proposal:** Erection of new dwelling house re-application

**Site Address:** Land Adjacent To Hawthorn Cottage Baldovan Strathmartine

**Site Post Code:**

**Grid Reference:** NO 3900 3434

Having considered the above application, which affects the archaeology site NO33SE0015, the remains of a mill complex dating to the 19th Century (or earlier), I would ask that the following condition is applied:

***Photographic survey***

*No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.*

***Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.***

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

Kind regards,

Claire

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

**Archaeologist**

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

01467 537717

07825356913

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

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

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

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

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Dhò fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin.

S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill

agus chan eil e a  ciallachadh gu bheil iad a  riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

[www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

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# Comments for Planning Application 20/00167/FULL

## Application Summary

Application Number: 20/00167/FULL

Address: Land Adjacent To Hawthorn Cottage Baldovan Strathmartine

Proposal: Erection of new dwelling house re-application

Case Officer: James Wright

## Customer Details

Name: Mr George Ross

Address: 2 Baldovan Nurseries Strathmartine By Dundee DD3 0PD

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like my objection to this planning application to be noted for the following reasons:

1. The area of proposed development falls outwith Angus Council's development boundary map for the Strathmartine area.
2. The impact of a further property will have a detrimental affect on the existing properties already sited on the access lane
  - More domestic vehicles using the single-track lane causing a noise and traffic nuisance to this quiet residential area.
  - More delivery vehicles, including oil tankers, causing a noise and environmental pollution with the exhaust fumes.
  - Garden walls, fences and boundary walls on Baldovan Road have regularly been damaged in the past with vehicles using the lane. Recently the wall of the lane was damaged by a skip lorry reversing into the lane.
3. The privacy of the existing dwellings will be effected by the increase in traffic passing the houses.
4. With there only being 1 passing place on the single-track lane vehicles reverse out, blindly, on to the already busy Baldovan Road. An increase in vehicles using the compacted lane will exacerbate existing road safety issues.
5. The land is accessed from a blind entrance, the road either side of the lane entrance rises to Dundee on the south with Strathmartine to the North. The road south contains a very narrow pedestrian pavement on either side of the road. The road to Strathmartine bends to the left as it rises leaving the entrance to the lane in the middle of an "s" bend in the road. Presently, vehicles longer than a standard axel need to reverse into the lane as there is not a large enough turning point to accommodate these vehicles. . Whilst an acceptable practice for council refuge lorries as they have a banksman ensuring pedestrian safety the same cannot be said for

other commercial vehicles.

It is felt that by increasing the traffic in this area cyclists, elderly residents and children using this quiet residential lane and fields will be adversely affected.

## Comments for Planning Application 20/00167/FULL

### Application Summary

Application Number: 20/00167/FULL

Address: Land Adjacent To Hawthorn Cottage Baldovan Strathmartine

Proposal: Erection of new dwelling house re-application

Case Officer: James Wright

### Customer Details

Name: Mrs monica ross-mclean

Address: 11 ballumbie meadows dundee dd4 0ul

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have known this area for almost 40 years as the previous owner was my uncle. I dispute the fact that this land was used to graze horses and the bleach house was used to store fodder and bedding. there have never been animals of any description on this land in the time that I have been familiar with it.

The 'road' leading to Hawthorne Cottage from the main Baldovan Road is so narrow it could hardly be classed as such and is more appropriately described as a lane. It is so narrow that only one vehicle can utilise it at a time with no passing points. There is a very small turn area halfway along suitable for cars only and is often used as extra parking. larger vehicles must reverse in and the full length of the lane, or drive in and reverse the full length back out onto the main road, which has limited visibility to both sides. as this road leads out to rural areas cars tend to use the road at speed and increasing traffic on this lane will only increase the risk to users of the lane and the main road serving it.

My father has occupied a property on the lane for more than 25 years. I regularly visit with my children and family dog. my children play on the lane and in the field opposite, to increase traffic on the lane would be putting them at risk, with the greatest risk being the volume of lorries and heavy plant machinery using it to access the site during the construction.

It is my understanding from the planning application that there is a proposal for a double garage and parking for up to 4 cars, in theory, 6 cars can be occupying that address at one time. This is totally feasible given the structure of many families at a large address in today's climate, two parents and two adult children, or more with their own cars + any visitors. considering this with delivery vehicles to the address this is an extremely and completely realistic estimation of increased volume on this lane,, creating a hazard to the other households, their children and their

pets



# **Comments for Planning Application 20/00167/FULL**

## **Application Summary**

Application Number: 20/00167/FULL

Address: Land Adjacent To Hawthorn Cottage Baldovan Strathmartine

Proposal: Erection of new dwelling house re-application

Case Officer: James Wright

## **Customer Details**

Name: Mr Grant Anderson

Address: Rynfield Baldovan Strathmartine Dundee DD3 0PD

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I notice that the Applicants Statement says that access to the site will be fine because he will be using the existing access road. However, as one of the existing users of this road I can tell you that it is substandard and potentially dangerous at existing levels of usage. The road itself is single track with poor sight levels in places. More importantly, the access on to Craigmill Road is very poor. It is narrow with stone walls on both sides and the visibility both ways is very restricted with short distances to bends in the main road in each direction. Although speeds are theoretically limited to 30mph, in practice many vehicles go quickly around these bends, often on the wrong side of the road.

You will be aware that in the past, any proposed developments on the land accessed by this road were limited to both a widening of the access road and improved junction. The applicant's development is not small with a 3 car garage and external parking which would undoubtedly lead to a significant increase in traffic.

The applicant keeps emphasising that this is a former bleachworks and therefore a brownfield site and that its development would be a visual improvement. I would suggest that a site visit would give you a different viewpoint. Virtually no trace remains of its previous life with nature having largely taken the area back. The presence of the Dighty Water and the large amount of trees has encouraged the local wildlife and we regularly see a wide range of birds and animals (e.g deer, foxes, pheasants, buzzards, herons, sparrowhawks, woodpeckers, otters, daubenton and pipistrelle bats, siskins, yellowhammers, goldcrests, etc). Further development would inhibit this and intrude on the current visual aspect.

It would also appear that the applicant has failed to notify one of his adjoining landowners as is required - i.e the current owner of the former Baldovan Nurseries site which wraps around the applicant's site.



0 10 20 30 40 50

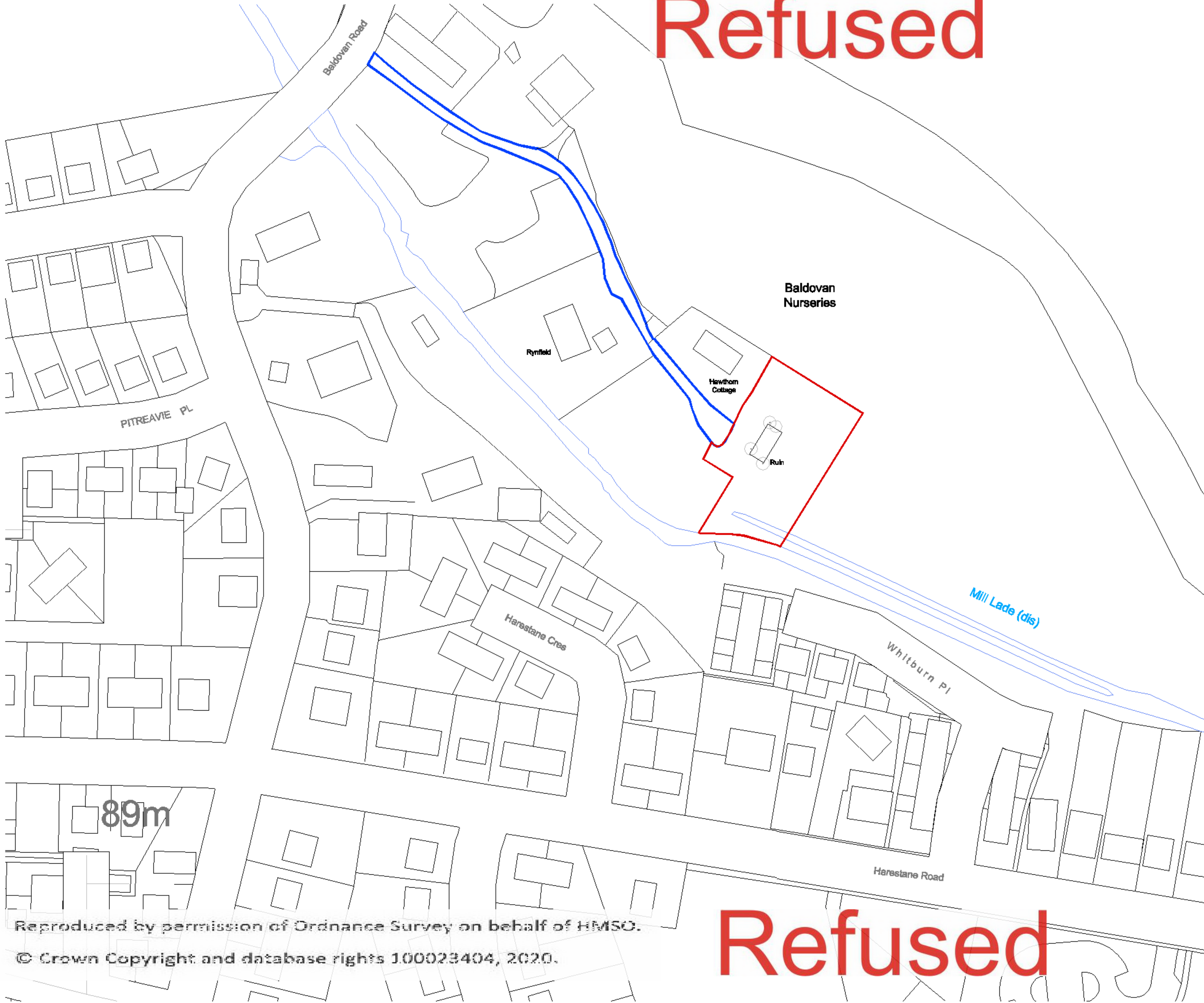
SCALE 1:1250 (A3) LENGTHS SHOWN IN METRES

All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.

**Legend:**

- Application Boundary
- Communal Access Road

# Refused



Baldovan Nurseries

Rynfield

Hawthorn Cottage

Ruh

Mill Lade (dis)

Whitburn Pl

Harastane Cres

Harestone Road

PITREAVIE PL

89m

# Refused

Revisions :  
A CH 09.03.20  
Application Boundary Revised.

Project New Build Dwellinghouse		 <b>JON FRULLANI</b> ARCHITECT	
Client Mr. Grant			
Address Land South East of Hawthorn		Drawing Title Location Plan	
Cottage, Baldovan Road		Issue Status Planning	Drawing No. 5885 - 301
Designer DB	Date July 2018	Scale 1:1250 @ A3	Revision A
<small>           t 01982 284628 f 07909 726205            e jon@jonfrullani.co.uk w www.jonfrullani.co.uk            s 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 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</small>			

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**Legend:**  
 Application Boundary  
 Communal Access Road

# Refused

## Baldovan Nurseries


Rynfield

Hawthorn Cottage

# Refused

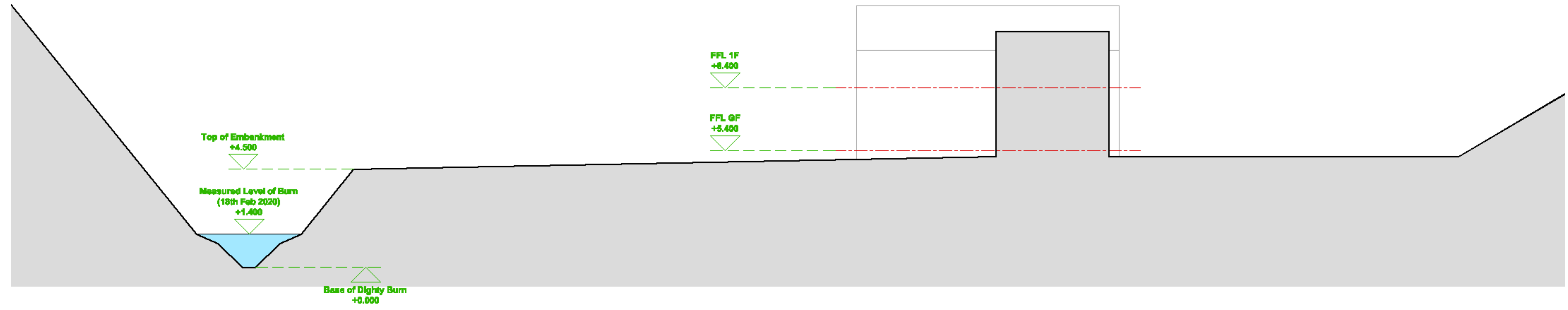
# Refused

**Revisions :**  
A CH 09.03.20 Application Boundary Revised.  
B CH 27.04.20 Balcony Identified on Site Plan. Drawing Generally Updated.

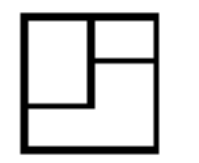
Project New Build Dwellinghouse		 <b>JON FRULLANI</b> ARCHITECT	
Client Mr. Grant			
Address Land South East of Hawthorn Cottage, Baldovan Road DD3 9PD		Drawing Title Existing Site Plan	
Issue Status Planning		Issue No. 5885 - 305	Drawing No. B
Designer DB	Date July 2018	Scale 1:500 @ A3	Revision B
<small>           © 1982 234828 inc 07806 728300            www.jonfrullani.co.uk www.jonfrullani.co.uk t: 01882 234828            15, The Old Rectory, Baldovan, DD3 9PD            All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means, without prior written permission from the Architect.         </small>			

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# Refused



# Refused

Project New Build Dwellinghouse		 <b>JON FRULLANI</b> ARCHITECT	
Client Mr. Grant			
Address Land South East of Hawthorn Cottages, Beldorvan Rd DD3 0PD		Drawing Title Proposed Site Section	
Designer RB		Date Feb 2020	Scale 1:1000 @ A3
Revision -		Drawing No. 5805 - 310	
<small>           © 01302 224628 fax 07890 720063            e: jon@jonfrullani.co.uk w: jonfrullani.co.uk f: jonfrullani.com/jonfrullani            as well as: chartered 10, government-registered, chartered, 047146b            This drawing is provided by copyright. It may not be reproduced or by any means for any purpose, without getting prior written permission from Jon Frullani Architect Ltd.         </small>			



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East Elevation

Refused



South Elevation




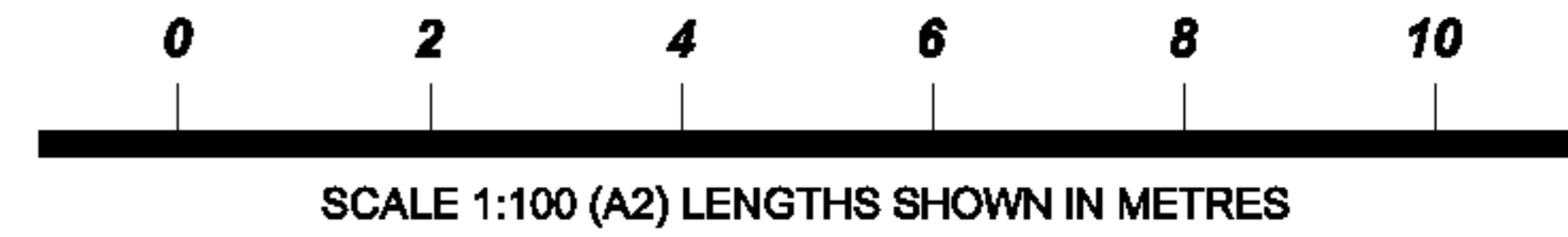
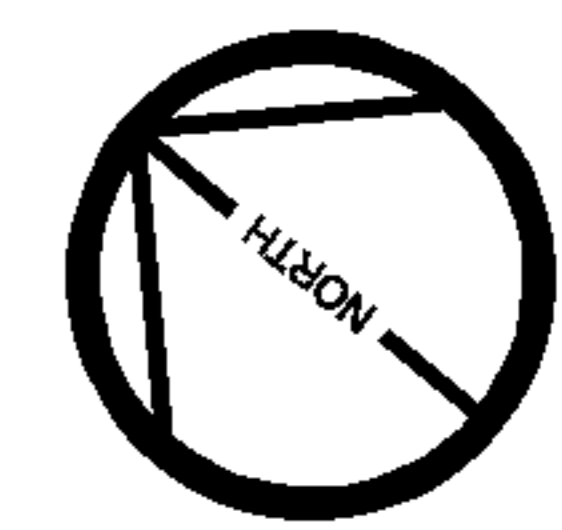
West Elevation

Refused



North Elevation

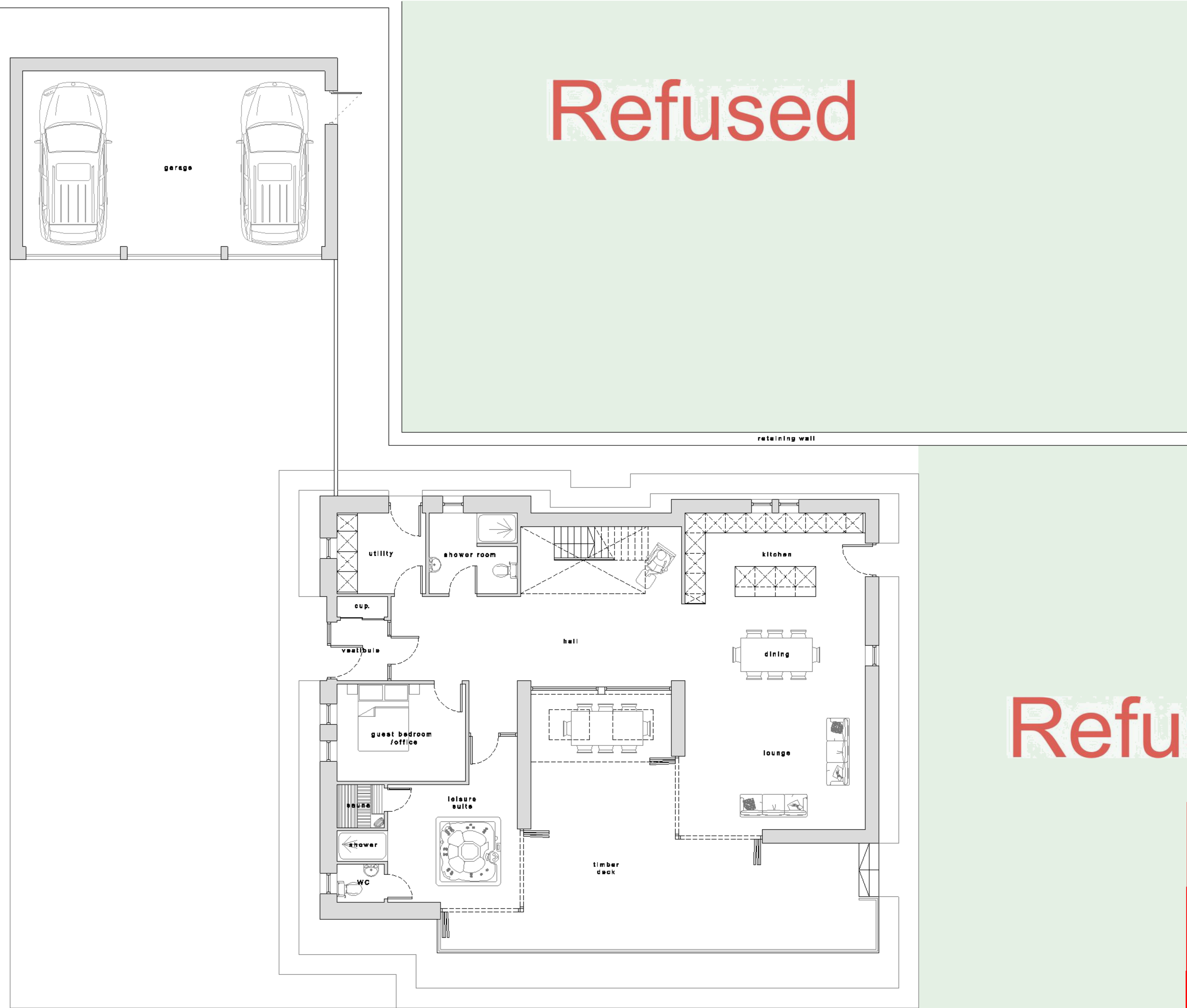
Project: New Build Dwellinghouse		 <b>JON FRULLANI</b> ARCHITECT	
Client: Mr. Grant			
Address: Land South East of Hawthorn Cottage, Baldovan Rd OD3 QPD		Drawing Title: Proposed Elevations	
Designer: RS	Date: July 2019	Issue Status: Planning	Drawing No.: 5865 - 308  Revisions: -
Scale: 1:100 @ A3			
<small>           T: 01362 224628 M: 01905 726309            E: jon@frullaniarchitect.co.uk W: frullaniarchitect.co.uk F: facebook.com/frullaniarchitect            © 2019 Jon Frullani Architect. All rights reserved.         </small>			



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Refused

Refused



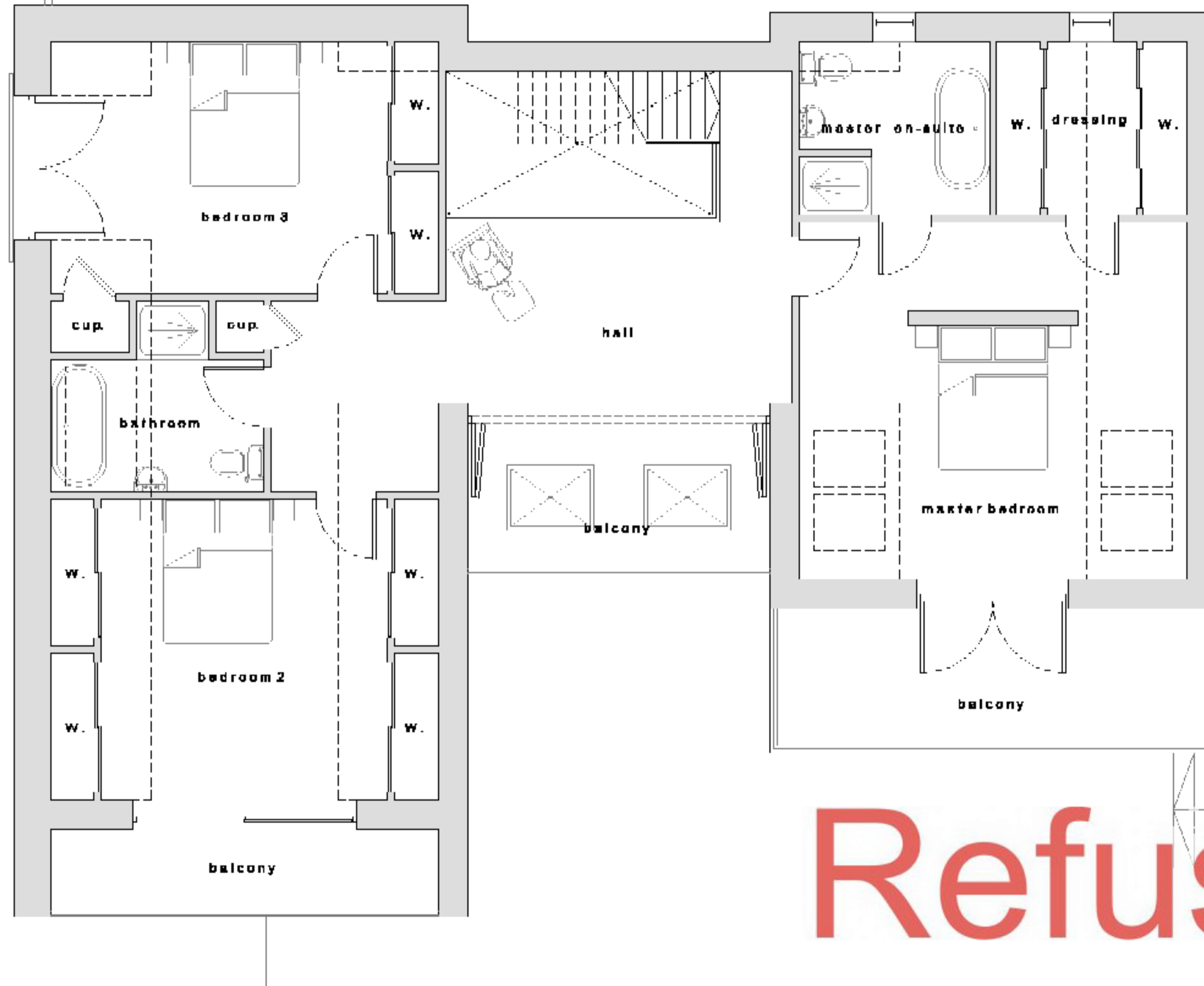
Project <b>New Build Dwellinghouse</b>		 <b>JON FRULLANI</b> ARCHITECT	
Client <b>Mr. Grant</b>			
Address <b>Land South East of Hawthorn Cottage, Baldovan Rd. DD3 0PD</b>		Drawing Title <b>Proposed Ground Floor Plan</b>	
		Issue Status <b>Planning</b>	Drawing No. <b>5865 - 306</b>
Designer <b>RS</b>	Date <b>July 2019</b>	Scale <b>1:100 @ A2</b>	Revision <b>-</b>
t: 01382 224828 m: 07808 726306 e: jon@jfrchitect.co.uk w: jfrchitect.co.uk f: facebook.com/jfrchitect a: unit 5, district 10, greenmarket, dundee, dd1 4qb <small>this drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose, without gaining prior written permission from Jon Frullani Architect Ltd</small>			

# Refused



SCALE 1:100 (A4) LENGTH IS SHOWN IN METRES

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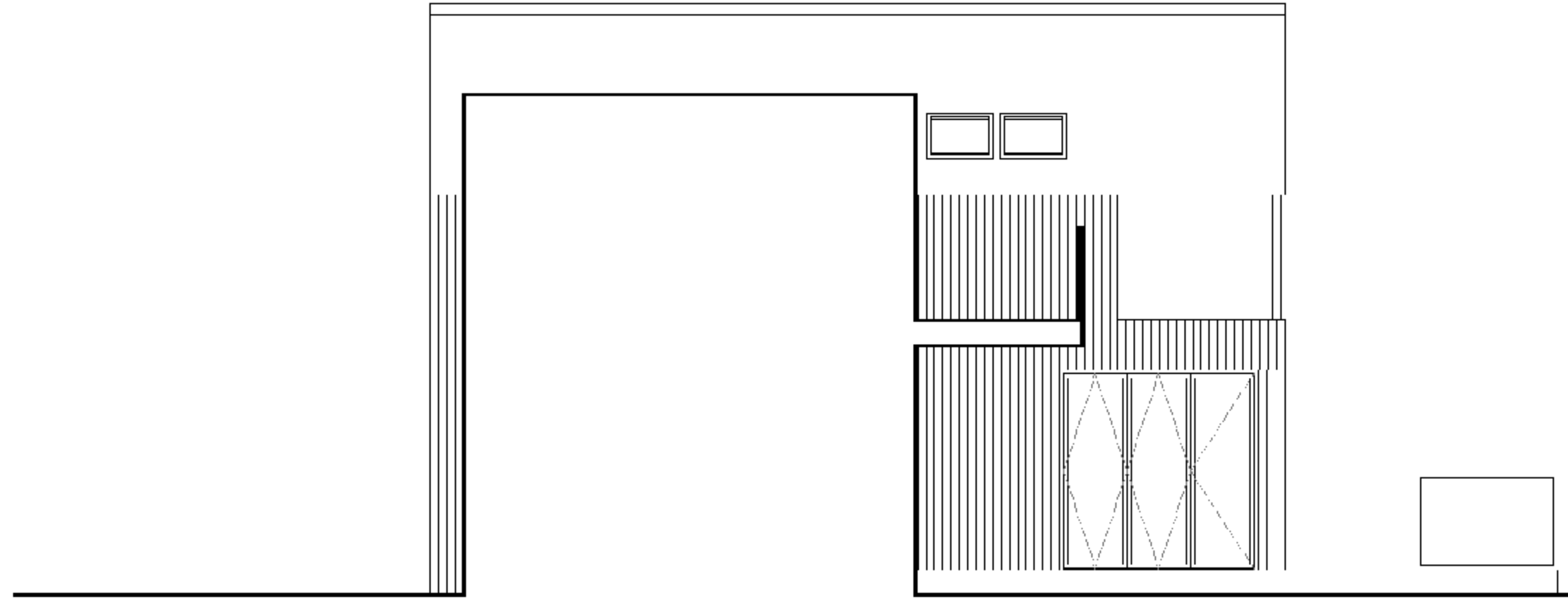


# Refused

name New Build Dwellings Client Mr. Grant		 <b>JON FRULLANI</b> ARCHITECT	
Address Land South East of Hawthorn Cottage, Baldovan Rd. DD3 0PD		Drawing Title Proposed First Floor Plan	
Designer RS		Issue No Planning	Drawing No. 5885 - 307
Date July 2018		Scale 1:100 @ A4	Revision
t: 01302 294284 m: 07806 726506 e: jon@jonfrullani.co.uk w: jonfrullani.co.uk f: facebook.com/jonfrullani a: unit 6, the kiln 10, greenmarket, dundee, dd1 4db we reserve the right to amend or vary any part of any proposal without giving prior written notification to the client.			

# Refused

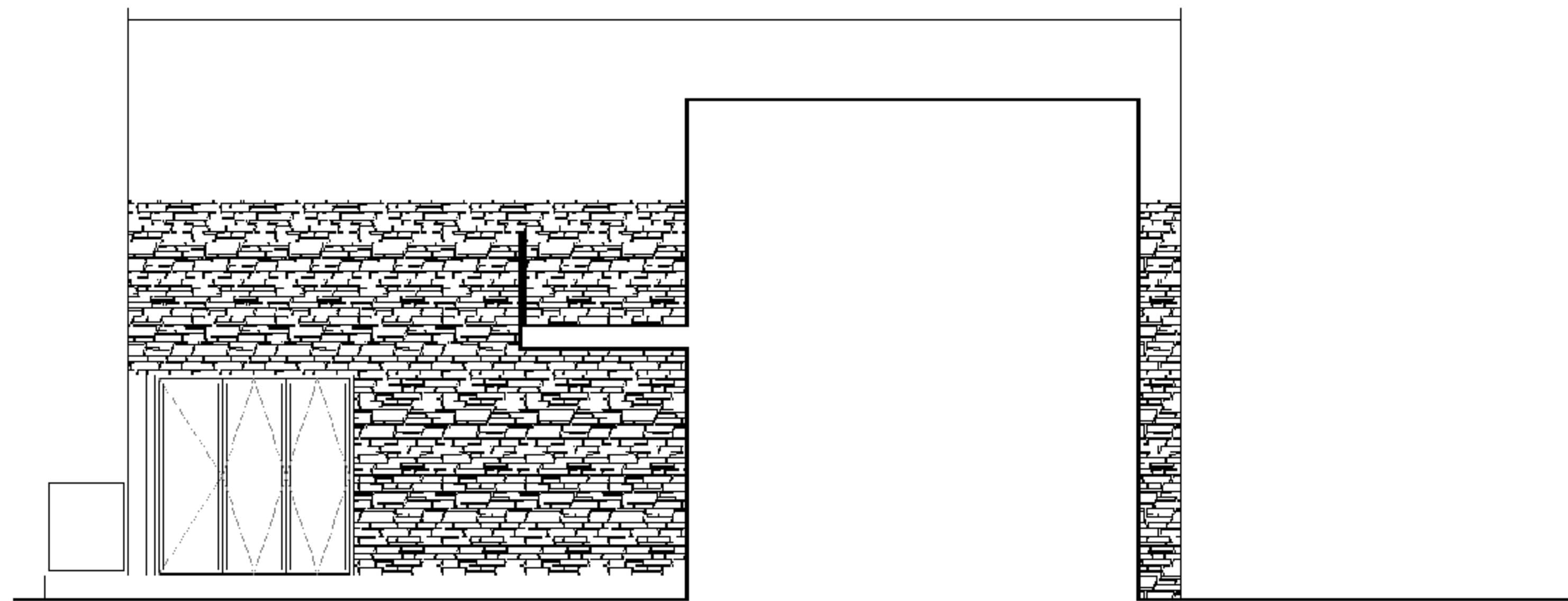
All dimensions and levels to be checked on site prior to the commencement of work. Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless stated otherwise. If any dimensions or details conflict please notify the Architect immediately. This drawing is to be used for STATUTORY purposes only. This is not a CONSTRUCTION drawing.




East Elevation - Internal

3

# Refused



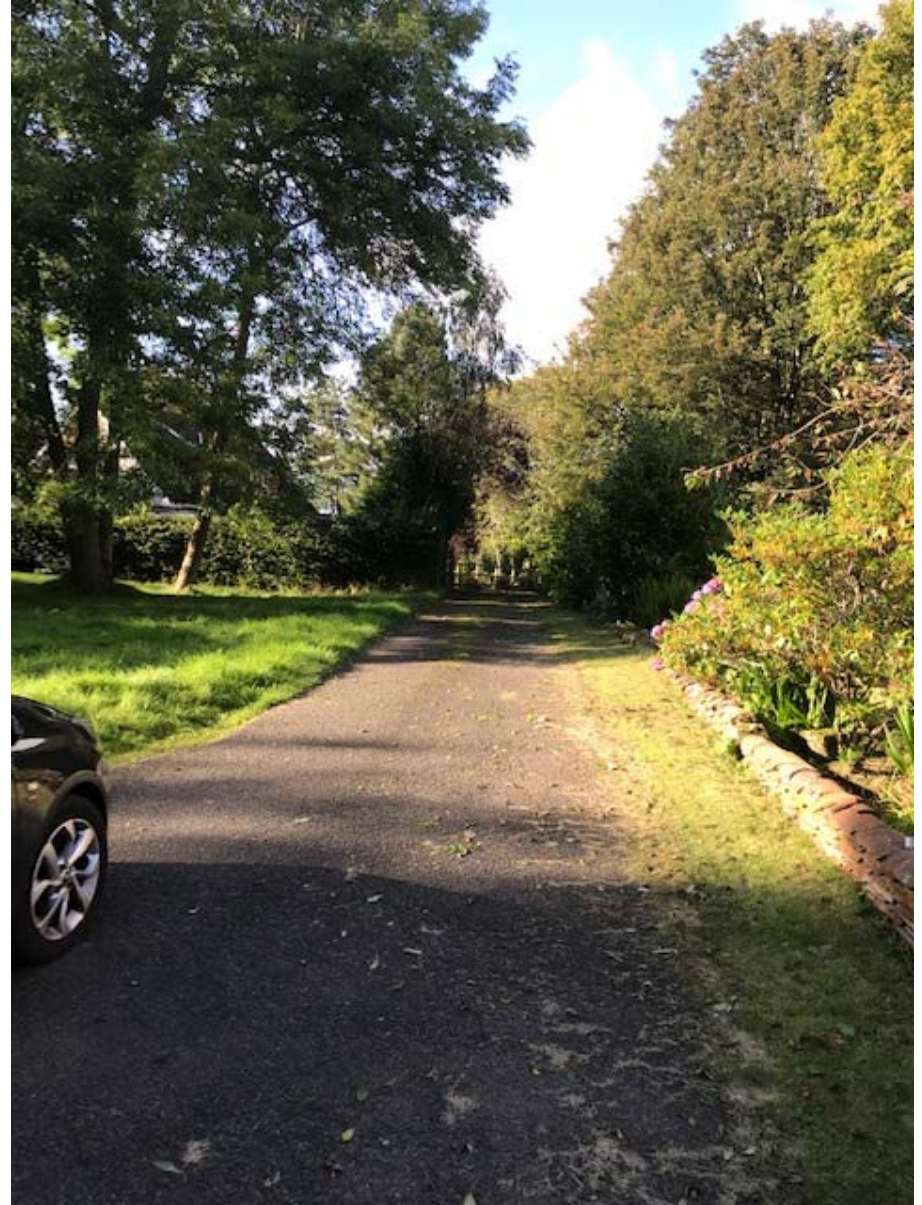
West Elevation - Internal

Project New Build Dwellinghouse		 JON FRULLANI ARCHITECT	
Client Mr. Grant		Drawing No. 0885 - 811	
Address Land South East of Hewthorn Cottage, Baldovan Rd DGG OPD		Drawing No. 0885 - 811	
Designer CH	Date April 2020	Scale 1:100 @ A3	Version -

t: 01362 204620 or 07599 726008  
e: jon@jonfrullani.co.uk or jon@jonfrullani.co.uk f: jonfrullani.com/jonfrullani  
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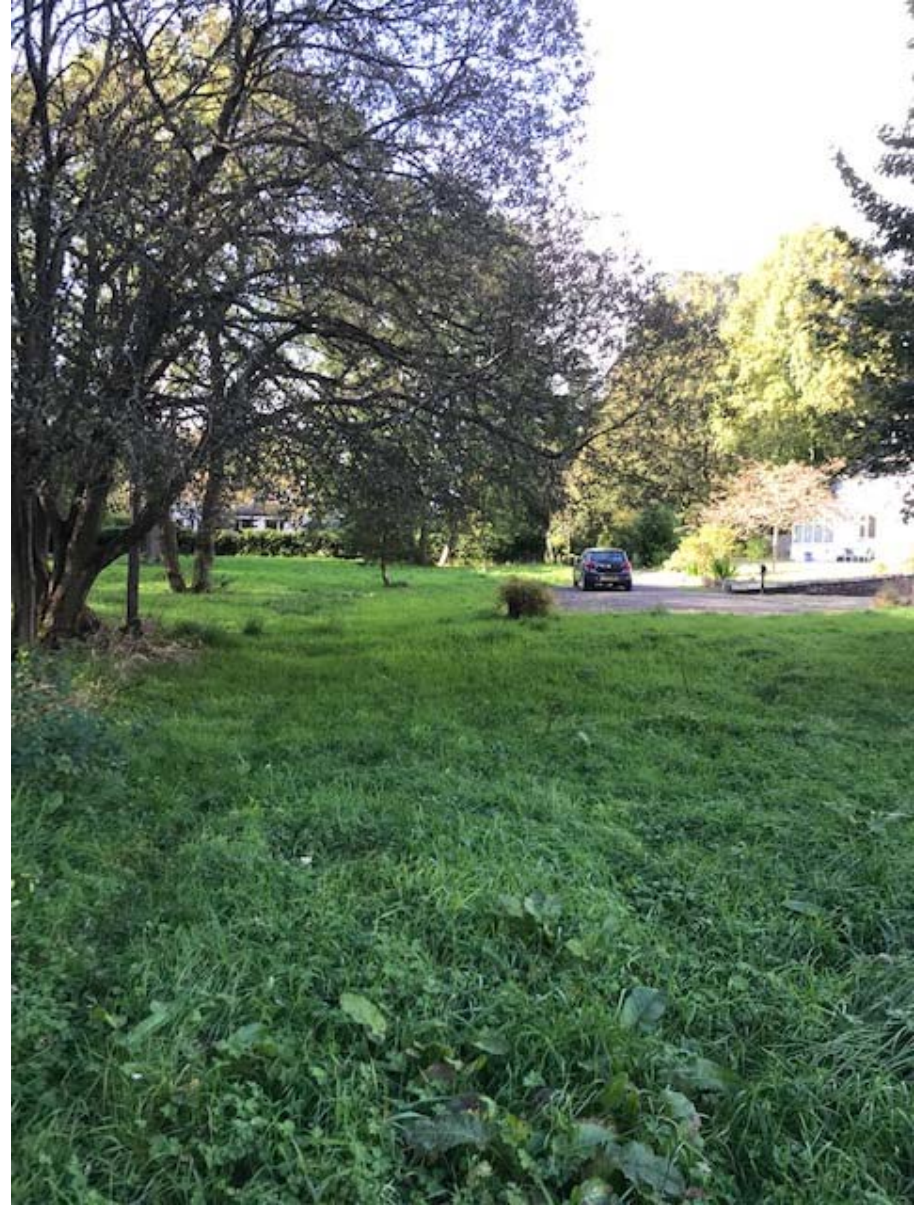










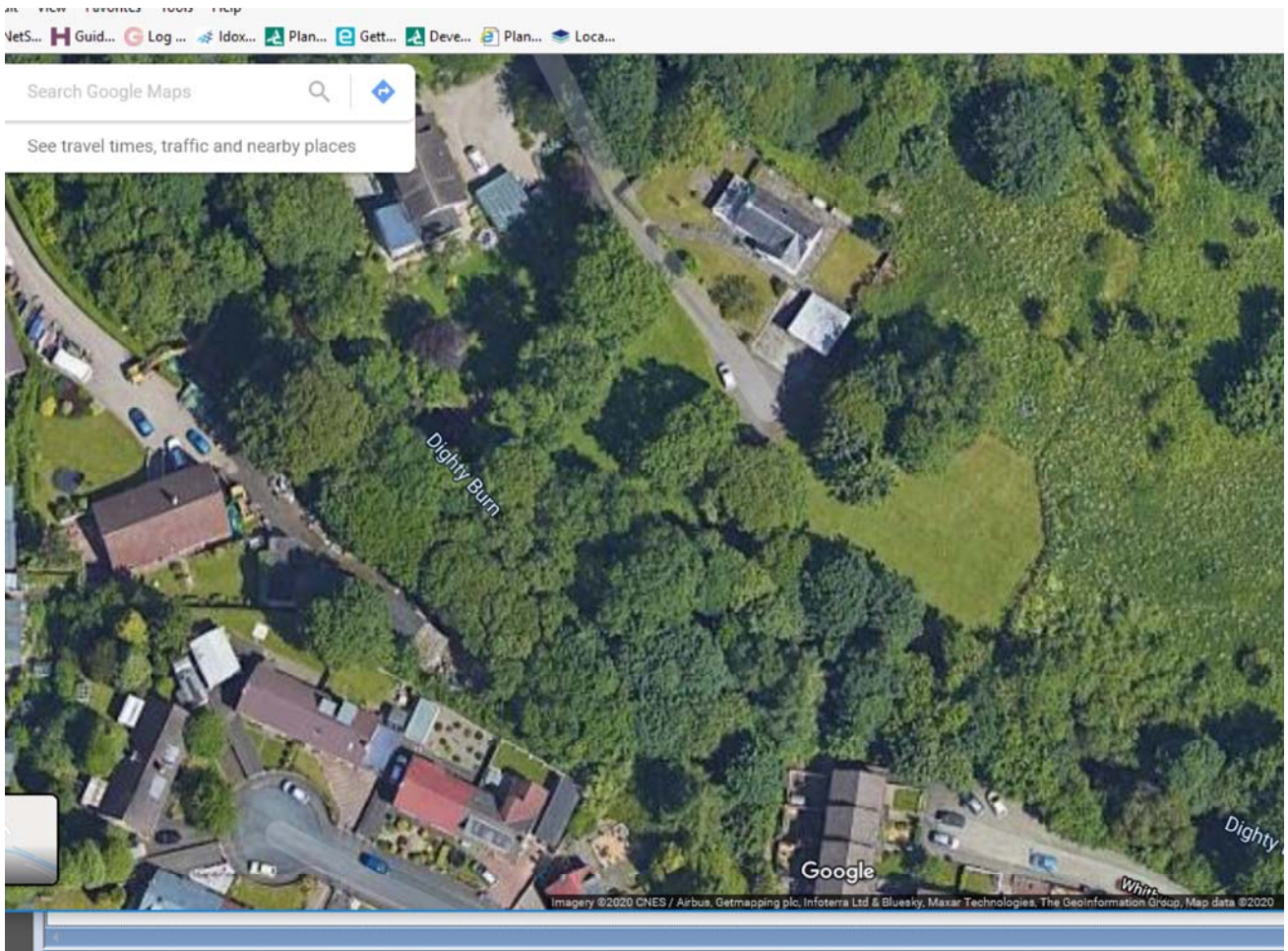










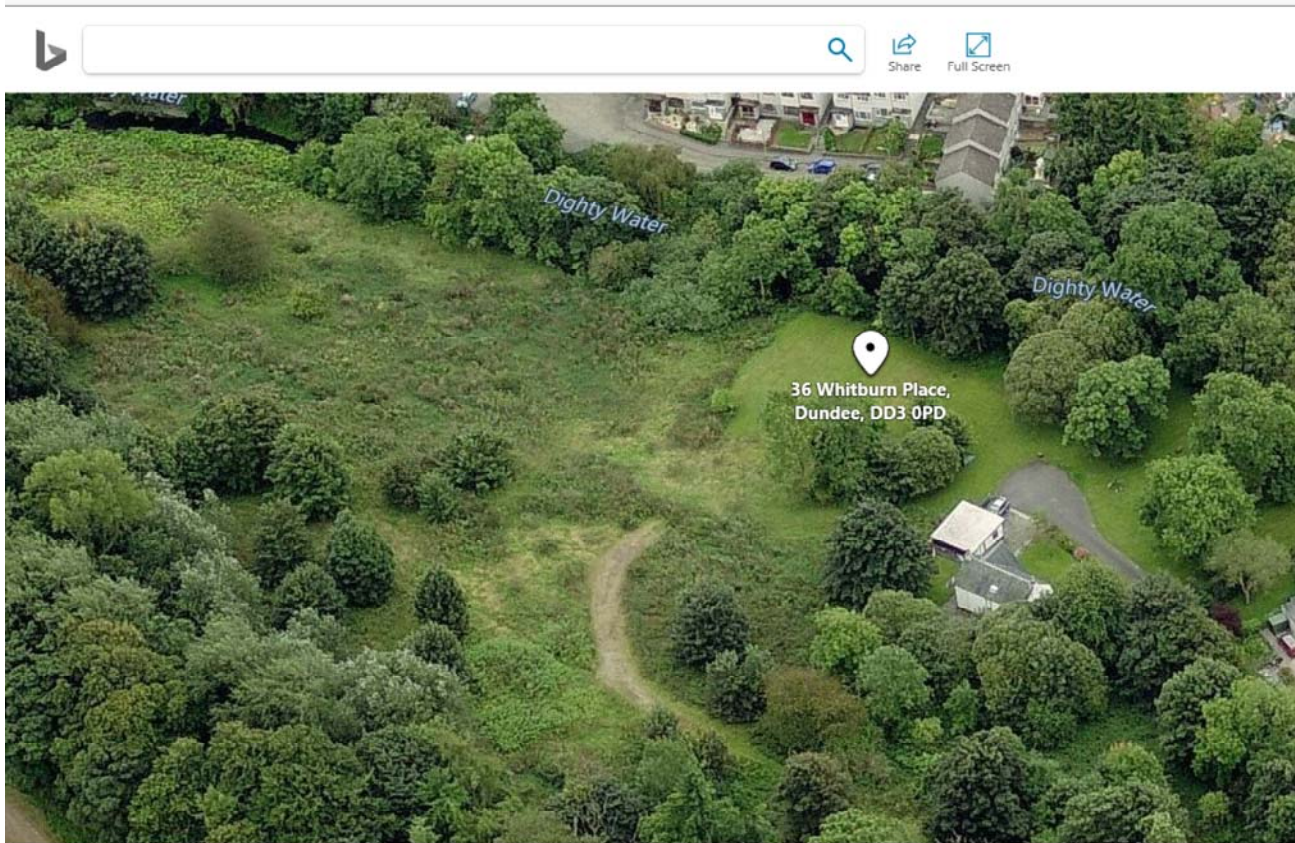




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Full Screen





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

PLANNING PERMISSION REFUSAL  
REFERENCE : 20/00167/FULL

To **Mr Kenneth Grant**  
**c/o Jon Frullani**  
**Unit 5**  
**District 10**  
**Greenmarket**  
**Dundee**  
**DD1 4QB**

With reference to your application dated 10 March 2020 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Erection of new dwelling house re-application at Land Adjacent To Hawthorn Cottage Baldovan Strathmartine for Mr Kenneth Grant**

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

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

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the Countryside Housing Supplementary Guidance because it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.
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 application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV12 and PV15.

**Amendments:**

- 1 Amended Proposed Site Plan (drawing number 5865-305 Rev B) submitted on 27/04/20 supersedes the drawing previously submitted. The drawing corrected errors on the roof plan of the dwellinghouse.

Dated this **2 June 2020**

**AC13**

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

**Notification of initiation of development (NID)**

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

**Notification of completion of development (NCD)**

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

**Display of Notice while development is carried out**

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

Telephone 01307 492076 / 492533  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)



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

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

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

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

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

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





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

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

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

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

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

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

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

# PLANNING

## Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

**OVERALL SATISFACTION:** Overall satisfaction with the service: .....

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

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

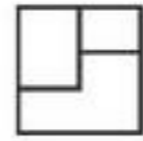
**OUTCOME:** Outcome of the application:

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

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

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



JON FRULLANI  
ARCHITECT

Job 5865

Land South East of Hawthorn Cottage,  
Baldovan Road,  
DD3 0PD

## Planning Statement

### Introduction

This statement has been prepared to support an application for planning permission for the erection of a detached dwellinghouse on land adjacent to Hawthorn Cottage, Strathmartine.

This Planning Application has been submitted in accordance with the requirements of Section 32 of The Town and Country Planning (Scotland) Act 1997.

Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 directs that all planning decisions should accord with the development plan unless material considerations indicate otherwise:

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

Section 37 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, re-affirms the above direction and confirms that in Determining planning applications, the Planning Authority “*shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*”.

In accordance with Scottish Planning Policy this statement shall demonstrate that the environmental enhancement arising from the redevelopment of this rural brownfield site. In doing so, this statement shall also highlight the proposal’s compliance with the Development Plan as well as highlight material considerations that support the approval of planning permission.

### 2.0 SITE

The site is located to the east of Hawthorn Cottage and extends to 2050sqm in area as illustrated by Figure 1: Site Location Plan.

To the west the site is bound by the curtilage of Hawthorn Cottage and to the east and north by Baldovan Nurseries. To the south the site is bound by the Dighty Burn. The site was formerly part of Baldovan Bleach Fields and passing through the southern sector of the site is the laid that served the former Bleach Fields.

The site is accessed from the private road serving Rhyfield Cottage and Hawthorn Cottage.

Occupying the site is a dilapidated stone building complete to wall head height. The building formed part of the bleach works as demonstrated by Figure 2: Historic Map of Baldovan. The map extract in Figure 2 is from Forfarshire Sheet 050.13.

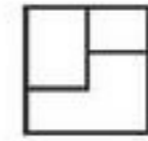


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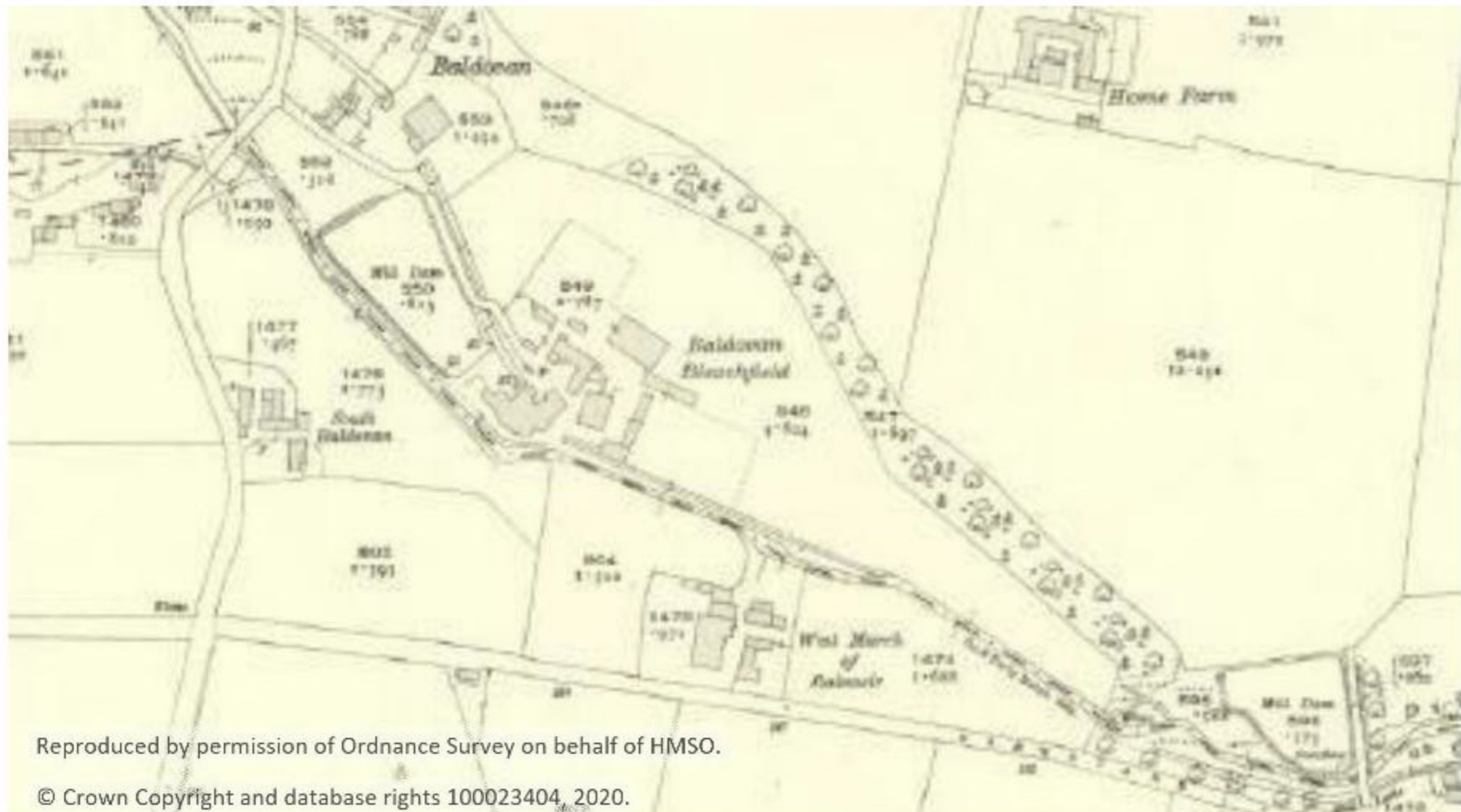


Figure 1: Site Location Plan



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**Figure 2: Historic Map of Baldovan**

The photographs in Figures 3, 4, 5 and 6 illustrate the relationship between the application site and Hawthorn Cottage, the site boundaries and the condition of the dilapidated building on site. The photographs and site location plan clearly illustrate that following the closure of the bleach fields the application site has not formed part of the curtilage of Hawthorn Cottage but rather is land that has not been maintained and latterly was in use for grazing horses. The photograph in Figure 5 shows the fencing that separates the application site from the curtilage of Hawthorn Cottage.



**Figure 3: View Looking East Over Application Site from Access Road**

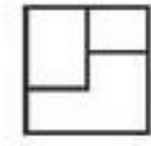


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**Figure 4: Dilapidated Bleach Works Building**



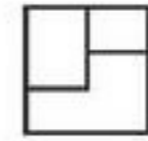
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Figure 5: View North of Hawthorn Cottage from Dighty Burn





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## Figure 6 View North Over Application Site from Dighty Burn

### 3.0 PROPOSAL

The proposal involves the demolition of the dilapidated former bleach field building, site remediation and the erection of a detached dwellinghouse and garage.

The new dwelling will have a north to south orientation with the principal elevation facing south over the Dighty Burn.

The proposed house will have a traditional H plan shape with pitched roofs finished in slate. The elevations of the proposed house will be finished in a combination of timber cladding, stone and roughcast. Accommodation within the house will be spread over 2 levels with window and door openings on the ground floor south elevation opening out on to a decked area.

Access to the site will be taken from the road serving Hawthorn and Rhyfield Cottages and the existing paddocks which terminates midway along the western boundary of the site. A driveway will extend west to east in front of the principal elevation of the house to a garage located in the north eastern corner of the site.

The proposed garage will have a pitched roof finished in slate and roughcast walls to match the proposed house. The garage and driveway will provide parking for up to 4 vehicles.

The proposed house will have an area of private garden ground to the rear (north) with an area of 500sqm.

### 4.0 PLANNING HISTORY

Pre-application enquiry 17/00945/PREAPP was submitted to the Council seeking advice on proposals involving the erection of 2 houses at land adjacent to Hawthorn Cottage.

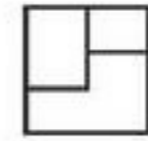
The pre-application responses from the Council stated that the conversion of the dilapidated building on site would not be supported. This was because the dilapidated building was located in what was considered the extended curtilage of Hawthorn Cottage and was therefore a domestic building. Further, the pre-application responses stated that the proposal would not be supported as the surrounding houses were not considered to form a building group. As such the site was not a gap site and the erection of housing on the site would not constitute the rounding off of an existing building group. Therefore, the Council concluded, having never visited the site that the proposal would be contrary to Policy TC2 Residential Development of the Angus Local Development Plan.

Taking these matters into account we have revised the design and plot layout of the proposed development. The proposal now involves the erection of one house rather than two. We have researched the history of the dilapidated building on site and can demonstrate that it is not a domestic building but rather like Hawthorn Cottage formed an integral part of Baldovan Bleach Fields.

Following the closure of the Baldovan Bleach Fields, Hawthorn Cottage was sold as a dwellinghouse with the application site being used as grazing ground for horses.

Planning permission was obtained in 2003 to extend Hawthorn Cottage. The site location plan for planning application ref: 03/00776/FUL included the application site for the current application within the red edge boundary. This was because this was all of the land in the ownership of the





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applicant. This was interpreted by the Council in their response to pre-application enquiry ref: 17/00945/PREAPP to mean that the site of the proposed development was domestic garden ground. However, the photographs in Figures 4, 5 and 6 clearly show that the site has never formed part of the curtilage of Hawthorn Cottage but rather a paddock area with the curtilage of Hawthorn Cottage delineated by fencing and hedging as illustrated by the Figure 1: Site Location Plan and the photographs in Figures 3-6.

## 5.0 POLICY FRAMEWORK

### TAYplan Strategic Development Plan 2016 - 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### Angus Local Development Plan - Approved September 2016

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

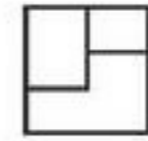
## 6.0 ASSESSMENT

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

Policy DS1 in the Angus Local Development Plan (ALDP) indicates that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location. It indicates that 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.

Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories. In addition, Policy TC2 requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3. Proposals are also required to be assessed in terms of the Angus Council Countryside Housing Supplementary Guidance.

In terms of possible acceptable situations identified by TC2, the proposal does not involve retention, renovation or acceptable replacement of an existing house; it does not involve conversion of a non-residential building; it is not a gap site (defined as the space between the curtilages of two houses; or between the curtilage of one house and a metalled road; or between the curtilage of one house



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and a substantial building); it does not round off an established building group of 3 or more existing dwellings; and it is not required for an essential worker in association with management of land or a rural business.

Policy TC2 offers support for up to four new houses where development involves the regeneration or redevelopment of a brownfield site where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use.

The main issue raised by the Council during the pre-application enquiry process was the nature of the site. This was due to confusion over whether the site forms part of the curtilage of Hawthorn Cottage or if the site is a 'rural brownfield site' and if sufficient environmental benefit could be gained by its redevelopment for housing.

The Countryside Housing Supplementary Guidance defines rural brownfield sites as:

*Sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.*

The information provided in section 2.0 Site and 4.0 Planning History demonstrate that the site and the dilapidated building upon it forms part of the former Baldovan Bleach Fields.

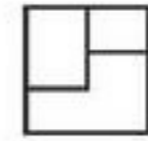
The buildings that form Rhyfield Cottage, Hawthorne Cottage, the derelict building on site and the remaining footprint of former buildings formed part of the Bleach Fields. Historically a Bleach Field was an area of land adjacent to a watercourse where linen or jute produced in a mill could be stretched out soaked in chlorine diluted by water from the watercourse and left to dry in the sun. Typically this caused significant contamination of the land and surrounding watercourses. The dilapidated building on site was used as a boiler house and as such there are concentrations of ash within and surrounding the building. Ash has to be removed from the site as it is unknown what materials were burned to create the ash and what contaminants are present on site.

The dilapidated stone building that was formerly used as a boiler house was last known to be used for the storage of hay and feed for horses grazing on the site.

Taking cognisance of the above reasoning there is clear and irrefutable evidence to demonstrate that the application site although currently overgrown was last in use as a paddock for grazing horses and does not form domestic curtilage associated with Hawthorn Cottage. The site is a brownfield given its historic use as part of Baldovan Bleach Field.

The proposed house would have a H plan combining three rectangular plans with narrow gables and wide frontages which is characteristic of houses found in rural Angus. The external finishes combined with the scale, massing and design of the building and the sloping topography of the site would allow the dwelling to appear as a recessive element in the landscape. The house would be back clothed with woodland which would allow the house to integrate well in the surrounding landscape. Taking cognisance of the above reasoning we believe the proposed house could be accommodated without any adverse impact on the character of the surrounding area or existing housing.

The proposal would not adversely affect any natural heritage designation.



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By utilising the existing access to the site the proposed development will have no adverse impacts on road traffic and pedestrian safety.

The development is not of a scale that would require a contribution towards affordable housing or other community infrastructure.

The proposed dwelling will be served by a septic tank to treat foul water. Surface water would be managed by means of sustainable drainage infrastructure on site (permeable paving and soakaways) which is in accordance with Policy PV15.

In terms of the detailed criteria provided at Appendix 3 of the Countryside Housing Supplementary Guidance, the proposal would not create a gap site or rounding off opportunity for additional housing development and would not require the subdivision of an existing residential curtilage. The proposal would not extend existing ribbon development. The proposal would not result in the coalescence of building groups or of a building group with a nearby settlement. The proposal does not give rise to any significant issues in terms of the Appendix 3 requirements.

Redevelopment of the site with a dwelling of a high quality design would provide a significant visual improvement, consistent with the aims of policy TC2. Taking the above matters into consideration we have demonstrated the proposed development to accord with Angus Council's countryside housing policy.

Policy DS3 requires development to deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. It suggests that development should fit with the character and pattern of development in the surrounding area and that access and parking requirements of the Roads Authority are met.

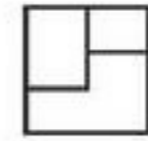
Policy DS4 relates to amenity and states that proposals must have full regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property.

In terms of the residential environment to be provided, the plot would be comparable with existing plot sizes serving Hawthorn and Rhyfield Cottages. The paddock to the south of Hawthorn Cottage will be retained as part of the proposed development.

The proposed plot has an area of 2050sqm. The proposed house would have a reasonable degree of privacy with there being a distance in excess of 18m between the facing windows of habitable rooms of the proposed house and neighbouring properties. There would be in excess of 1000sqm of private garden ground and adequate space to provide 4 vehicle parking spaces as well as bin and recycling storage.

The site contains no designation for natural or built heritage interests. The proposal is consistent with the character and pattern of development in the area and provides an acceptable design solution as evidenced above.

There will be adequate separation between the proposed dwelling and those to the west. This shall ensure that there is no adverse impact on the amenity and environmental quality of the existing and proposed dwellings by virtue of the scale and massing of the proposed house. Similarly the separation distance between the proposed house and existing buildings will ensure that there is no unacceptable



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impact on the amenity or environmental quality of the proposed house in terms of overlooking and overshadowing.

Access and parking arrangements are in accordance with the Council's standards and would not impact on road traffic and pedestrian safety.

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance and there is no reason to consider it would result in unacceptable impact on infrastructure. There are no issues against the remaining criteria of Policy DS4.

Although the proposal will involve the removal of several trees on site, the landscape plan accompanying this application illustrates our proposals to reinforce the northern and eastern site boundaries with tree planting as well as replacement tree planting in the southern sector of the site.

Taking cognisance of the above reasoning the proposed development has been evidenced to satisfy the requirements of the adopted Angus Local Development Plan.

#### **Material Considerations- National Policy and Guidance**

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

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

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

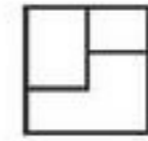
Together the application of the National Planning Framework and Scottish Planning Policy at the national, strategic and local levels will enable the planning system to deliver the Scottish Government's vision and outcomes for Scotland that include:

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

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

Both the NPF3 and SPP stipulate the need for a coordinated approach to rural development. This is reaffirmed by SPP which states that in rural areas, where new development can often help to sustain communities, plans and decision-making should generally promote a pattern of development that is appropriate to the character of the particular area. This should include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact.

The location of the application site accords with the broad approach of the above national policy and guidance statements to promote a pattern of development that is appropriate to the character of the particular area, together with supporting sustainable economic growth. Therefore, the proposed development is considered to positively contribute to placemaking objectives and will provide for new housing of a high-quality design that is also deliverable in a location that is appropriate.



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## 7.0 CONCLUSION

This statement has demonstrated that the proposed development not only aligns with the requirements of the adopted Development Plan but also national policy and guidance contained within the Scottish Planning Policy relating to rural brownfield development.

For the reasons outlined throughout the assessment of the proposed development against the established policy framework, it has been demonstrated that the concerns of the Council that prevented support for the proposal in a pre-application capacity have been overcome through high quality design and establishing the history and use of the application site.

Taking cognisance of the reasoning outlined above we respectfully request that the Council supports the proposed development and grants planning permission.



**Bat Survey Report**

**Ruined Steading  
Baldovan Nursery  
Baldovan Road  
Dundee**

**August 2019**





## Introduction

**1.1** Licensed bat worker Dr Garry Mortimer was commissioned to carry out bat surveys for the proposed demolition of a small ruined steading situated near Baldovan Nursery just off Baldovan Road, Dundee. This Stage 1 Preliminary Roost Assessment (PRA) survey is as required by Council in regards to a potential planning application.

## 1.2 Aims and Objectives

To determine if any bat species are present and roosting in the steading.

## 1.3 Species Protection Status

Bats are protected under Annex IIa and IVa of the EC Habitats Directive (92/43/EC) as applied in Scotland under the Conservation (Natural Habitats &c.) Regulations 1994, as amended by the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations of 2004, 2007 and 2009. This creates a series of criminal offences that can result in substantial fines and/or imprisonment. These offences are listed below and make it illegal;

- To deliberately or recklessly capture, injure or kill bats
- To deliberately or recklessly harass a bat or group of bats
- To deliberately or recklessly disturb a bat wherever they occur in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- To deliberately or recklessly disturb a bat while it is hibernating or migrating
- To deliberately or recklessly disturb a bat in a manner that is, or is likely to significantly affect the local distribution or abundance of the species to which it belongs
- To deliberately or recklessly disturb a bat while it is rearing or otherwise caring for its young
- To deliberately or recklessly disturb a bat while it is occupying a structure or place which it used for shelter or protection
- To deliberately or recklessly obstruct access to a breeding site or resting place of a bat, or otherwise deny the animal use of the breeding site or resting place (note that this protection exists even when the bat is not in occupation)
- To damage or destroy a breeding site or resting place (Note this is a strict



liability offence and the prosecution do not have to prove deliberate or reckless intent, merely that the roost was damaged or destroyed)

- To possess or control or transport any live or dead bat which has been taken from the wild or anything derived from a bat or any such part of a bat
- In addition to the above offences it is an offence to knowingly cause or permit such offences to be committed.

## Site Description

**1.4** The ruined building is a small single storey stone building with only partial collapsed corrugated sheeting present on the roof situated near Baldovan Road Dundee in a rural wooded setting (Figures 2-4).



**Figure 2. Front of building.**



**Figure 3. Shell of building.**



**Figure 4. Corrugated sheeting onto wooden joists**

## **1.5 Standards and Guidance Followed for Bat Surveys**

On August 28th 2019 a roost inspection bat survey (Preliminary Roost Assessment) by Dr. G Mortimer was carried out in accordance with guidance from the BCT.

## **1.6 Buildings Inspections**

The outside and inside of the building was inspected using ladders, endoscope and 10 x 40 binoculars where possible. The building were checked for any potential bat access points, droppings on walls or windows, urine stains, grease marks or other indications that a roost was present.

## **Results**

### **1.7 Outside Structure of Buildings**

Whilst in a ruined condition the standing stonework was of good condition and no potential bat access points available.

**1.8** No signs of bats were recorded inside the interior and very limited bat roost potential was available.

## **Discussion of Survey Results**

**1.9** The bat surveys were undertaken to assess whether there were roosting bats present in the ruined building at Baldovan Road.

**1.10** Following BCT Guidance the building was assessed as having negligible potential for roosting bats, that no signs of bats were recorded and that no further survey work will be required.

## **Conclusion**

**1.11** No signs of bats were recorded and none are considered to be present. It is considered that the proposed works poses a negligible risk of death or disturbance to European Protected Species and it is safe to proceed.

## **DISCLAIMER**

This report has been prepared by Dr Garry Mortimer of GLM Ecology, with all reasonable skill and care within the terms of the agreement with the client. Dr Mortimer disclaims any responsibility to any parties in respect of matters outside this scope.

Best efforts were made to meet the objectives of this study through desktop study and field survey.

Information supplied by the client or any other parties and used in this report is assumed to be correct and GLM Ecology accepts no responsibility for inaccuracies in the data supplied.

It should be noted, that whilst every endeavour is made to meet the client's brief, no site investigation can guarantee absolute assessment or prediction of the natural environment. Numerous species are extremely mobile or only evident at certain times of year and habitats are subject to seasonal and temporal change.

GLM Ecology accepts no responsibility to third parties who duplicate, use, or disclose this report in whole or in part. Such third parties rely upon this report at their own risk.

Document Prepared By

Dr Garry Mortimer

GLM Ecology

**From:** Jon Frullani  
**Sent:** 21 Apr 2020 09:45:34 +0100  
**To:** WrightJ  
**Subject:** Re: 20/00167/FULL - Hawthorn Cottage

Morning James,

Apologies for the delay in getting this email to you, however having now a chance to review your comments fully, please see below our response to your initial queries in **RED**:

1. *SEPA (Flooding and Drainage):*

*As part of the previous application I highlighted that SEPA objected to the proposal on two points (lack of flood risk information and waste water drainage grounds.). SEPA have again objected to the current application. Again, I would suggest that while this information is required to enable a full assessment of the application, there are also a number of other policy concerns (identified previously) that have not been addressed.*

**Noted. We have tried to show, as best as we can the difference in level between the Existing Burn and the Proposed Development. We would be happy to provide the requested information (Flood Risk Assessment, Proposed Waste Water Drainage Strategy, Site Topography and Finished Floor Level as a part of any Planning Conditions, following a Positive Determination.**

2. *Brownfield Site Considerations / Supplementary Guidance (Policy TC2) :*

*I note the comments in the supporting statement regarding the site being considered as brownfield and not part of the curtilage. As you are aware it would appear that this area was considered to be part of the curtilage of Hawthorn Cottage at the time of a previous application. Notwithstanding this, and as indicated as part of the previous application, even if the site was considered to be outwith the curtilage of the dwellinghouse, based on information submitted at present, I am not convinced that removal of this building would deliver a significant visual or environmental improvement. The minimal building remains are surrounded by existing trees and no information has been provided that the site is contaminated.*

**We are aware that the previous application considers the site to be within the curtilage of Hawthorn Cottage, but we believe this to be incorrect and note the statements made within the previously submitted Planning Statement to be Accurate and Correct.**

**In terms of Visual Impact, we strongly disagree that the removal of a highly dilapidated building & compromised trees with our design and associated landscaping would not be a significant improvement on Visual Amenity and as for Environmental Impact, the Historical practices on the site determine the likelihood of Contamination to the land. Removal of said contaminated land during construction works can only be an Improvement. Confirmation of any Contaminants can clarified via a desktop survey and we would be happy to provide this information following a Positive Determination.**

3. *In addition to this, the supplementary guidance relating to countryside housing states various criterion that need to be met ( in Appendix 3) including that a proposal shall:*

*(a) not create a gap or rounding off opportunity for additional greenfield development. The subdivision of existing residential curtilages to artificially create new build plots will not be supported;*

**We do not agree that this is a separation of Existing Residential Curtilage, as noted above.**

*4. The current proposal would not in my view comply with criterion A. If it was deemed that the proposed area was not part of the curtilage as suggested in the supporting information then the proposed site would create a gap site (between the proposed site and Rynfield) or potentially rounding off a group.*

**Noted. There are clear natural and historic boundary treatments that separate the application site from the curtilage of Hawthorn Cottage. The proposal is not creating a gap site as it is already an identifiable site as demonstrated from the site photographs.**

*5. Overall my view remains that the proposal would be contrary to policy TC2 based on the information available at this time submitted as part of this application.*

**As points 2 and 3.**

*6. Access:*

*You will see that the Roads Service has provided comments on the access and requirements for passing places. It is unclear if the applicant is in a position to undertake these works.*

**We can confirm that Passing Places can be Undertaken. We would be happy to provide a Road Design as part of any Planning Conditions, following a Positive Determination.**

*In summary, nothing has materially changed since the time of the previous application on the site. At present additional supporting information is still required. However, again there are concerns regarding the principle of the proposal (as indicated above) and on this basis we intend to progress the application with a recommendation for refusal. If you want to withdraw the current application I would be grateful if you could confirm within 7 days from the date of this e-mail.*

I hope our response is acceptable, however if you wish to discuss further then please do not hesitate to get in touch.

Regards,

Jon

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M: [REDACTED]  
T: [01382224828](tel:01382224828)

On 10 Apr 2020, at 16:53, WrightJ <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)> wrote:

Mr Frullani,

I refer to the above application and would make the following comments which reflect the comments made as part of the previous application. There are still a number of concerns / matters that have not been addressed.

**SEPA (Flooding and Drainage):**

As part of the previous application I highlighted that SEPA objected to the proposal on two points (lack of flood risk information and waste water drainage grounds.). SEPA have again objected to the current application. Again, I would suggest that while this information is required to enable a full assessment of the application, there are also a number of other policy concerns (identified previously) that have not been addressed.

**Brownfield Site Considerations / Supplementary Guidance (Policy TC2) :**

I note the comments in the supporting statement regarding the site being considered as brownfield and not part of the curtilage. As you are aware it would appear that this area was considered to be part of the curtilage of Hawthorn Cottage at the time of a previous application. Notwithstanding this, and as indicated as part of the previous application, even if the site was considered to be outwith the curtilage of the dwellinghouse, based on information submitted at present, I am not convinced that removal of this building would deliver a significant visual or environmental improvement. The minimal building remains are surrounded by existing trees and no information has been provided that the site is contaminated.

In addition to this, the supplementary guidance relating to countryside housing states various criterion that need to be met ( in Appendix 3) including that a proposal shall:

(a ) not create a gap or rounding off opportunity for additional greenfield development. The subdivision of existing residential curtilages to artificially create new build plots will not be supported;

The current proposal would not in my view comply with criterion A. If it was deemed that the proposed area was not part of the curtilage as suggested in the supporting information then the proposed site would create a gap site (between the proposed site and Rynfield) or potentially rounding off a group.

Overall my view remains that the proposal would be contrary to policy TC2 based on the information available at this time submitted as part of this application.

**Access:**

You will see that the Roads Service has provided comments on the access and requirements for passing places. It is unclear if the applicant is in a position to undertake these works.

In summary, nothing has materially changed since the time of the previous application on the site. At present additional supporting information is still required. However, again there are concerns regarding the principle of the proposal (as indicated above) and on this basis we intend to progress the application with a recommendation for refusal. If you want to withdraw the current application I would be grateful if you could confirm within 7 days from the date of this e-mail.

Regards

James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629 | [WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

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**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**LAND ADJACENT TO HAWTHORN COTTAGE, BALDOVAN,  
STRATHMARTINE**

**APPLICATION NO 20/00167/FULL**

**APPLICANT'S SUBMISSION**

**Page No**

- |               |                  |
|---------------|------------------|
| <b>ITEM 1</b> | Notice of Review |
| <b>ITEM 2</b> | Appeal Statement |



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 100180198-004

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: JON FRULLANI ARCHITECT

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

First Name: \* JON Building Name: UNIT 5, DISTRICT 10,

Last Name: \* FRULLANI Building Number:

Telephone Number: \* 01382224828 Address 1 (Street): \* 25 GREENMARKET

Extension Number:  Address 2:

Mobile Number:  Town/City: \* DUNDEE

Fax Number:  Country: \* UNITED KINGDOM

Postcode: \* DD1 4QB

Email Address: \* jon@jfarchitect.co.uk

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Kenneth"/>	Building Number:	<input type="text" value="10"/>
Last Name: *	<input type="text" value="Grant"/>	Address 1 (Street): *	<input type="text" value="Kettins Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD3 9RJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="jon@jfarchitect.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="HAWTHORN COTTAGE"/>
Address 2:	<input type="text" value="BALDOVAN"/>
Address 3:	<input type="text" value="STRATHMARTINE"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNDEE"/>
Post Code:	<input type="text" value="DD3 0PD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="734376"/>	Easting	<input type="text" value="338984"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

Erection of new dwelling house.

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see enclosed supporting statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Appeal Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00167/FULL

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

03/03/2020

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

02/06/2020

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr JON FRULLANI

Declaration Date: 01/09/2020





6.0 Evaluation of Council's Assessment of Planning Application Ref: 20/00167/FULL

7.0 Conclusion

## **1.0 INTRODUCTION**

This Planning Appeal has been submitted on behalf of Mr Kenneth Grant and relates to a Planning Application for the erection of a new dwellinghouse at land adjacent to Hawthorn Cottage, Baldovan, Strathmartine.

Angus Council registered the application on 10 March 2020 under planning application reference: 20/00167/FULL.

The planning application was validated on 10 March 2020 and determined on 2 June 2020. The Planning Decision Notice cites the following reasons for refusal of planning permission:

- 1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the Countryside Housing Supplementary Guidance because it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.*
- 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 application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV12 and PV15.*

In determining the planning application, the Planning Authority is required, under Section 25 of the Town and Country Planning (Scotland) Act, 1997 (as amended) (the "Act") to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The appellant disagrees with the Case Officer's Decision and respectfully requests that the Review is considered in light of the material considerations detailed within this statement which we believe to justify approval of the proposal having regard to the requirements of Section 25 of the Act.

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

## **2.0 APPLICATION SITE AND CONTEXT**

The site is located to the east of Hawthorn Cottage and extends to 2050sqm in area as illustrated by Figure 1: Site Location Plan.

To the west the site is bound by the curtilage of Hawthorn Cottage and to the east and north by Baldovan Nurseries. To the south the site is bound by the Dighty Burn.





The photographs in Figures 3, 4, 5 and 6 illustrate the relationship between the application site and Hawthorn Cottage, the site boundaries and the condition of the dilapidated building on site. The photographs and site location plan clearly illustrate that following the closure of the bleach fields the application site has not formed part of the curtilage of Hawthorn Cottage but rather is land that has not been maintained and latterly was in use for grazing horses. The photograph in Figure 5 shows the fencing that separates the application site from the curtilage of Hawthorn Cottage.

**Figure 3: View Looking East Over Application Site from Access Road**





**Figure 4: Dilapidated Bleach Works Building**



**Figure 5: View North of Hawthorn Cottage from Dighty Burn**

**Figure 6 View North Over Application Site from Dighty Burn**



Pre-application enquiry 17/00945/PREAPP was submitted to the Council seeking advice on proposals involving the erection of 2 houses at land adjacent to Hawthorn Cottage.

The pre-application responses from the Council stated that the conversion of the dilapidated building on site would not be supported. This was because the dilapidated building was located in what was considered the extended curtilage of Hawthorn Cottage and was therefore a domestic building. Further, the pre-application responses stated that the proposal would not be supported as the surrounding houses were not considered to form a building group. As such the site was not a gap site and the erection of housing on the site would not constitute the rounding off of an existing building group. Therefore, the Council concluded, having never visited the site that the proposal would be contrary to Policy TC2 Residential Development of the Angus Local Development Plan.

Taking these matters into account we have revised the design and plot layout of the proposed development. The proposal now involves the erection of one house rather than two. We have researched the history of the dilapidated building on site and can demonstrate that it is not a domestic building but rather like Hawthorn Cottage formed an integral part of Baldovan Bleach Fields.

Following the closure of the Baldovan Bleach Fields, Hawthorn Cottage was sold as a dwellinghouse with the application site being used as grazing ground for horses.

Planning permission was obtained in 2003 to extend Hawthorn Cottage. The site location plan for planning application ref: 03/00776/FUL included the application site for the current application within the red edge boundary. This was because this was all of the land in the ownership of the applicant. This was interpreted by the Council in their response to pre-application enquiry ref: 17/00945/PREAPP to mean that the site of the proposed development was domestic garden ground. However, the photographs in Figures 3, 4, 5 and 6 clearly show that the site has never formed part of the curtilage of Hawthorn Cottage but rather is separated from the curtilage of Hawthorn Cottage by fencing and hedging.

### **3.0 PROPOSED DEVELOPMENT**

Planning application ref: 20/00167/FULL sought planning permission for the erection of a new dwellinghouse on land adjacent to Hawthorn Cottage, Moldovan, Strathmartine.

The proposal involves the demolition of the dilapidated former bleach field building, site remediation and the erection of a detached dwellinghouse and garage.

The new dwelling will have a north to south orientation with the principal elevation facing south over the Dighty Burn.

The proposed house will have a traditional H plan shape with pitched roofs finished in slate. The elevations of the proposed house will be finished in a combination of timber cladding, stone and roughcast. Accommodation within the house will be spread over 2 levels with window and door openings on the ground floor south elevation opening out on to a decked area.

Access to the site will be taken from the road serving Hawthorn and Rhyndfield Cottages and the existing paddocks which terminates midway along the western boundary of the site. A driveway will extend west to east in front of the principal elevation of the house to a garage located in the north eastern corner of the site.

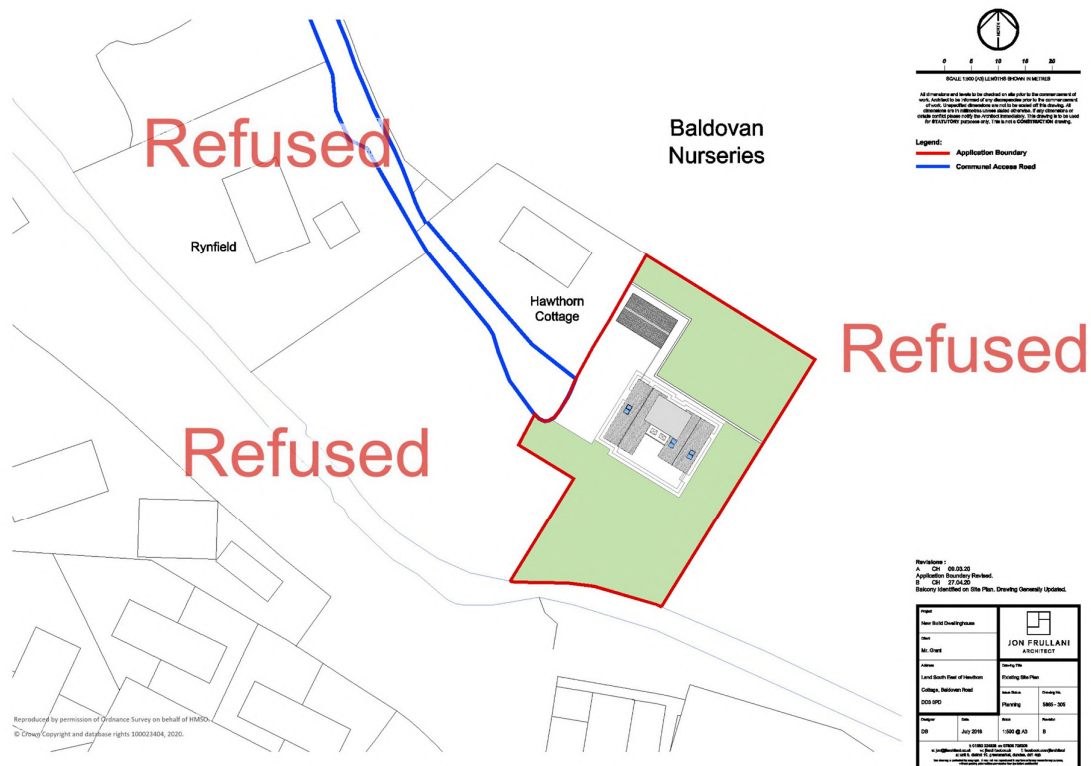
The proposed garage will have a pitched roof finished in slate and roughcast walls to match the proposed house. The garage and driveway will provide parking for up to 4 vehicles.

The proposed house will have an area of private garden ground to the rear (north) with an area of 500sqm.

The layout and design of the proposed development are illustrated by the Site Layout Plan in Figure 7.

### **Figure 7: Site Layout Plan**





#### 4.0 DEVELOPMENT PLAN

The statutory development plan for Angus comprises:

- TAYplan, approved 2017
- Angus Local Development Plan, adopted 2016

Other relevant material considerations to this proposal are:

- National Planning Framework 3
- Scottish Planning Policy 2014

#### 5.0 EVALUATION OF PROPOSED DEVELOPMENT

Section 25 of the Act identifies that "where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

This principle is restated in Section 37(2) of the Act on the determination of applications states that "In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations".

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### **TAYplan 2017**

TAYplan is the Strategic Development Plan (SDP) for Angus, Perth and Kinross, Dundee and Northern Fife. The SDP sets the strategic planning policy context for the area for the period 2016 – 2036.

*TAYplan identifies that “By 2036, the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit and where businesses choose to invest and create jobs.”*

To meet the strategic planning objectives of TAYplan there are a number of policy requirements to be delivered through Local Development Plans. The Angus Local Development Plan delivers the requirements of Policy 1 Locational Priorities, Policy 2 Shaping Better Quality Places through policies addressing design, housing, economic development, and the built and natural environment.

Policy 4 Homes requires Local Development Plans to allocate sufficient land to meet the housing land requirement, for 10 years, and ensure a minimum of 5 years effective housing land supply at all times. To support economic growth Policy 4 encourages the Angus Local Development Plan to have the flexibility to plan for housing numbers in excess of the housing land requirement. Policy 4 also requires Local Development Plans to facilitate a mix of housing type, size and tenure to meet the needs and aspirations of a range of different households throughout their lives.

The site, if granted planning permission, would contribute to the existing effective housing supply facilitating the delivery of new housing in the short-term and meeting the requirements of Policy 4 Homes.

### **Angus Local Development Plan 2016**

Policy DS1 in the Angus Local Development Plan (ALDP) indicates that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location. It indicates that 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.

Policy TC2 indicates that in countryside locations Angus Council will support proposals for new dwelling houses which fall into at least one of a number of categories. In addition, Policy TC2 requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3. Proposals are also required to be assessed in terms of the Angus Council Countryside Housing Supplementary Guidance.

In terms of possible acceptable situations identified by TC2, the proposal does not involve retention, renovation or acceptable replacement of an existing house; it does not involve conversion of a non-residential building; it is not a gap site (defined as the space between the curtilages of two houses; or between the curtilage of one house and a metalled road; or between the curtilage of one house and a substantial

building); it does not round off an established building group of 3 or more existing dwellings; and it is not required for an essential worker in association with management of land or a rural business.

Policy TC2 offers support for up to four new houses where development involves the regeneration or redevelopment of a brownfield site where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use.

The main issue raised by the Council during the pre-application enquiry process was the nature of the site. This was due to confusion over whether the site forms part of the curtilage of Hawthorn Cottage or if the site is a 'rural brownfield site' and if sufficient environmental benefit could be gained by its redevelopment for housing.

The Countryside Housing Supplementary Guidance defines rural brownfield sites as:

*Sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.*

The information provided in section 2.0 Site and 4.0 Planning History demonstrate that the site and the dilapidated building upon it forms part of the former Baldovan Bleach Fields.

The buildings that form Rhyfield Cottage, Hawthorne Cottage, the derelict building on site and the remaining footprint of former buildings formed part of the Bleach Fields. Historically a Bleach Field was an area of land adjacent to a watercourse where linen or jute produced in a mill could be stretched out soaked in chlorine diluted by water from the watercourse and left to dry in the sun. Typically this caused significant contamination of the land and surrounding watercourses. The dilapidated building on site was used as a boiler house and as such there are concentrations of ash within and surrounding the building. Ash has to be removed from the site as it is unknown what materials were burned to create the ash and what contaminants are present on site.

The dilapidated stone building that was formerly used as a boiler house was last known to be used for the storage of hay and feed for horses grazing on the site.

Taking cognisance of the above reasoning there is clear and irrefutable evidence to demonstrate that the application site although currently overgrown was last in use as a paddock for grazing horses and does not form domestic curtilage associated with Hawthorn Cottage. The site is a brownfield given its historic use as part of Baldovan Bleach Field.

The proposed house would have a H plan combining three rectangular plans with narrow gables and wide frontages which is characteristic of houses found in rural Angus. The external finishes combined with the scale, massing and design of the building and the sloping topography of the site would allow the dwelling to appear as a recessive element in the landscape. The house would be back clothed with woodland which would allow the house to integrate well in the surrounding landscape. Taking

cognisance of the above reasoning we believe the proposed house could be accommodated without any adverse impact on the character of the surrounding area or existing housing.

The proposal would not adversely affect any natural heritage designation.

By utilising the existing access to the site the proposed development will have no adverse impacts on road traffic and pedestrian safety.

The development is not of a scale that would require a contribution towards affordable housing or other community infrastructure.

Surface water would be managed by means of sustainable drainage infrastructure on site (permeable paving and soakaways) which is in accordance with Policy PV15.

In terms of the detailed criteria provided at Appendix 3 of the Countryside Housing Supplementary Guidance, the proposal would not create a gap site or rounding off opportunity for additional housing development and would not require the subdivision of an existing residential curtilage. The proposal would not extend existing ribbon development. The proposal would not result in the coalescence of building groups or of a building group with a nearby settlement. The proposal does not give rise to any significant issues in terms of the Appendix 3 requirements.

Redevelopment of the site with a dwelling of a high quality design would provide a significant visual improvement, consistent with the aims of policy TC2. Taking the above matters into consideration we have demonstrated the proposed development to accord with Angus Council's countryside housing policy.

Policy DS3 requires development to deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. It suggests that development should fit with the character and pattern of development in the surrounding area and that access and parking requirements of the Roads Authority are met.

Policy DS4 relates to amenity and states that proposals must have full regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property.

In terms of the residential environment to be provided, the plot would be comparable with existing plot sizes serving Hawthorn and Rhyndfield Cottages. The paddock to the south of Hawthorn Cottage will be retained as part of the proposed development.

The proposed plot has an area of 2050sqm. The proposed house would have a reasonable degree of privacy with there being a distance in excess of 18m between the facing windows of habitable rooms of the proposed house and neighbouring properties. There would be in excess of 1000sqm of private garden ground and adequate space to provide 4 vehicle parking spaces as well as bin and recycling storage.

The site contains no designation for natural or built heritage interests. The proposal is consistent with the character and pattern of development in the area and provides an acceptable design solution as evidenced above.

There will be adequate separation between the proposed dwelling and those to the west. This shall ensure that there is no adverse impact on the amenity and environmental quality of the existing and proposed dwellings by virtue of the scale and massing of the proposed house. Similarly the separation distance between the proposed house and existing buildings will ensure that there is no unacceptable impact on the amenity or environmental quality of the proposed house in terms of overlooking and overshadowing.

Access and parking arrangements are in accordance with the Council's standards and would not impact on road traffic and pedestrian safety.

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance and there is no reason to consider it would result in unacceptable impact on infrastructure. There are no issues against the remaining criteria of Policy DS4.

Although the proposal will involve the removal of several trees on site, the landscape plan accompanying this application illustrates our proposals to reinforce the northern and eastern site boundaries with tree planting as well as replacement tree planting in the southern sector of the site.

Taking cognisance of the above reasoning the proposed development has been evidenced to satisfy the requirements of the adopted Angus Local Development Plan.

## **Material Considerations**

### **1. National Policy and Guidance**

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

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

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

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

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

- A connected place.

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

Both the NPF3 and SPP stipulate the need for a coordinated approach to rural development. This is reaffirmed by SPP which states that in rural areas, where new development can often help to sustain communities, plans and decision-making should generally promote a pattern of development that is appropriate to the character of the particular area. This should include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact.

The location of the application site accords with the broad approach of the above national policy and guidance statements to promote a pattern of development that is appropriate to the character of the particular area, together with supporting sustainable economic growth. Therefore, the proposed development is considered to positively contribute to placemaking objectives and will provide for new housing of a high-quality design that is also deliverable in a location that is appropriate.

## 2. Views of the Objectors

3 letters of objection were received by the Council when determining planning application ref: 20/00167/FULL. The objections raise the following concerns:

- Development is outwith development boundary of Strathmartine;
- Detrimental impact on amenity of existing properties;
- Environmental pollution;
- Road safety issues. inadequate access track with lack of passing places and visibility concerns at junction;
- Information relating to previous uses of the site and its condition is disputed;
- There is virtually no trace of the former bleachworks on the site with nature largely taken the area back.
- Impacts on trees and wildlife;
- Applicant has failed to notify one of landowners which wraps around applicants site.

The material considerations highlighted in red have been addressed in the assessment of the proposal against the requirements of the Development Plan above and are not supported. The concerns highlighted in blue are not material planning considerations but rather matters to be considered by the appellants should planning permission be granted.

## 6.0 EVALUATION OF COUNCIL'S ASSESSMENT OF PLANNING APPLICATION REF: 20/00167/FULL

In assessing planning application ref: 20/00167/FULL the Planning Case Officer has refused planning permission for the following reasons:

1. *The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the Countryside Housing Supplementary Guidance because it does not comply with any of the circumstances that would allow for the construction of a new house in a countryside location.*

*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 application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the local development plan, namely policies TC2, PV12 and PV15.*

In relation to Reason for Refusal 1, the Case Officer's Report of Handling states:

*Criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria indicates that development proposals should not create a gap or rounding off opportunity for additional greenfield development. It also indicates that the sub division of existing residential curtilages to artificially create new build plots will not be supported.*

*The proposal fails both of those tests because the site is within an existing residential curtilage and a house on this site would create a gap site for an additional house to the west. The planning history of Hawthorn Cottage (ref: 03/00776/FUL) proposed works to stone building within the site and identifies it as falling within its garden ground. Aerial imagery shows that that site appears to have been maintained as garden ground, unlike the unmaintained land further to the east. The development of a house on the site would also create a gap site for an additional new dwelling to the west between the proposed new house and Rynfield. As such, the proposal is contrary to both tests of criterion (a) and the principle of a house on the site does not comply with Policy TC2 and the associated Countryside Housing Supplementary Guidance.*

In relation to the above concerns we have provided historic mapping and an account of the history to the application site in Section 2 to this statement and throughout the supporting information provided as part of application ref: 20/00167/FUL. The history to the site demonstrates that contrary to the Case Officers opinion the application site does not form part of the curtilage of Hawthorn Cottage but rather was part of the Baldovan Bleach Fields. This has been verified by the consultation response from Aberdeenshire Council's Archaeology Service in relation to application ref: 20/00167/FULL where it was confirmed that the site was occupied by a former Mill. This is consistent with the use of the site as a Bleach Field and the dilapidated building on site as a boiler house. Furthermore, the photographs in Figures 3-6 clearly demonstrate that the application site is separated from Hawthorn Cottage by a boundary fence. Had the site formed part of the garden ground serving Hawthorn Cottage there would be no boundary treatments separating the 2 parcels of land unless they were indeed separate entities. In addition a visit to the site rather than reliance on aerial photography would clearly demonstrate that there is a marked difference in the condition of the application site in comparison to the well maintained curtilage of Hawthorn Cottage.

The Case Officer insinuates that the proposal will create a gap site to the west of application site and south of Hawthorn Cottage. However, for this to be the case the Council would need to approve planning permission contrary to the Development Plan to erect a house on the gap site. It would not be possible for such a development to satisfy the requirements of Policy TC2 and the Countryside

Housing Supplementary Guidance due to the significant adverse impact that such a development would have on the amenity and environmental quality of Hawthorn Cottage.

Taking cognisance of the history of the application site we have demonstrated that it does not form part of the curtilage of Hawthorn Cottage, that the approval of planning permission will not create a gap site but that the proposal would provide a significant visual and environmental improvement to the area through the redevelopment of a brownfield site. In this regard the proposed development satisfies the requirements of Policy TC2 of the adopted Angus Local Development Plan.

In relation to Reasons for Refusal 2 and 3, a Flood Risk Assessment has not been provided due to the Council's hostility towards development on the application site. Had the Case Officer been willing to accept that the site is not part of the curtilage of Hawthorn Cottage as demonstrated through out this statement and the statements provided in support of application ref: 20/00167/FULL our client would have incurred the cost of providing a Flood Risk Assessment knowing that the principle of a house on the application site satisfied Policy TC2. Also, had the Case Officer communicated that connection to the public sewer would be supported over private treatment our client would have agreed to this given that capacity exists in the public sewer network. Should the Local Review Body be minded to support the proposals compliance with Policy TC2, the submission of a Flood Risk Assessment and connection to the public sewer can be controlled by planning conditions thus satisfying Policies PV12 and PV15 and addressing Reasons for Refusal 2 and 3.

By addressing Reasons for Refusal 1, 2 and 3 we have demonstrated that Reason for Refusal 4 is academic in that it only exists due to Reasons for Refusal 1, 2 and 3.

While great attention has been paid to the failings of the proposed development when assessed against the requirements of the Development Plan, the Case Officers assessment of the qualitative aspects of the proposed development are skewed towards the refusal of planning permission. Indeed the aims and objectives of the key national policies and guidance evaluated in Section 5 of this statement have not been considered by the Case Officer and it would seem that a decision to refuse planning permission had been taken before the development had been assessed against the requirements of the Development Plan. This is highlighted by the Report of Handling for planning application ref: 20/00167/FULL where no merit is given to the high quality design of the proposed development in relation to the objectives of the proposed development and how these reflect upon the content of Policy 4 of the Tayplan Strategic Development Plan or Policy TC2 of the adopted Local Development Plan. Furthermore, had the content of the national policy and guidance highlighted by the supporting planning statement to planning application ref: 20/00167/FULL and detailed within Section 5 of this appeal statement, the planning history and the consultation response received from Aberdeenshire Council's Archaeology Team been taken into account we are confident that the Case Officer would not have concluded that the proposed development is contrary to Policy TC2 of the adopted Local Development Plan.

## **7.0 CONCLUSION**

The purpose of this statement has been to demonstrate that the proposal aligns with the aspirations of the Scottish Planning Policy, National Planning Framework as well as the Development Plan and satisfies the specific requirements of the adopted Angus Local Development Plan.

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



## **APPENDIX 3**

### **FURTHER LODGED REPRESENTATIONS**

**ConleyJ**

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**From:** [REDACTED]  
**Sent:** 14 September 2020 17:45  
**To:** ForsythSL  
**Subject:** Re: Application for Review - Land Adjacent to Hawthorn Cottage, Strathmartine

Dear Ms Forsyth,

Thank you for your email.

Having read Mr Grant's appeal I feel he is being disingenuous claiming he will use the lane serving Hawthorn Cottage and Rhynefield to access the new build, I have a titled interest in this lane and have not and will not be giving permission for access to any further properties. Having sought legal advice, I am advised that Mr Grant cannot extend the right of access to Hawthorn Cottage to any other properties and as Mr Grant states the proposed build is not included in the curtilage of Hawthorn Cottage, this land does not have right of access.

I note that the Roads Department have given a condition that the lane would need to be upgraded and passing points added, again, I will not be giving my permission for this work to go ahead.

Regards,

George W Ross

On Mon, 14 Sep 2020 at 13:32, ForsythSL <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Sir/Madam

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

**Application for Review – Refusal of Planning Permission for Erection of New Dwellinghouse (Re-application) at Land Adjacent to Hawthorn Cottage, Baldovan, Strathmartine – Mr Kenneth Grant**

**Application No 20/00167/FULL - DMRC-5-20**

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

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

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

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

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

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

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

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**ConleyJ**

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**From:** [REDACTED]  
**Sent:** 14 September 2020 17:50  
**To:** ForsythSL  
**Subject:** Re: Application for Review - Land Adjacent to Hawthorn Cottage, Strathmartine

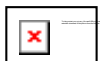
Dear Sarah,

I have read the submission by Mr Grant and his architect and fail to see any improvements offered which address my initial concerns. The traffic visiting Hawthorne cottage which Mr Grant is currently renting out uses this lane as a speedway, as did Mr. Grant and his brothers prior to the passing of his father who owned Hawthorne Cottage and the proposed site. It is only a matter of time before someone or their pet is injured. There is no mention of seeking permission from the owner(s) of this access to widen and put in place passing points to make it safer for existing users when increasing the volume of traffic a large house will naturally attract, not to mention the construction of it.

I do not understand the significance of stating that this land was used to graze horses and the bleach field building used to keep hay and horse feed, this has NEVER been the case. I have known this land since my early teenage years as I am related to the previous owner and the current owner and my father still resides in one of the property's on the lane serving Hawthorne Cottage. I am now 50 and in all that time there has never been a horse on that land. This piece of land has always belonged to the owner and has been part of Hawthorne Cottage grounds.

I would like these points to be considered when re-evaluating Mr Grants application.

Kindest Regards  
Monica Ross-McLean



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On Mon, Sep 14, 2020 at 1:32 PM ForsythSL <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Sir/Madam

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Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

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