

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 22 JUNE 2021

19 SUTTIESIDE ROAD, FORFAR

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review seeking the removal of Conditions 1a (part thereof which reads ‘...For the avoidance of doubt the indicative layout submitted as part of this application is not approved’), and Condition 2 of planning permission ref 20/00867/PPPL – residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**);
- (iii) consider the further lodged representations (**Appendix 3**); and
- (iv) consider the applicant’s response to the further representations (**Appendix 4**).

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- 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. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

6. CONSULTATION

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

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

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List of Appendices:

- Appendix 1 – Submission by Planning Authority
- Appendix 2 – Submission by Applicant
- Appendix 3 – Further Lodged Representations
- Appendix 4 – Applicant Response to Further Representations

ANGUS COUNCIL'S SUBMISSION ON APPEAL AGAINST CONDITIONS 1A (PART THEREOF) AND 2 IMPOSED

APPLICATION NUMBER – 20/00867/PPPL

APPLICANT- MR ROSS LOW

PROPOSAL & ADDRESS – RESIDENTIAL DEVELOPMENT IN PRINCIPLE FOR UP TO 3 DWELLINGS AT OLINDA 19 SUTTIESIDE ROAD FORFAR DD8 3EL

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Angus Council

Application Number:	20/00867/PPPL
Description of Development:	Residential development in principle for up to three dwellings
Site Address:	Olinda 19 Suttieside Road Forfar DD8 3EL
Grid Ref:	346341 : 751627
Applicant Name:	Mr Ross Low

Report of Handling**Site Description**

The application site measures approximately 1,550sqm and is located in the north of Forfar. The site is currently garden ground of the adjoining dwelling; Olinda, 19 Suttieside Road. The site is surrounded by existing dwellings to the north, south and east and Suttieside Road to the west. The site is bound by a boundary hedge to the north, timber fences to the south and west and is undefined to the east. The site can be accessed via an existing dropped kerb on the east side of Suttieside Road.

Proposal

The application seeks planning permission in principle for the erection of up to 3 dwellinghouses. An indicative site layout has been submitted which shows 3 plots, each measuring roughly 410sqm. The indicative plan identifies dwellings facing onto a new access which extends from Suttieside Road and runs along the southern boundary of the site. The submitted application form indicates the dwellings would be connected to the public water supply and foul drainage networks with SUDS for surface water.

Amendments

The drawing named and numbered Indicative Proposed Site Plan no. 6568_P_300 Rev A, amends and supersedes the drawing named the same and numbered 6568_P_300. The amended drawing amends the eastern boundary of the site so that it is situated 12m from Olinda.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 15 January 2021 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

Outline planning application [06/00708/OUT](#) for the erection of a dwellinghouse on the site was withdrawn on 16 June 2006.

Planning permission in principle application [19/00487/PPPL](#) for the erection of a dwellinghouse at 21 Suttieside Road was granted on 22 August 2019. That permission relates to land within the garden ground of 21 Suttieside Road to the north of the application site.

Applicant's Case

A Supporting Statement was submitted alongside the proposal which opines that the indicative site plan shows that a development of 3 detached houses could be accommodated on the site which is sympathetic to the character, spacing and layout of existing development in the wider surrounding area and in accordance with council guidance. It suggests that the indicative layout would not result in the loss of privacy for adjoining residents and reflects the orientation of Caledonian Way, located immediately to the south.

Consultations

Angus Council Environmental Health - Offers no objection to the proposal in terms of land contamination.

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

Angus Council - Roads - Offers no objection to the proposal subject to the provision of suitable parking and visibility splays.

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

Representations

One (1) letter of representation was submitted in objection to the proposal. The main concerns raised relate to;

- Impact upon the peaceful atmosphere of the area and the natural environment
- Proximity of the proposal to existing properties on Caledonian Way
- Impacts upon amenity by way of loss of privacy and increased noise and light pollution
- Increased traffic in the area and impacts upon road and pedestrian safety

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 PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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

Assessment

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

The application site relates to the garden ground of a villa property in the north of Forfar. Policy DS1 in the ALDP states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP.

Policy TC2 indicates that within development boundaries, proposal for residential development will be

supported where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. 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, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

In terms of the residential environment to be provided, the site would be capable of providing residential development containing plot(s) which are comparable with plot sizes in the surrounding area. The site is capable of accommodating plot(s) which benefit from a reasonable degree of privacy, a suitable level of private garden ground and space to provide vehicle parking and turning and bin and recycling storage.

The site contains no designation for natural or built heritage interests. The site is capable of accommodating residential development which is consistent with the character and pattern of development in the area subject to the limitations detailed in the planning conditions. In general terms there is no reason to consider that a suitable form of residential development within the site would result in any significant direct or indirect impacts on the natural or built environment.

The site is capable of accommodating residential development with appropriate levels of separation between the new dwelling and existing dwellings when assessed against council guidance. Suitable boundary enclosures could be secured by planning condition to safeguard privacy.

Development within the site would connect to the public drainage network and public water supply. Surface water would be managed by means of sustainable drainage which is in accordance with Policy PV15.

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.

The principle of residential development within the site is acceptable but the number of houses and indicative layout provided does not comply with development plan policy.

The application is accompanied by an indicative site layout which shows three plots containing two storey dwellings accessed from a new road running along the south boundary of the site. That would not be an appropriate form of development on the site. It is noted that an objection has been received to the proposal raising concerns regarding the impact that this layout would have on the amenity of existing housing to the south.

Policy DS3 indicates that development proposals should deliver a high design standard and draw upon those aspects of townscape that contribute positively to the character and sense of place of the area in which they are located. The Design Quality and Placemaking Supplementary Guidance seeks to encourage development that respects and responds to the local context where this makes a positive contribution to the existing character of the area.

The east side of Suttieside Road is predominately characterised by traditional sandstone properties which front onto Suttieside Road and have ridges which run parallel to the street. Property close to the site also contains beech hedging along the road frontage which results in an attractive and distinctive character along Suttieside Road. Development within the site should draw upon those features and maintain and enhance the attractive sense of place along Suttieside Road.

While the layout shown on the submitted plans is indicative only, it shows a layout which would not follow the positive aspects of townscape in the area and proposes houses which do not front onto Suttieside Road, resulting in the proposed housing facing the private garden areas of property to the north and south. This is a consequence of permission being sought for 3 dwellings, which would represent overdevelopment of the site.

A planning condition is attached to limit development within the site to a maximum of two houses; and requiring the house or houses to front onto Suttieside Road. A suitable form of development for the site would be one which replicates the general form of property found at 21 & 23 Suttieside Road which are single storey semi-detached properties fronting onto the street. That form of development would mitigate some of the amenity impacts identified in the objection and associated with overlooking of gardens of existing housing to the north and south. It would also afford Olinda (the villa property to the east in whose garden the site is located) a more spacious setting, reducing impacts on its amenity. The proposal is in accordance with Policy DS3 subject to planning conditions to secure a suitable form of development as detailed above and to limit development within the site to a maximum of two dwellings and requiring housing in the site to front onto Suttieside Road.

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

A small scale residential development on the site would not significantly alter the established amenity of the area beyond any short term impacts associated with the construction of new housing. The site is not designated for any natural heritage or environmental value and the proposal is unlikely to give rise to any significant direct or indirect impacts on the natural environment. Planning conditions are attached to control the type of development which comes forward on the site. Those conditions would reduce amenity impacts of development on adjacent housing by controlling the number of houses and general form of development which comes forward on the site. The additional traffic movement associated with two new dwellings would not be at a level that would detrimentally impact upon road and pedestrian safety in the area. The Council's Roads Service has reviewed the proposal and offers no objections relating to those matters. The matters raised in the letter of objection have been taken into account and where appropriate planning conditions are attached to mitigate the impacts which are identified.

The aforementioned conditions would reduce the number of dwellings permitted on this site and the proximity of the front elevations of potential dwellings to the rear private garden areas of the existing properties on Caledonian Way. Therefore reducing the sense of overlooking from the that shown on the indicative site plan. Furthermore the finalised siting and design of houses within the site, including window configurations, would be regulated by a Matters Specified in Condition application. There is no reason to conclude that two dwellings on this site with principal elevations fronting Suttieside Road would result in an unacceptable impact upon residential amenity. There are no material considerations that justify refusal of the application.

In conclusion, it is considered that the principle of residential development on the site is consistent with development plan policy subject to the planning conditions attached which would ensure that development within the site delivers a high design standard and draws upon those aspects of townscape that contribute positively to the character and sense of place of the area; and mitigates amenity impacts on neighbouring property. There are no material considerations that justify refusal of the application.

No legal agreement is required.

Human Rights Implications

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

Decision

The application is approved subject to conditions

Reason(s) for Decision:

1. A proposal for up to 2 dwellings on the site is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority and no work shall begin until the written approval of the Authority has been given.

- a) layout of the site which shall include provision for car parking and turning space. For the avoidance of doubt the indicative layout submitted as part of this application is not approved.
- b) siting, design and external appearance of the building(s);
- c) the means of access to the development;
- d) boundary enclosures and details of hard and soft landscaping,
- e) existing and proposed ground levels and finished floor levels relative to existing buildings and a fixed ordnance datum;

Reason:

To ensure that the matters referred to are given detailed consideration.

2. Development within the site is limited to a maximum of two dwellinghouse(s) only and housing within the site shall front onto Suttieside Road and shall have a ridge which runs parallel the road.

Reason:

In order to ensure that development within the site delivers a high design standard and draws upon those aspects of townscape that contribute positively to the character and sense of place of the area in accordance with Policy DS3 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance.

Notes:

Case Officer: Stephanie Porter

Date: 12 March 2021

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 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>)

TAYplan Strategic Development plan

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

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

20/00867/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

13	01	21
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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: 14 JANUARY 2021

SUBJECT: **PLANNING APPLICATION REF. NO. 20/00867/PPPL – PROPOSED ERECTION OF RESIDENTIAL DEVELOPMENT AT OLINDA, 19 SUTTIESIDE ROAD, FORFAR**

I refer to the above planning application.

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

The site is located on the east side of Suttieside Road, Forfar. The submitted application form indicates that a new road could be formed at the location of an existing gated access. It is also suggested that a new road could be formed at the access point to serve the new properties. No turning facility is shown to be proposed on the suggested new road.

For developments of five houses or less the means of access should be by way of a shared, private driveway. It is possible to create such a driveway in lieu of the proposed road by simply widening the gated access to provide a shared width of 5.0 to 5.5 metres.

In order to provide a safe access, minimum visibility sightlines of 2.4 x 43 metres should be provided on each side of the improved access.

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 conditions:

- 1 That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with Suttieside Road giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of Suttieside Road.

Reason: to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

- 2 That, within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 875 millimetres above the adjacent footway level.

Reason: to maintain a clear view over a length of road sufficient to allow safe exit.

- 3 That, car parking spaces shall be provided within the site in accordance with the National Roads Development Guide (SCOTS).

Reason: to ensure that suitable parking arrangements are provided in accordance with Angus Council's parking standards.

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



MEMORANDUM

TO: Stephanie Porter, Planning Officer (Development Standards)

FROM: Alan Milne, Environmental Protection Officer

YOUR REF: 20/00867/PPPL

OUR REF: SRU486629

DATE: 14 January 2021

SUBJECT: Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar.

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

Available information including historic mapping and aerial photography has been reviewed. I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.

I do not require any further information regarding contaminated land.

Comments for Planning Application 20/00867/PPPL

Application Summary

Application Number: 20/00867/PPPL

Address: Olinda 19 Suttieside Road Forfar DD8 3EL

Proposal: Residential development in principle for up to three dwellings

Case Officer: Stephanie Porter

Customer Details

Name: Miss Danielle Laird

Address: 3 Caledonian Way 2 Caledonian Way Forfar DD8 3DF

Comment Details

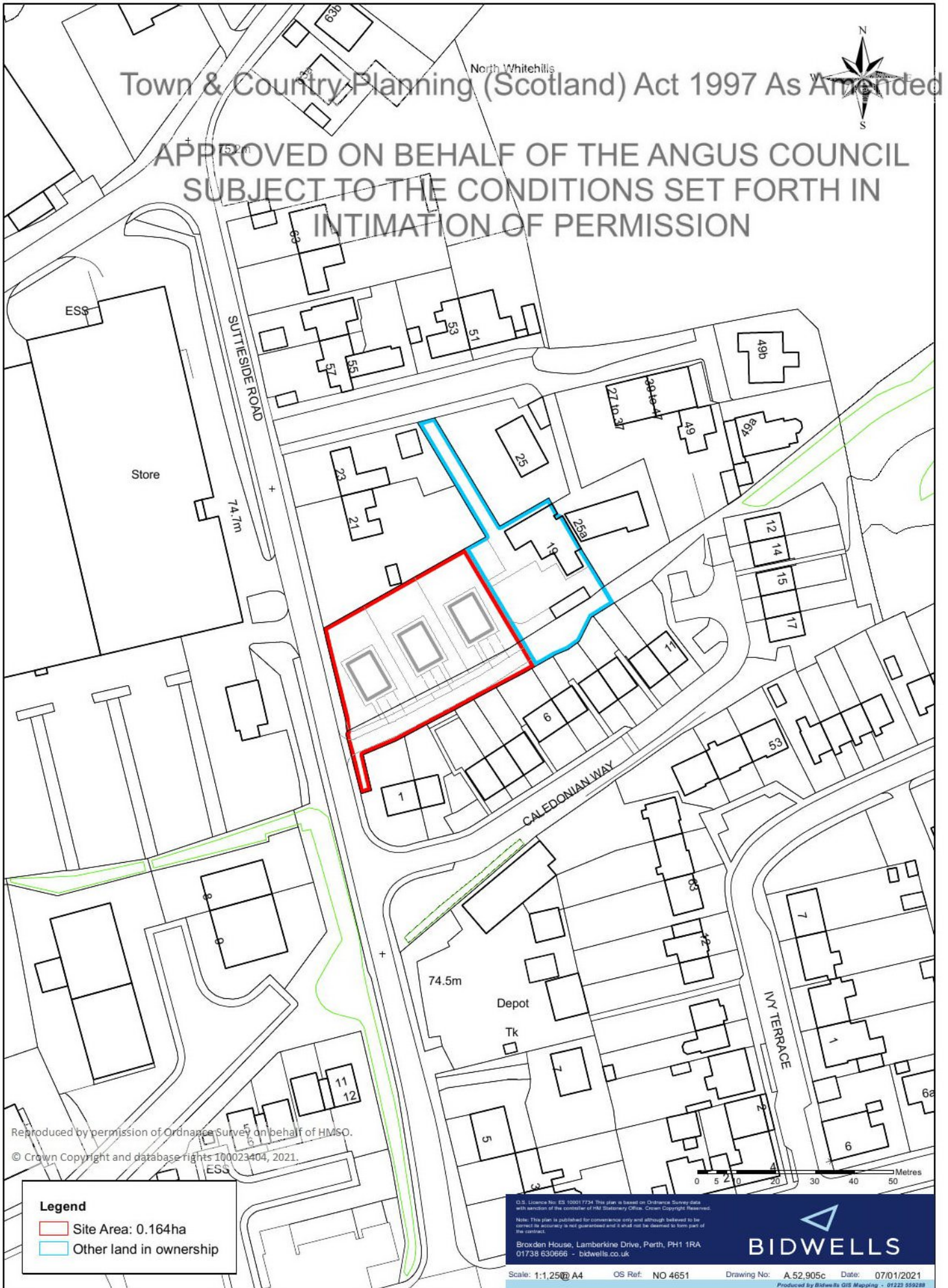
Commenter Type: Miscellaneous

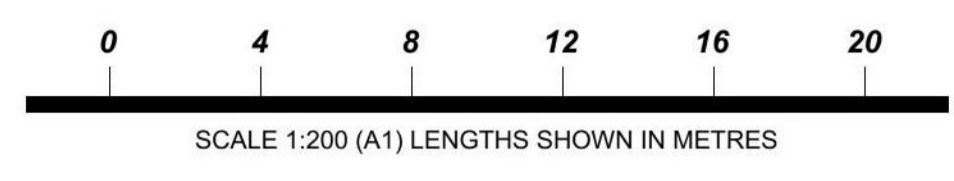
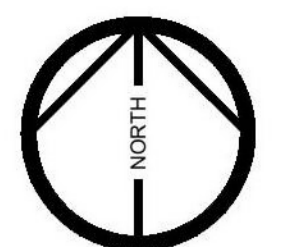
Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As residents of Caledonian Way since the residential area was completed, we have enjoyed a quiet place to live with few obstructions from development in the area. The distance from the centre of Forfar and the proximity to countryside is enjoyed by all residents, and an increase in housing would be to the detriment of these benefits. The proposed three properties would be too close to the properties on Caledonian Way and would cause negative impacts on health through an increase in noise and light pollution. An increase in houses would only cause stress through the degradation of the natural environment of the area, and the houses would simply look out of place. The preservation of green space in this area is vital, and as residents, we have come to expect that the natural environment of the area be protected. Residents in both Caledonian Way and the new houses would be at a loss of privacy in having houses put directly in front of bedroom windows. Furthermore, there are wider concerns of an increase in traffic in the area. The proposal fails to address the long-term impact of the proposed housing. Due to the ongoing pandemic of COVID-19, the area has seen a remarkable decrease in traffic in the area, which does not reflect the usual traffic flow outside of these remarkable circumstances. Upon a return to businesses reopening, the football grounds, Forfar Removals, the many factories in the industrial estate, and ice rink, the volume of traffic will dramatically increase. The construction of a new road would only disrupt the supply chain which exists for these businesses on Suttieside Road. With many young children in Caledonian Way, an increase of cars on Suttieside Road would mean the loss of a quiet and safe space for children to play in and cause unneeded stress for children and parents alike. The presence of popular venues for young people also demands consideration, as this would negatively impact on young people's health.

Olinda, 19 Suttieside Road, Forfar - Site Location Plan





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.

KEY

- PROPOSED SITE BOUNDARY
1,590 SQM / 0.159 HA / 0.393 ACRES APPROX.
- ADJACENT LAND UNDER APPLICANT OWNERSHIP
- INDICATIVE 7P4B HOUSE (TWO-STOREY)

PLOT SIZES

PLOT 1 - 422 SQM APPROX.
PLOT 2 - 405 SQM APPROX.
PLOT 3 - 410 SQM APPROX.

EX. REMAINING PLOT - 914 SQM APPROX.
[AREA DOES NOT INC. EXISTING DRIVEWAY ACCESS]

TOTAL GARDEN GROUND

OPEN SPACE **INCLUDING** FRONT CURTILAGE AND DRIVEWAY.

PLOT 1 - 314 SQM APPROX. (74%)
PLOT 2 - 297 SQM APPROX. (73%)
PLOT 3 - 302 SQM APPROX. (74%)

PRIVATE REAR GARDEN GROUND

OPEN SPACE **EXCLUDING** FRONT CURTILAGE AND DRIVEWAYS.

PLOT 1 - 176 SQM APPROX. (42%)
PLOT 2 - 184 SQM APPROX. (45%)
PLOT 3 - 183 SQM APPROX. (45%)

FURTHER NOTES

THIS PROPOSAL HAS BEEN DEVELOPED WITH REFERENCE TO 'ANGUS COUNCIL ADVICE NOTE 14: SMALL HOUSING SITES' (AN14).

EACH OF THE 3 NO. PLOTS EXCEED THE MINIMUM 400 SQM PLOT SIZE REQUIRED.

ALL OF THE PROPOSED DWELLINGS ARE LOCATED AT LEAST 1M FROM THE SITE BOUNDARY (AS PER 'AN14').

THE ABOVE AREAS NOT ONLY MEET THE REQUIRED 70% OPEN PLOT SPACE PROVISION BUT FAR EXCEED THE MINIMUM 100 SQM AREA REQUIRED FOR PRIVATE AMENITY SPACE (AS PER 'AN14').

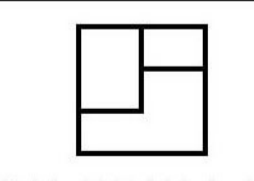
NO ISSUES WITH DISTANCE BETWEEN BUILDINGS STATED IN 'AN14'.

NO DWELLINGS ARE PROPOSED WITHIN THE FORMER RAILWAY SIDING AREA (RUBBLE FILLED LAND), LAND INSTEAD USED TO PROVIDE ACCESS TO NEW AND EXISTING PROPERTIES.

Revisions :

A CC 10.02.21

Various amendments to proposed site layout, in line with Planning Dept. comments.

Project Proposed Extension & Alterations		 JON FRULLANI ARCHITECT	
Client Mr Ross Low			
Address 19 Suttieside Road		Drawing Title Indicative Proposed Site Plan	
Forfar DD8 3EL		Issue Status Planning	Drawing No. 6568_P_300
Designer CC	Date Jan. '21	Scale 1:200 @ A1	Revision A
<small>t 01382 224828 m 07908 726306 e: jon@frullaniarchitect.co.uk w: frullaniarchitect.co.uk f: facebook.com/frullaniarchitect a: unit 5, district 10, greenmarket, dundee, dd1 4qb 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>			

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



'PLANNING PERMISSION IN PRINCIPLE' GRANTED FOR NEW DWELLING WITHIN CURTILAGE OF NEIGHBOURING PROPERTY

NEW BOUNDARY RETAINING WALL AND 1.8M HIGH FENCE PROPOSED TO EXISTING DWELLING AS BOUNDARY TREATMENT

INDICATIVE POSITION OF EXISTING TREE

APPROX. LINE OF FORMER RAILWAY SIDING (SHOWN DASHED BLACK)

NEW ACCESS ROAD TO PROPOSED DWELLINGS (PROVIDES ACCESS TO EXISTING PROPERTY'S GARAGE)

Veronica Caney

From: PorterSG
Sent: 17 February 2021 18:20
To: Mark Myles
Subject: RE: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Good Afternoon Mark

Thank you for the amended site plan I have updated the file accordingly.

Although the amended indicative layout illustrates improved separation and window to window distances, I would still reserve concerns regarding the suggested layout as this is not in keeping with the pattern of development or the character of the area.

Therefore having reviewed the proposal as a whole I write to advise it is likely the application will be approved subject to conditions which limit development to **up to 2 houses** on the site and with **house designs which front and have ridges running parallel to Suttieside Road**. If the applicant is aggrieved by any conditions attached to a planning permission, the decision notice will include information on how to review this decision should they wish to do so.

I trust the above proves helpful and clarifies the situation for you.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 492378)

[COVID-19 - For the latest information on how our service has been affected CLICK HERE](#)

From: Mark Myles <mark.myles@bidwells.co.uk>
Sent: 10 February 2021 15:00
To: PorterSG <PorterSG@angus.gov.uk>
Subject: RE: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Hi Stephanie

Thank you for your further email in respect of the above planning application.

As per your suggestion please find attached a further amendment to the proposed site plan which has been altered slightly to also now show 12 m distance from the principal elevation of Olinda and the eastern boundary of the application site. You will also note on the drawing that additional boundary treatment measures can be provided along this boundary, which can be covered by condition as part of any future Matters Specified in Conditions application.

I trust that this addresses all matters in relation to the council's Advice Note.

Your only remaining concern relates to the orientation of the proposed houses. As noted in our previous response there is a mix of both domestic and commercial properties along the length of Suttieside Road, but also clear differences in the orientations of buildings along the length of the road which contributes to a real mix in the pattern and the overall character of the wider area. This proposal is entirely consistent with that mix and will effectively create an infill cul-de-sac scheme of 3 properties that is no different to the layout of the houses approved immediately to the south in Caledonian Way.

On the basis of the attached amended site plan and the contents of our previous supporting statement. we therefore maintain our view that the proposal reflects a pattern and layout of development that can already be seen along Suttieside Road and as such is consistent with Policy TC2 of the Angus LDP, subject to any conditions considered necessary and appropriate by the council.

Trust this is helpful in your further consideration of the application.

Kind regards



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
DD: 01738230154 | M: 07717512203 | bidwells.co.uk

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

Sent: 04 February 2021 17:21

To: Mark Myles <mark.myles@bidwells.co.uk>

Subject: RE: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Hi Mark

Thank you for your email.

I note the alterations made to the indicative house types to provide the recommended 12m distance from upper floor windows to plot boundaries, thank you for that. However in considering this test, this Service would be seeking for the eastern boundary of the application site to be moved slightly to provide 12m from the principal elevation of Olinda and the boundary of the application site.

The dwellings along Caledonian Way are not directly comparable to the majority of other dwellings along Suttieside Road, as these line a new road forming part of an 'in fill' cul-de-sac scheme. This Service would maintain the view that the proposal for 3 dwellings on the site, in the layout indicated would not be in keeping with the pattern of development or the character of the area.

On the basis of the above I would advise the eastern boundary of the site be relocated to 12m from the principal elevation of Olinda and the proposal reduced to 2 plots. The 2 plots should include indicative houses with ridges running parallel to Suttieside Road. The proposal will be refused in its current form.

As you may also be aware an objection has been received from residents on Caledonian Way. This public comment can be viewed [here](#).

I trust the above clarifies the position and I would be grateful if you could advise whether you wish to consider amending the proposal or whether you still wish to continue with the application in its current form.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 492378)

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From: Mark Myles <mark.myles@bidwells.co.uk>

Sent: 29 January 2021 16:46

To: PorterSG <PorterSG@angus.gov.uk>

Subject: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Hi Stephanie

Thank you for your email received last Friday in respect of the above planning application.

I can confirm that the applicant paid the advert fee to the council on 13th January.

We have attached photographs of the site which also show the existing boundary treatments and the fact that the northern boundary hedging would further mitigate any overlooking or loss of privacy between existing and proposed properties. In terms of your point about the upper floor windows being located within 12 m of the boundaries, the submitted layout drawing is only indicative and shows how the proposed 3 plots can meet with the criteria set out in Advice Note 14. In response to your concern regarding the introduction of first floor windows overlooking into the rear garden areas of the properties on Caledonian Way, we would highlight that the properties on Caledonian Way already have a degree of overlooking over the application site and the existing garden area of Olinda. However to address your concern please find attached a revised indicative site layout plan which shows that the indicative 2 storey houses would now fully meet Advice Note 14 which requires first floor windows to be at least 12m from plot boundaries. The proposal has therefore been shown to comply with each of the relevant criteria of Advice Note 14.

In terms of your remaining area of concern i.e. the orientation of the proposed buildings, it is evident from the photographs below, that not all houses and commercial buildings located along Suttieside Road, front and have ridges which run parallel to the public road. There are various examples where the ridges run perpendicular to the road. The indicative proposal is therefore not out of keeping with this mix in the pattern and orientation of development, including the new dwellings immediately adjacent at Caledonian Way and Prosen Place.

On the basis of the above response, the attached photographs and the amended indicative site plan attached, I can confirm that our client would wish the application to be determined as we are of the view that the proposal is not out of keeping with the character of the area, is consistent with the relevant policies from the Development Plan, and there are no material considerations that would indicate otherwise.

We therefore hope that you will agree and can consider this proposal favourably without the need for any appeal in this case.

Kind regards



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
DD: 01738230154 | M: 07717512203 | bidwells.co.uk

Business continuity during Covid-19 outbreak. Click [here](#) to find out more.



Hedge on the northern boundary



Looking west along the hedge to Suttieside Rd



Looking north toward 21 from development site. This is as bare as the beech hedge gets so it provides very effective

screening all year round



Looking east from Suttieside Rd. This end of the hedge is within the boundary which is the taller post, the stone is

buried beneath it



Caledonia Way development running west to east from Suttieside Rd





Light commercial yard building also running west to east from Suttieside Rd



Houses at Prosen Place which is adjacent to Suttieside Rd running west to east



3 story tenement and what might be considered back lot plot being no 7 beyond



No's 55, 53 and 51 in the distance above the centre of the hedge running west to east from Suttieside Rd along

Alpha Place





No's 55, 53 and 51 running west to east from Suttieside Rd along Alpha Place



3 story tenement running west to east from Suttieside Rd along Alpha Place



Suttieside Farmhouse at the northern end of the road as it meets Carseview Rd running west to east.



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

Sent: 22 January 2021 16:56

To: Mark Myles <mark.myles@bidwells.co.uk>

Subject: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Dear Mr Myles

Planning Application - Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar
Planning Reference - 20/00867/PPPL

I write in regards to the above planning application to advise the following.

Due to work restrictions in response to the on-going global pandemic we are currently unable to conduct site visits and I would be grateful if could email me recent photographs of the site. However the Council's server will not accept emails over 10MB, these will not deliver and neither party will received notification, so please be mindful of this if emailing large photos.

Also it appears the £100 advert fee is still outstanding, if you need BACS details to make this payment I can pass these on to you. I apologise if this has already been paid as there can be a slight delay between the payment clearing and the system being updated.

Having reviewed the submitted information I would advise that it is unlikely the proposal will be supported in its current form for the following reasons.

The majority of houses along Suttieside Road, front and have ridges which run parallel to the public road. The indicative proposal would not be in keeping with this current pattern of development. Although the newer dwellings at Caledonian Way, located to the south of the application site, are lined west-east with south facing principal elevations, this cul-de-sac is clearly a modern development and the majority of properties along Suttieside Road are more traditional with the aforementioned pattern of development being prevalent in the area.

I would also have concerns regarding the introduction of first floor overlooking directly facing into the rear garden areas of the properties on Caledonian Way. The indicative 2 storey houses would also fail to meet the test within Advice Note 14 which requires first floor windows to be at least 12m from rear (northern in this case) plot boundaries.

For the aforementioned reasons, the proposal cannot be supported. I would be grateful if you could discuss the above with your client and advise within the next 14 days as to whether you wish to amend or withdraw the proposal or continue to determination with the opportunity to appeal the refusal of planning permission.

I trust the above is clear but if you have any questions please do not hesitate to contact me.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 492378)

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

**PLANNING PERMISSION IN PRINCIPLE APPROVAL
REFERENCE : 20/00867/PPPL**

To: **Mr Ross Low
c/o Bidwells
Mark Myles
Broxden House
Lamberkine Drive
Perth
PH1 1RA**

With reference to your application dated **8 January 2021** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Residential development in principle for up to three dwellings at Olinda 19 Suttieside Road Forfar DD8 3EL for Mr Ross Low

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 Plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority and no work shall begin until the written approval of the Authority has been given.
 - a) Layout of the site which shall include provision for car parking and turning space. For the avoidance of doubt the indicative layout submitted as part of this application is not approved;
 - b) Siting, design and external appearance of the building(s);
 - c) The means of access to the development;
 - d) Boundary enclosures and details of hard and soft landscaping;
 - e) Existing and proposed ground levels and finished floor levels relative to existing buildings and a fixed ordnance datum.

- 2 Development within the site is limited to a maximum of two dwellinghouse(s) only and housing within the site shall front onto Suttieside Road and shall have a ridge which runs parallel the road.

The foregoing conditions are imposed by the Council for the following reasons:-

1. To ensure that the matters referred to are given detailed consideration.

2. In order to ensure that development within the site delivers a high design standard and draws upon those aspects of townscape that contribute positively to the character and sense of place of the area in accordance with Policy DS3 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance.

The reason(s) for the foregoing decision by the Council are as follows:-

1. A proposal for up to 2 dwellings on the site is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **12 March 2021**

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

The decision was based on the following amendment(s):-

Amendments:

1. The drawing named and numbered Indicative Proposed Site Plan no. 6568_P_300 Rev A, amends and supersedes the drawing named the same and numbered 6568_P_300. The amended drawing depicts an indicative layout where the proposed dwellings are 12m from boundaries and reduces the eastern extent of the site to maintain a 12m separation distance from Olinda.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

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



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

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

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

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

The applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, 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.

NOTIFICATION OF INITIATION OF DEVELOPMENT

AC8

This notice must be fully completed by the person intending to carry out the development as approved in application reference **20/00867/PPPL** for **Residential development in principle for up to three dwellings** at **Olinda 19 Suttieside Road Forfar DD8 3EL** for **Mr Ross Low** dated **12 March 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **20/00867/PPPL** for **Residential development in principle for up to three dwellings** at **Olinda 19 Suttieside Road Forfar DD8 3EL** for **Mr Ross Low** dated **12 March 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:
Address:
Date of completion of the above development:

SCHEDULE 7

Development at **Olinda 19 Suttieside Road Forfar DD8 3EL**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Ross Low** on **12 March 2021**.

Application reference **20/00867/PPPL**

The development comprises **Residential development in principle for up to three dwellings**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

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

Enquiries should be directed to the Service Manager at the above address or to planning@angus.gov.uk

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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



Our ref: MM
DD: 01738 230154
E: mark.myles@bidwells.co.uk
Date: 07/12/2020

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

Dear Sir

PROPOSED RESIDENTIAL DEVELOPMENT IN PRINCIPLE AT 19 SUTTIESIDE ROAD, FORFAR, DD8 3EL

On behalf of our client Mr Ross Low, we have submitted the above planning application (eplanning ref : 100339096) and provide the following statement in support.

Planning Policy

The site lies within the defined Forfar settlement within the Angus Local Development Plan (Adopted 2016) where the following policies are applicable;

- 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 PV15: Drainage Infrastructure

A pre-application enquiry was submitted to Angus Council (19/00621/PREAPP) and the feedback received highlighted that Policy TC2 would be primary policy test. The feedback also noted that Policy TC2 notes that all proposals for new residential developments must:

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

Broxden House, Lamberkine Drive, Perth PH1 1RA
T: 01738 630666 E: info@bidwells.co.uk W: bidwells.co.uk

Suttieside Road, Forfar

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

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

In considering the above policy tests it was noted the site is not protected or allocated for another use, the proposal would be in a largely residential area and due to the scale of the proposal and the site there is unlikely to be an requirements for affordable housing.

Some points were raised in the council's pre-application enquiry response in respect of potential overdevelopment and the layout being inconsistent with the current pattern of development which we address in further detail below.

Assessment of Proposal

The purpose of the indicative site plan is to show that a development proposal of 3 detached houses can be accommodated on this site. This is based on an assessment of the character, spacing and layout of development in the wider surrounding area, as well as taking cognisance of the council's Advice Note 14 on small housing sites, in terms of exceeding the minimum plot sizes, limiting development footprints to reflect those already approved in the area and also exceeding the minimum useable private amenity/garden sizes.

From the attached indicative layout, it can be seen that the proposal would also reflect the orientation of the Caledonian Way development located immediately to the south and also provide an access road along the line of the former railway siding. This prevents the need for built development on this part of the site and it would also allow continued access to the garage/driveway of no. 19 Suttieside Road as well as ensuring that the existing house is able to retain a large garden area and overall plot size. The existing house would also retain its own separate existing driveway located to the north (as shown on the proposed layout drawing). The proposed indicative layout would also ensure that the minimum window to boundary distances can be met for each of the existing and proposed properties.

The council's Planning Advice Note 6 on Backland Housing Development confirms that *'it is now considered that a policy which permits a greater degree of flexibility can justifiably be pursued. Such a policy would help to maximise the development potential which exists within settlements and reduce development pressure on greenfield sites.'* The advice note then defines a backland site as broadly being *'a small area of land to the rear of existing buildings **which at no point**, except for land reserved for the purposes of an access, adjoins a public road.'* This site as a whole does not therefore fall within the council's definition of a backland site. However even if it did apply it maximises the development potential of the site whilst ensuring that the relevant detailed criteria are able to be met.

The proposed site should be considered as a small housing site (Advice Note 14 - Small Housing Sites). Advice Note 14 and Advice Note 6 both highlight that a new plot will normally require to be a minimum of 400 square metres excluding any access strip. The original house must also retain at least 400 square metres. The key on the proposed indicative layout drawing provided confirms that each of the proposed 3 plots as well as the existing house would all exceed this minimum requirement.

The key on the proposed layout also shows that the 3 new houses and the existing house would also each cover less than 30% of their respective plots. As per Advice Note 14, each of the properties would exceed the minimum area of 100 square metres for private amenity/garden space.

Given the spacing and distances that could be achieved between the proposed new houses and the existing house, as well as the neighbouring properties, there would be no loss of privacy, outlook or space for adjoining residents. The window to window distances and the distance between buildings criteria would all be met as would the distance between main windows and the mutual boundaries.

Suttieside Road, Forfar

As this is not considered to fall under the definition of a backland site there is no requirement to restrict the development to single storey particularly when modern 2 storey houses already exist to the south. In any event a mix of styles, sizes, scales, form and densities of properties are clearly evident throughout the surrounding area.

A safe access can be accommodated on the site to service the existing house as well as the 3 new houses, and the existing house would also be served by a separate access to the north.

The proposed layout is sympathetic to the character of the area in that it follows a pattern and layout of development that has already been established to the south.

For all of the reasons set out above the proposal is considered to satisfy the criteria of Policy TC2 of the Angus LDP as well as the relevant Planning Advice Notes and on that basis we would respectfully request that the application is approved as being in accordance with the Development Plan subject to any conditions considered necessary and appropriate by the council.

I trust this is helpful.

Kind regards



Mark Myles

Partner, Head of Planning, Scotland

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW – 19 SUTTIESIDE ROAD, FORFAR

**RELATING TO CONDITIONS IMPOSED ON PLANNING PERMISSION
REF 20/00867/PPPL**

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review	
ITEM 2	Appeal Statement	
ITEM 3	Decision Notice	
ITEM 4	Report of Handling	
ITEM 5	Location Plan	
ITEM 6	Indicative Proposed Site Layout	
ITEM 7	Planning Application	
ITEM 8	Supporting Letter dated 7 December 2020	
ITEM 9	Email Correspondence	
ITEM 10	Plan - Orientation and Scale of Properties within 100m	



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 100395808-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Mark"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Myles"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01738 630666"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="mark.myles@bidwells.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="Ross"/>	Building Number:	<input type="text" value="19"/>
Last Name: *	<input type="text" value="Low"/>	Address 1 (Street): *	<input type="text" value="Suttieside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Forfar"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD8 3EL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ross.low@bidwells.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="OLINDA"/>
Address 2:	<input type="text" value="19 SUTTIESIDE ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="FORFAR"/>
Post Code:	<input type="text" value="DD8 3EL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="751660"/>	Easting	<input type="text" value="346375"/>
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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)

Residential development in principle for up to three dwellinghouses at Olinda, 19 Suttieside Road, Forfar, DD8 3EL

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to attached statement and supporting documents and plans

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)

Decision notice, Report of Handling, Location Plan, Indicative Proposed Site Layout, Planning application forms, Supporting letter dated 7th December 2020, Copies of email correspondence with planning officer, Map of area showing orientation and scale of properties within 100 metres of the site, and grounds of appeal statement

Application Details

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

20/00867/PPPL

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

07/12/2020

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

12/03/2021

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

To review the mix of land uses, orientations of buildings and character of the area including the ridge lines within the modern housing in Caledonian Way and Prosen Place that already run perpendicular to Suttieside Road

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 Mark Myles

Declaration Date: 28/04/2021

Notice of Review Appeal against conditions imposed by Angus Council on Planning Permission in Principle 20/00867/PPPL

This Notice of Review appeal is submitted against the following conditions;

Part of condition 1 a) which reads; For the avoidance of doubt the indicative layout submitted as part of this application is not approved; and

Condition no. 2 which reads 'Development within the site is limited to a maximum of two dwelling house(s) only and housing within the site shall front onto Suttieside Road and shall have a ridge which runs parallel with the road.'

Grounds of Appeal

The conditions listed above are considered to be unnecessary and unreasonable.

The application description states 'Residential development in principle for up to 3 dwellings..'

The indicative layout plan that accompanied the application has shown that a proposal for up to 3 dwellings on the site is in accordance with the development plan, as it is compatible with the locational criteria identified in the plan and it does not give rise to any unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to the remaining conditions set out in condition no.1.

The proposed layout is based on an assessment of the character, spacing and layout of development in the wider surrounding area and it proves that the proposed layout for 3 houses would not constitute overdevelopment of the site as it would exceed the minimum plot sizes and also exceed the minimum useable private amenity/garden sizes. Please also refer to our supporting letter of 7th December 2020 that accompanied the application for a detailed explanation of how the proposal meets with each the relevant policy criteria.

There would be no loss of privacy, outlook or amenity between the proposed new houses and the existing properties.

We also draw the LRB's attention to the email correspondence with the planning officer between 22nd January 2021 and 18th February 2021 in which we further address the officer's key concern i.e. the orientation of the proposed buildings and that the indicative layout is somehow not in keeping with the pattern of development or character of the area.

As explained in our responses there is already a wide mix of both domestic and commercial properties along the length of Suttieside Road, but also clear differences and variations in the orientations of buildings along the length of the road which contributes to a real mix in the pattern and the overall

character of the wider area. This proposal is therefore entirely consistent with that mix and will effectively create an infill development of 3 properties that is no different to the layout of the houses approved immediately to the south in Caledonian Way. There is also modern housing at Prosen Place on the opposite side of Suttiesdie Road which has an identical pattern to Caledonian Way i.e. ridge lines running perpendicular to Suttieside Road rather than fronting the road.

In support of this Notice of Review and to illustrate this point further, we also attach a copy map of the area with a legend showing the breakdown in the residential properties that are orientated North – South (N-S) and also East – West (E-W) as well as a breakdown of those properties that are 2 storey or 1/1.5 storey all within 100 m of the site. A review of the plan confirms the following;

	Distance from site in metres			
	0-25	25-50	50-75	75-100
Green (N-S)	1	4	13	20
Red (E-W)	0	12	20(30)*	26(36)*
Orange (2 Storey)	1	12	24(34)*	32(42)*
Blue (1 or 1.5 Storey)	0	4	9	14

The * denotes the higher number returned if the individual flats within the block at the top of Alpha Place are counted individually as opposed to counting once for each side of the block.

Whichever way the above table is assessed, the predominant building pattern is East - West (at least 26 properties compared to 20) and also 2 storey in scale (at least 32 properties compared to 14).

In summary the area already contains a broad mix of land uses, building sizes and footprints, orientations, scale, form and design and the proposed indicative layout showing 3 houses has been shown to be consistent with the existing overall mix in the character of the area and the existing patterns of development. As such the proposal is consistent with Policy DS3 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance.

Based on the above, the conditions set out above (part 1a) and (2) are therefore considered unnecessary and cannot be considered reasonable or justified.

Accordingly, we would respectfully request that the LRB agree to remove these conditions from the planning permission 20/00867/PPPL

ANGUS COUNCIL



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

**PLANNING PERMISSION IN PRINCIPLE APPROVAL
REFERENCE : 20/00867/PPPL**

To: **Mr Ross Low
c/o Bidwells
Mark Myles
Broxden House
Lamberkine Drive
Perth
PH1 1RA**

With reference to your application dated **8 January 2021** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Residential development in principle for up to three dwellings at Olinda 19 Suttieside Road Forfar DD8 3EL for Mr Ross Low

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 Plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority and no work shall begin until the written approval of the Authority has been given.
 - a) Layout of the site which shall include provision for car parking and turning space. For the avoidance of doubt the indicative layout submitted as part of this application is not approved;
 - b) Siting, design and external appearance of the building(s);
 - c) The means of access to the development;
 - d) Boundary enclosures and details of hard and soft landscaping;
 - e) Existing and proposed ground levels and finished floor levels relative to existing buildings and a fixed ordnance datum.

- 2 Development within the site is limited to a maximum of two dwellinghouse(s) only and housing within the site shall front onto Suttieside Road and shall have a ridge which runs parallel the road.

The foregoing conditions are imposed by the Council for the following reasons:-

1. To ensure that the matters referred to are given detailed consideration.

2. In order to ensure that development within the site delivers a high design standard and draws upon those aspects of townscape that contribute positively to the character and sense of place of the area in accordance with Policy DS3 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance.

The reason(s) for the foregoing decision by the Council are as follows:-

1. A proposal for up to 2 dwellings on the site is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **12 March 2021**



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

The decision was based on the following amendment(s):-

Amendments:

1. The drawing named and numbered Indicative Proposed Site Plan no. 6568_P_300 Rev A, amends and supersedes the drawing named the same and numbered 6568_P_300. The amended drawing depicts an indicative layout where the proposed dwellings are 12m from boundaries and reduces the eastern extent of the site to maintain a 12m separation distance from Olinda.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

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



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

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

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

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

The applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, 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.

NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **20/00867/PPPL** for **Residential development in principle for up to three dwellings** at **Olinda 19 Suttieside Road Forfar DD8 3EL** for **Mr Ross Low** dated **12 March 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **20/00867/PPPL** for **Residential development in principle for up to three dwellings** at **Olinda 19 Suttieside Road Forfar DD8 3EL** for **Mr Ross Low** dated **12 March 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Date of completion of the above development:

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

SCHEDULE 7

Development at **Olinda 19 Suttieside Road Forfar DD8 3EL**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Ross Low** on **12 March 2021**.

Application reference **20/00867/PPPL**

The development comprises **Residential development in principle for up to three dwellings**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

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

Enquiries should be directed to the Service Manager at the above address or to planning@angus.gov.uk

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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

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

ITEM 4

Angus Council

Application Number:	20/00867/PPPL
Description of Development:	Residential development in principle for up to three dwellings
Site Address:	Olinda 19 Suttieside Road Forfar DD8 3EL
Grid Ref:	346341 : 751627
Applicant Name:	Mr Ross Low

Report of Handling

Site Description

The application site measures approximately 1,550sqm and is located in the north of Forfar. The site is currently garden ground of the adjoining dwelling; Olinda, 19 Suttieside Road. The site is surrounded by existing dwellings to the north, south and east and Suttieside Road to the west. The site is bound by a boundary hedge to the north, timber fences to the south and west and is undefined to the east. The site can be accessed via an existing dropped kerb on the east side of Suttieside Road.

Proposal

The application seeks planning permission in principle for the erection of up to 3 dwellinghouses. An indicative site layout has been submitted which shows 3 plots, each measuring roughly 410sqm. The indicative plan identifies dwellings facing onto a new access which extends from Suttieside Road and runs along the southern boundary of the site. The submitted application form indicates the dwellings would be connected to the public water supply and foul drainage networks with SUDS for surface water.

Amendments

The drawing named and numbered Indicative Proposed Site Plan no. 6568_P_300 Rev A, amends and supersedes the drawing named the same and numbered 6568_P_300. The amended drawing amends the eastern boundary of the site so that it is situated 12m from Olinda.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 15 January 2021 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

Outline planning application [06/00708/OUT](#) for the erection of a dwellinghouse on the site was withdrawn on 16 June 2006.

Planning permission in principle application [19/00487/PPPL](#) for the erection of a dwellinghouse at 21 Suttieside Road was granted on 22 August 2019. That permission relates to land within the garden ground of 21 Suttieside Road to the north of the application site.

Applicant's Case

A Supporting Statement was submitted alongside the proposal which opines that the indicative site plan shows that a development of 3 detached houses could be accommodated on the site which is sympathetic to the character, spacing and layout of existing development in the wider surrounding area and in accordance with council guidance. It suggests that the indicative layout would not result in the loss of privacy for adjoining residents and reflects the orientation of Caledonian Way, located immediately to the south.

Consultations

Angus Council Environmental Health - Offers no objection to the proposal in terms of land contamination.

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

Angus Council - Roads - Offers no objection to the proposal subject to the provision of suitable parking and visibility splays.

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

Representations

One (1) letter of representation was submitted in objection to the proposal. The main concerns raised relate to;

- Impact upon the peaceful atmosphere of the area and the natural environment
- Proximity of the proposal to existing properties on Caledonian Way
- Impacts upon amenity by way of loss of privacy and increased noise and light pollution
- Increased traffic in the area and impacts upon road and pedestrian safety

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 PV15 : Drainage Infrastructure

TAYplan Strategic Development Plan

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

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

Assessment

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

The application site relates to the garden ground of a villa property in the north of Forfar. Policy DS1 in the ALDP states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP.

Policy TC2 indicates that within development boundaries, proposal for residential development will be

supported where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. 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, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

In terms of the residential environment to be provided, the site would be capable of providing residential development containing plot(s) which are comparable with plot sizes in the surrounding area. The site is capable of accommodating plot(s) which benefit from a reasonable degree of privacy, a suitable level of private garden ground and space to provide vehicle parking and turning and bin and recycling storage.

The site contains no designation for natural or built heritage interests. The site is capable of accommodating residential development which is consistent with the character and pattern of development in the area subject to the limitations detailed in the planning conditions. In general terms there is no reason to consider that a suitable form of residential development within the site would result in any significant direct or indirect impacts on the natural or built environment.

The site is capable of accommodating residential development with appropriate levels of separation between the new dwelling and existing dwellings when assessed against council guidance. Suitable boundary enclosures could be secured by planning condition to safeguard privacy.

Development within the site would connect to the public drainage network and public water supply. Surface water would be managed by means of sustainable drainage which is in accordance with Policy PV15.

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.

The principle of residential development within the site is acceptable but the number of houses and indicative layout provided does not comply with development plan policy.

The application is accompanied by an indicative site layout which shows three plots containing two storey dwellings accessed from a new road running along the south boundary of the site. That would not be an appropriate form of development on the site. It is noted that an objection has been received to the proposal raising concerns regarding the impact that this layout would have on the amenity of existing housing to the south.

Policy DS3 indicates that development proposals should deliver a high design standard and draw upon those aspects of townscape that contribute positively to the character and sense of place of the area in which they are located. The Design Quality and Placemaking Supplementary Guidance seeks to encourage development that respects and responds to the local context where this makes a positive contribution to the existing character of the area.

The east side of Suttieside Road is predominately characterised by traditional sandstone properties which front onto Suttieside Road and have ridges which run parallel to the street. Property close to the site also contains beech hedging along the road frontage which results in an attractive and distinctive character along Suttieside Road. Development within the site should draw upon those features and maintain and enhance the attractive sense of place along Suttieside Road.

While the layout shown on the submitted plans is indicative only, it shows a layout which would not follow the positive aspects of townscape in the area and proposes houses which do not front onto Suttieside Road, resulting in the proposed housing facing the private garden areas of property to the north and south. This is a consequence of permission being sought for 3 dwellings, which would represent overdevelopment of the site.

A planning condition is attached to limit development within the site to a maximum of two houses; and requiring the house or houses to front onto Suttieside Road. A suitable form of development for the site would be one which replicates the general form of property found at 21 & 23 Suttieside Road which are single storey semi-detached properties fronting onto the street. That form of development would mitigate some of the amenity impacts identified in the objection and associated with overlooking of gardens of existing housing to the north and south. It would also afford Olinda (the villa property to the east in whose garden the site is located) a more spacious setting, reducing impacts on its amenity. The proposal is in accordance with Policy DS3 subject to planning conditions to secure a suitable form of development as detailed above and to limit development within the site to a maximum of two dwellings and requiring housing in the site to front onto Suttieside Road.

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

A small scale residential development on the site would not significantly alter the established amenity of the area beyond any short term impacts associated with the construction of new housing. The site is not designated for any natural heritage or environmental value and the proposal is unlikely to give rise to any significant direct or indirect impacts on the natural environment. Planning conditions are attached to control the type of development which comes forward on the site. Those conditions would reduce amenity impacts of development on adjacent housing by controlling the number of houses and general form of development which comes forward on the site. The additional traffic movement associated with two new dwellings would not be at a level that would detrimentally impact upon road and pedestrian safety in the area. The Council's Roads Service has reviewed the proposal and offers no objections relating to those matters. The matters raised in the letter of objection have been taken into account and where appropriate planning conditions are attached to mitigate the impacts which are identified.

The aforementioned conditions would reduce the number of dwellings permitted on this site and the proximity of the front elevations of potential dwellings to the rear private garden areas of the existing properties on Caledonian Way. Therefore reducing the sense of overlooking from the that shown on the indicative site plan. Furthermore the finalised siting and design of houses within the site, including window configurations, would be regulated by a Matters Specified in Condition application. There is no reason to conclude that two dwellings on this site with principal elevations fronting Suttieside Road would result in an unacceptable impact upon residential amenity. There are no material considerations that justify refusal of the application.

In conclusion, it is considered that the principle of residential development on the site is consistent with development plan policy subject to the planning conditions attached which would ensure that development within the site delivers a high design standard and draws upon those aspects of townscape that contribute positively to the character and sense of place of the area; and mitigates amenity impacts on neighbouring property. There are no material considerations that justify refusal of the application.

No legal agreement is required.

Human Rights Implications

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

Decision

The application is approved subject to conditions

Reason(s) for Decision:

1. A proposal for up to 2 dwellings on the site is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority and no work shall begin until the written approval of the Authority has been given.

- a) layout of the site which shall include provision for car parking and turning space. For the avoidance of doubt the indicative layout submitted as part of this application is not approved.
- b) siting, design and external appearance of the building(s);
- c) the means of access to the development;
- d) boundary enclosures and details of hard and soft landscaping,
- e) existing and proposed ground levels and finished floor levels relative to existing buildings and a fixed ordnance datum;

Reason:

To ensure that the matters referred to are given detailed consideration.

2. Development within the site is limited to a maximum of two dwellinghouse(s) only and housing within the site shall front onto Suttieside Road and shall have a ridge which runs parallel the road.

Reason:

In order to ensure that development within the site delivers a high design standard and draws upon those aspects of townscape that contribute positively to the character and sense of place of the area in accordance with Policy DS3 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance.

Notes:

Case Officer: Stephanie Porter

Date: 12 March 2021

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 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.

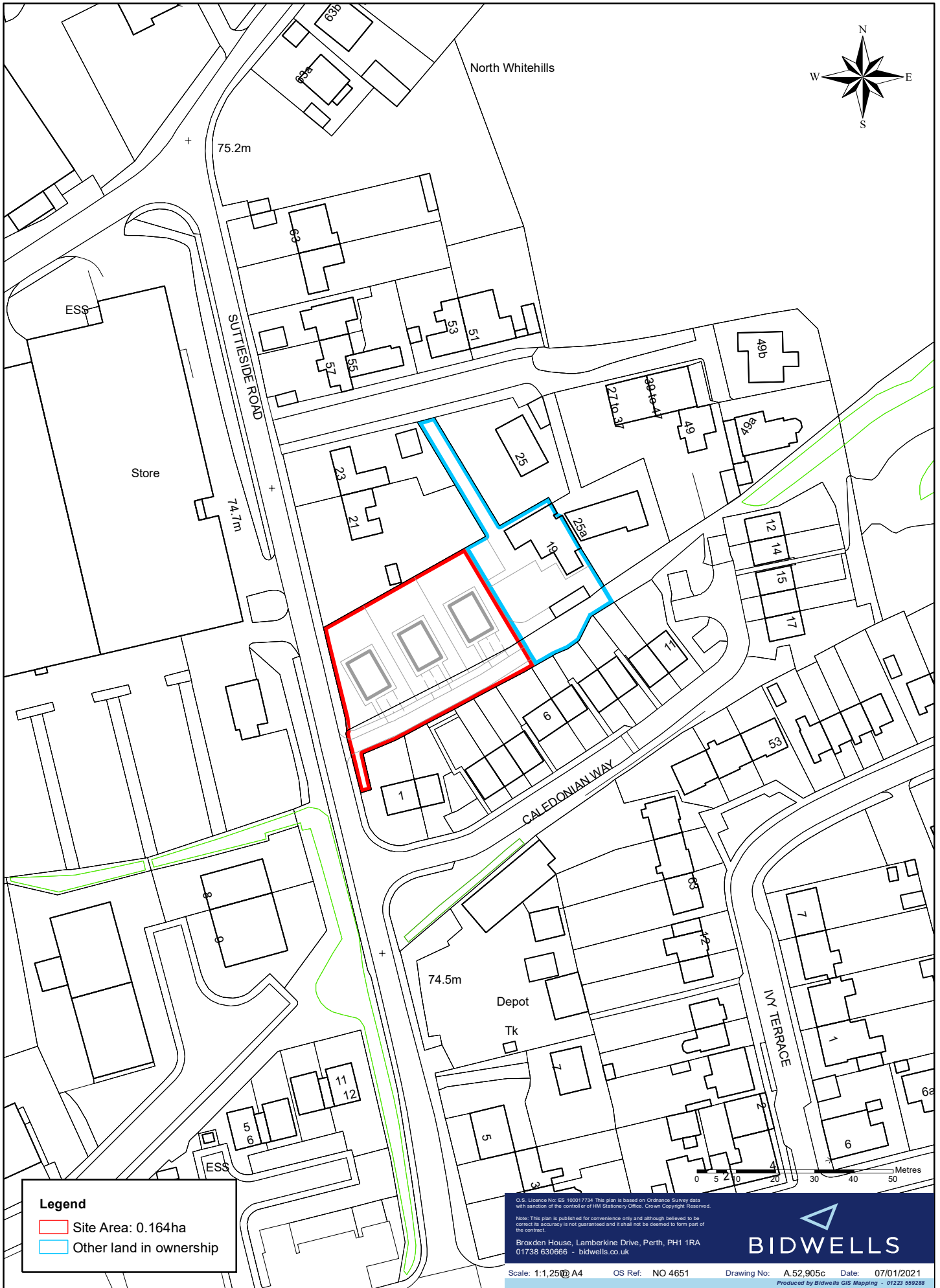
Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

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

TAYplan Strategic Development plan

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

Olinda, 19 Suttieside Road, Forfar - Site Location Plan



Legend

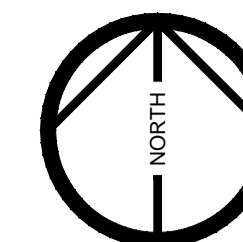
- Site Area: 0.164ha
- Other land in ownership

O.S. Licence No: ES 100017734. This plan is based on Ordnance Survey data with sanction of the controller of HM Stationery Office. Crown Copyright Reserved.
Note: This plan is published for convenience only and although believed to be correct its accuracy is not guaranteed and it shall not be deemed to form part of the contract.

Broxden House, Lamberkine Drive, Perth, PH1 1RA
01738 630666 - bidwells.co.uk

BIDWELLS

Scale: 1:1,250@A4 OS Ref: NO 4651 Drawing No: A.52.905c Date: 07/01/2021
Produced by Bidwells GIS Mapping - 01223 559288



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.

KEY

- PROPOSED SITE BOUNDARY
1,590 SQM / 0.159 HA / 0.393 ACRES APPROX.
- ADJACENT LAND UNDER APPLICANT OWNERSHIP
- INDICATIVE 7P4B HOUSE (TWO-STOREY)

PLOT SIZES

- PLOT 1 - 422 SQM APPROX.
- PLOT 2 - 405 SQM APPROX.
- PLOT 3 - 410 SQM APPROX.

EX. REMAINING PLOT - 914 SQM APPROX.
[AREA DOES NOT INC. EXISTING DRIVEWAY ACCESS]

TOTAL GARDEN GROUND

OPEN SPACE **INCLUDING** FRONT CURTILAGE AND DRIVEWAY.

- PLOT 1 - 314 SQM APPROX. (74%)
- PLOT 2 - 297 SQM APPROX. (73%)
- PLOT 3 - 302 SQM APPROX. (74%)

PRIVATE REAR GARDEN GROUND

OPEN SPACE **EXCLUDING** FRONT CURTILAGE AND DRIVEWAYS.

- PLOT 1 - 176 SQM APPROX. (42%)
- PLOT 2 - 184 SQM APPROX. (45%)
- PLOT 3 - 183 SQM APPROX. (45%)

FURTHER NOTES

THIS PROPOSAL HAS BEEN DEVELOPED WITH REFERENCE TO 'ANGUS COUNCIL ADVICE NOTE 14: SMALL HOUSING SITES' (AN14).

EACH OF THE 3 NO. PLOTS EXCEED THE MINIMUM 400 SQM PLOT SIZE REQUIRED.

ALL OF THE PROPOSED DWELLINGS ARE LOCATED AT LEAST 1M FROM THE SITE BOUNDARY (AS PER 'AN14').

THE ABOVE AREAS NOT ONLY MEET THE REQUIRED 70% OPEN PLOT SPACE PROVISION BUT FAR EXCEED THE MINIMUM 100 SQM AREA REQUIRED FOR PRIVATE AMENITY SPACE (AS PER 'AN14').

NO ISSUES WITH DISTANCE BETWEEN BUILDINGS STATED IN 'AN14'.

NO DWELLINGS ARE PROPOSED WITHIN THE FORMER RAILWAY SIDING AREA (RUBBLE FILLED LAND), LAND INSTEAD USED TO PROVIDE ACCESS TO NEW AND EXISTING PROPERTIES.

Revisions :

A CC 10.02.21

Various amendments to proposed site layout, in line with Planning Dept. comments.

Project Proposed Extension & Alterations		 JON FRULLANI ARCHITECT	
Client Mr Ross Low			
Address 19 Suttieside Road		Drawing Title Indicative Proposed Site Plan	
Forfar DD8 3EL		Issue Status Planning	Drawing No. 6568_P_300
Designer CC	Date Jan. '21	Scale 1:200 @ A1	Revision A
t 01382 224828 m 07808 726306 e: jon@jfrarchitect.co.uk w: jfrarchitect.co.uk f: jfrarchitect.co.uk a: unit 5, district 10, greenmarket, dundee, dd1 4qb 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			





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 100339096-001

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

Type of Application

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

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

Description of Proposal

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

Residential development in principle

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Mark"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Myles"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01738 630666"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text" value=""/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="mark.myles@bidwells.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="Ross"/>	Building Number:	<input type="text" value="19"/>
Last Name: *	<input type="text" value="Low"/>	Address 1 (Street): *	<input type="text" value="Suttieside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Forfar"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD8 3EL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ross.low@bidwells.co.uk"/>		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

OLINDA

Address 2:

19 SUTTIESIDE ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

FORFAR

Post Code:

DD8 3EL

Please identify/describe the location of the site or sites

Northing

751660

Easting

346375

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Please see attached supporting letter

Title:

Ms

Other title:

First Name:

Stephanie

Last Name:

Porter

Correspondence Reference Number:

19/00621/PREAPP

Date (dd/mm/yyyy):

14/08/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.16

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Unused vacant ground

Access and Parking

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

Yes No

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

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

Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

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

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

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mark Myles

On behalf of: Mr Ross Low

Date: 07/12/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Mark Myles

Declaration Date: 07/12/2020

Payment Details

Online payment:

Payment date:

Created: 07/12/2020 10:25



Our ref: MM
DD: 01738 230154
E: mark.myles@bidwells.co.uk
Date: 07/12/2020

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

Dear Sir

PROPOSED RESIDENTIAL DEVELOPMENT IN PRINCIPLE AT 19 SUTTIESIDE ROAD, FORFAR, DD8 3EL

On behalf of our client Mr Ross Low, we have submitted the above planning application (eplanning ref : 100339096) and provide the following statement in support.

Planning Policy

The site lies within the defined Forfar settlement within the Angus Local Development Plan (Adopted 2016) where the following policies are applicable;

- 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 PV15: Drainage Infrastructure

A pre-application enquiry was submitted to Angus Council (19/00621/PREAPP) and the feedback received highlighted that Policy TC2 would be primary policy test. The feedback also noted that Policy TC2 notes that all proposals for new residential developments must:

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

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

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

In considering the above policy tests it was noted the site is not protected or allocated for another use, the proposal would be in a largely residential area and due to the scale of the proposal and the site there is unlikely to be an requirements for affordable housing.

Some points were raised in the council's pre-application enquiry response in respect of potential overdevelopment and the layout being inconsistent with the current pattern of development which we address in further detail below.

Assessment of Proposal

The purpose of the indicative site plan is to show that a development proposal of 3 detached houses can be accommodated on this site. This is based on an assessment of the character, spacing and layout of development in the wider surrounding area, as well as taking cognisance of the council's Advice Note 14 on small housing sites, in terms of exceeding the minimum plot sizes, limiting development footprints to reflect those already approved in the area and also exceeding the minimum useable private amenity/garden sizes.

From the attached indicative layout, it can be seen that the proposal would also reflect the orientation of the Caledonian Way development located immediately to the south and also provide an access road along the line of the former railway siding. This prevents the need for built development on this part of the site and it would also allow continued access to the garage/driveway of no. 19 Suttieside Road as well as ensuring that the existing house is able to retain a large garden area and overall plot size. The existing house would also retain its own separate existing driveway located to the north (as shown on the proposed layout drawing). The proposed indicative layout would also ensure that the minimum window to boundary distances can be met for each of the existing and proposed properties.

The council's Planning Advice Note 6 on Backland Housing Development confirms that *'it is now considered that a policy which permits a greater degree of flexibility can justifiably be pursued. Such a policy would help to maximise the development potential which exists within settlements and reduce development pressure on greenfield sites.'* The advice note then defines a backland site as broadly being *'a small area of land to the rear of existing buildings **which at no point**, except for land reserved for the purposes of an access, adjoins a public road.'* This site as a whole does not therefore fall within the council's definition of a backland site. However even if it did apply it maximises the development potential of the site whilst ensuring that the relevant detailed criteria are able to be met.

The proposed site should be considered as a small housing site (Advice Note 14 - Small Housing Sites). Advice Note 14 and Advice Note 6 both highlight that a new plot will normally require to be a minimum of 400 square metres excluding any access strip. The original house must also retain at least 400 square metres. The key on the proposed indicative layout drawing provided confirms that each of the proposed 3 plots as well as the existing house would all exceed this minimum requirement.

The key on the proposed layout also shows that the 3 new houses and the existing house would also each cover less than 30% of their respective plots. As per Advice Note 14, each of the properties would exceed the minimum area of 100 square metres for private amenity/garden space.

Given the spacing and distances that could be achieved between the proposed new houses and the existing house, as well as the neighbouring properties, there would be no loss of privacy, outlook or space for adjoining residents. The window to window distances and the distance between buildings criteria would all be met as would the distance between main windows and the mutual boundaries.

As this is not considered to fall under the definition of a backland site there is no requirement to restrict the development to single storey particularly when modern 2 storey houses already exist to the south. In any event a mix of styles, sizes, scales, form and densities of properties are clearly evident throughout the surrounding area.

A safe access can be accommodated on the site to service the existing house as well as the 3 new houses, and the existing house would also be served by a separate access to the north.

The proposed layout is sympathetic to the character of the area in that it follows a pattern and layout of development that has already been established to the south.

For all of the reasons set out above the proposal is considered to satisfy the criteria of Policy TC2 of the Angus LDP as well as the relevant Planning Advice Notes and on that basis we would respectfully request that the application is approved as being in accordance with the Development Plan subject to any conditions considered necessary and appropriate by the council.

I trust this is helpful.

Kind regards



Mark Myles

Partner, Head of Planning, Scotland

From: [Mark Myles](#)
To: [REDACTED]
Subject: RE: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar
Date: 18 February 2021 09:56:00
Attachments: [image012.png](#)
[image013.png](#)

Morning Stephanie

Thanks for confirming that you will approve the application subject to conditions. On your suggested conditions it would seem that we will have to agree to disagree on this as we have identified that an eclectic pattern of development already exists and as the wider area already contains a broad mix in terms of land uses, building sizes, orientations, scale, form and design, then the indicative layout would simply contribute to the existing overall mix in the character of the area.

Look forward to receiving the decision notice from you.

Kind regards

Mark Myles
Partner, Head of Planning Scotland
DD: 01738230154 | M: [REDACTED]

From: [REDACTED]
Sent: 17 February 2021 18:20
To: Mark Myles <mark.myles@bidwells.co.uk>
Subject: RE: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Good Afternoon Mark

Thank you for the amended site plan I have updated the file accordingly.

Although the amended indicative layout illustrates improved separation and window to window distances, I would still reserve concerns regarding the suggested layout as this is not in keeping with the pattern of development or the character of the area.

Therefore having reviewed the proposal as a whole I write to advise it is likely the application will be approved subject to conditions which limit development to **up to 2 houses** on the site and with **house designs which front and have ridges running parallel to Suttieside Road**. If the applicant is aggrieved by any conditions attached to a planning permission, the decision notice will include information on how to review this decision should they wish to do so.

I trust the above proves helpful and clarifies the situation for you.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 492378)

[COVID-19 - For the latest information on how our service has been affected CLICK HERE](#)

From: Mark Myles <mark.myles@bidwells.co.uk>
Sent: 10 February 2021 15:00

To: [REDACTED]

Subject: RE: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Hi Stephanie

Thank you for your further email in respect of the above planning application.

As per your suggestion please find attached a further amendment to the proposed site plan which has been altered slightly to also now show 12 m distance from the principal elevation of Olinda and the eastern boundary of the application site. You will also note on the drawing that additional boundary treatment measures can be provided along this boundary, which can be covered by condition as part of any future Matters Specified in Conditions application.

I trust that this addresses all matters in relation to the council's Advice Note.

Your only remaining concern relates to the orientation of the proposed houses. As noted in our previous response there is a mix of both domestic and commercial properties along the length of Suttieside Road, but also clear differences in the orientations of buildings along the length of the road which contributes to a real mix in the pattern and the overall character of the wider area. This proposal is entirely consistent with that mix and will effectively create an infill cul-de-sac scheme of 3 properties that is no different to the layout of the houses approved immediately to the south in Caledonian Way.

On the basis of the attached amended site plan and the contents of our previous supporting statement. we therefore maintain our view that the proposal reflects a pattern and layout of development that can already be seen along Suttieside Road and as such is consistent with Policy TC2 of the Angus LDP, subject to any conditions considered necessary and appropriate by the council.

Trust this is helpful in your further consideration of the application.

Kind regards

[REDACTED]

Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA

DD: 01738230154 | M: [REDACTED] [bidwells.co.uk](mailto:mark.myles@bidwells.co.uk)

Business continuity during Covid-19 outbreak. Click [here](#) to find out more.

[REDACTED]

From: [REDACTED]

Sent: 04 February 2021 17:21

To: Mark Myles <mark.myles@bidwells.co.uk>

Subject: RE: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Hi Mark

Thank you for your email.

I note the alterations made to the indicative house types to provide the recommended 12m distance from upper floor windows to plot boundaries, thank you for that. However in considering this test, this Service would be seeking for the eastern boundary of the application site to be moved slightly to provide 12m from the principal elevation of Olinda and the boundary of the application site.

The dwellings along Caledonian Way are not directly comparable to the majority of other dwellings along Suttieside Road, as these line a new road forming part of an 'in fill' cul-de-sac scheme. This Service would maintain the view that the proposal for 3 dwellings on the site, in the layout indicated would not be in keeping with the pattern of development or the character of the area.

On the basis of the above I would advise the eastern boundary of the site be relocated to 12m from the principal elevation of Olinda and the proposal reduced to 2 plots. The 2 plots should include indicative houses with ridges running parallel to Suttieside Road. The proposal will be refused in its current form.

As you may also be aware an objection has been received from residents on Caledonian Way. This public comment can be viewed [here](#).

I trust the above clarifies the position and I would be grateful if you could advise whether you wish to consider amending the proposal or whether you still wish to continue with the application in its current form.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 492378)

COVID-19 - For the latest information on how our service has been affected [CLICK HERE](#)

From: Mark Myles <mark.myles@bidwells.co.uk>

Sent: 29 January 2021 16:46

To: [REDACTED]

Subject: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Hi Stephanie

Thank you for your email received last Friday in respect of the above planning application.

I can confirm that the applicant paid the advert fee to the council on 13th January.

We have attached photographs of the site which also show the existing boundary treatments and the fact that the northern boundary hedging would further mitigate any overlooking or loss of privacy between existing and proposed properties. In terms of your point about the upper floor windows being located within 12 m of the boundaries, the submitted layout drawing is only indicative and shows how the proposed 3 plots can meet with the criteria set out in Advice Note 14. In response to your concern regarding the introduction of first floor windows overlooking into the rear garden areas of the properties on Caledonian Way, we would highlight that the properties on Caledonian Way already have a degree of overlooking over the application site and the existing garden area of Olinda. However to address your concern please find attached a revised indicative site layout plan which shows that the indicative 2 storey houses would now fully meet Advice Note 14 which requires first floor windows to be at least 12m from plot boundaries. The proposal has therefore been shown to comply with each of the relevant criteria of Advice Note 14.

In terms of your remaining area of concern i.e. the orientation of the proposed buildings, it is evident from the

photographs below, that not all houses and commercial buildings located along Suttieside Road, front and have ridges which run parallel to the public road. There are various examples where the ridges run perpendicular to the road. The indicative proposal is therefore not out of keeping with this mix in the pattern and orientation of development, including the new dwellings immediately adjacent at Caledonian Way and Prosen Place.

On the basis of the above response, the attached photographs and the amended indicative site plan attached, I can confirm that our client would wish the application to be determined as we are of the view that the proposal is not out of keeping with the character of the area, is consistent with the relevant policies from the Development Plan, and there are no material considerations that would indicate otherwise.

We therefore hope that you will agree and can consider this proposal favourably without the need for any appeal in this case.

Kind regards

[Redacted signature]

Mark Myles
Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
DD: 01738230154 | M: [Redacted] bidwells.co.uk

Business continuity during Covid-19 outbreak. Click [here](#) to find out more.

[Redacted signature]

Hedge on the northern boundary



Looking west along the hedge to Suttieside Rd



Looking north toward 21 from development site. This is as bare as the beech hedge gets so it provides

very effective screening all year round



Looking east from Suttieside Rd. This end of the hedge is within the boundary which is the taller post, the stone is buried beneath it



Caledonia Way development running west to east from Suttieside Rd





Light commercial yard building also running west to east from Suttieside Rd



Houses at Prosen Place which is adjacent to Suttieside Rd running west to east



3 story tenement and what might be considered back lot plot being no 7 beyond



No's 55, 53 and 51 in the distance above the centre of the hedge running west to east from Suttieside Rd

along Alpha Place



No's 55, 53 and 51 running west to east from Suttieside Rd along Alpha Place



3 story tenement running west to east from Suttieside Rd along Alpha Place



Suttieside Farmhouse at the northern end of the road as it meets Carseview Rd running west to east.



From: [REDACTED]

Sent: 22 January 2021 16:56

To: Mark Myles <mark.myles@bidwells.co.uk>

Subject: Planning Application - 20/00867/PPPL- Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar

Dear Mr Myles

Planning Application - Residential development in principle for up to three dwellings at Olinda, 19 Suttieside Road, Forfar
Planning Reference - 20/00867/PPPL

I write in regards to the above planning application to advise the following.

Due to work restrictions in response to the on-going global pandemic we are currently unable to conduct site visits and I would be grateful if could email me recent photographs of the site. However the Council's server will not accept emails over 10MB, these will not deliver and neither party will received notification, so please be mindful of this if emailing large photos.

Also it appears the £100 advert fee is still outstanding, if you need BACS details to make this payment I can pass these on to you. I apologise if this has already been paid as there can be a slight delay between the payment clearing and the system being updated.

Having reviewed the submitted information I would advise that it is unlikely the

proposal will be supported in its current form for the following reasons.

The majority of houses along Suttieside Road, front and have ridges which run parallel to the public road. The indicative proposal would not be in keeping with this current pattern of development. Although the newer dwellings at Caledonian Way, located to the south of the application site, are lined west-east with south facing principal elevations, this cul-de-sac is clearly a modern development and the majority of properties along Suttieside Road are more traditional with the aforementioned pattern of development being prevalent in the area.

I would also have concerns regarding the introduction of first floor overlooking directly facing into the rear garden areas of the properties on Caledonian Way. The indicative 2 storey houses would also fail to meet the test within Advice Note 14 which requires first floor windows to be at least 12m from rear (northern in this case) plot boundaries.

For the aforementioned reasons, the proposal cannot be supported. I would be grateful if you could discuss the above with your client and advise within the next 14 days as to whether you wish to amend or withdraw the proposal or continue to determination with the opportunity to appeal the refusal of planning permission.

I trust the above is clear but if you have any questions please do not hesitate to contact me.

Kind Regards

Stephanie Porter | Planning Officer | Place | Planning | Angus Council | Angus House | Orchardbank Business Park | Forfar, DD8 1AN | (01307 492378)

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Olinda, 19 Suttieside Road, Forfar



Legend

Buffer Distance

- 0m - 25m
- 25m - 50m
- 50m - 75m
- 75m - 100m

Position of two story houses

- NS Orientated
- EW Orientated
- 2-Story
- 1/1.5 -Story

OS Licence No: ES 100017734. This plan is based on Ordnance Survey data with sanction of the controller of HM Stationery Office. Crown Copyright Reserved.

Note: This plan is published for convenience only and although believed to be correct its accuracy is not guaranteed and it shall not be deemed to form part of the contract.

Broxden House, Lamberkine Drive, Perth, PH1 1RA
01738 630666 - bidwells.co.uk

BIDWELLS

Scale: 1:1,250 @ A4 OS Ref: NO 4651 Drawing No: A.52.905d Date: 20/04/2021
Produced by Bidwells GIS Mapping - 01223 559288

APPENDIX 3

FURTHER LODGED REPRESENTATIONS

Jane Conley

From: Andy Barnes
Sent: 12 May 2021 17:31
To: Sarah Forsyth
Cc: Adrian G Gwynne
Subject: RE: Application for Review - 19 Suttieside Road Forfar
Attachments: Decision Notice.pdf

Sarah

I refer to your below consultation regarding the above appeal.

The roads authority has no comment with respect to condition 2 of the planning permission.

Condition 1a states that,

"1. Plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority and no works shall begin until the written approval of the Authority has been given.
(a) Layout of the site which shall include provision for car parking and turning space. For the avoidance of doubt the indicative layout submitted as part of this application is not approved;"

As the decision under review is for planning permission in-principle only, I consider condition 1 (a) to be a reasonable demand in order to ensure that the planning authority has sufficient information from which it may assess the suitability of the new access from the public road and to ensure that car parking is provided within the site in accordance with the council's parking standards. This information is required so that the planning authority may determine whether or not any subsequent application is in compliance with the policies of the adopted local development plan.

I would recommend that the Committee dismiss the appeal with respect to condition 1(a).

I trust the above is of assistance.

Regards

Andrew Barnes | Team Leader - Traffic | Angus Council | Tel: 01307 491770 | Email: barnesa@angus.gov.uk
| www.angus.gov.uk

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For information on COVID-19 goto www.NHSInform.scot

Think green – please do not print this email

From: Sarah Forsyth <ForsythSL@angus.gov.uk>
Sent: 10 May 2021 11:26
Subject: Application for Review - 19 Suttieside Road Forfar
Importance: High

Dear Sir/Madam

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

**Application for Review – Appeal Relating to Conditions 1a (part thereof) and 2, of Planning Permission Ref 20/00867/PPPL at Olinda 19 Suttieside Road Forfar – Mr R Low
DMRC-8-21**

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. The appeal relates to Conditions 1a (part thereof) and 2 of Planning Permission Ref 20/00867/PPPL. 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 | www.angus.gov.uk

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ANGUS COUNCIL



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

**PLANNING PERMISSION IN PRINCIPLE APPROVAL
REFERENCE : 20/00867/PPPL**

To: **Mr Ross Low
c/o Bidwells
Mark Myles
Broxden House
Lamberkine Drive
Perth
PH1 1RA**

With reference to your application dated **8 January 2021** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Residential development in principle for up to three dwellings at Olinda 19 Suttieside Road Forfar DD8 3EL for Mr Ross Low

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission in Principle (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 Plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority and no work shall begin until the written approval of the Authority has been given.
 - a) Layout of the site which shall include provision for car parking and turning space. For the avoidance of doubt the indicative layout submitted as part of this application is not approved;
 - b) Siting, design and external appearance of the building(s);
 - c) The means of access to the development;
 - d) Boundary enclosures and details of hard and soft landscaping;
 - e) Existing and proposed ground levels and finished floor levels relative to existing buildings and a fixed ordnance datum.

- 2 Development within the site is limited to a maximum of two dwellinghouse(s) only and housing within the site shall front onto Suttieside Road and shall have a ridge which runs parallel the road.

The foregoing conditions are imposed by the Council for the following reasons:-

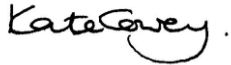
1. To ensure that the matters referred to are given detailed consideration.

2. In order to ensure that development within the site delivers a high design standard and draws upon those aspects of townscape that contribute positively to the character and sense of place of the area in accordance with Policy DS3 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance.

The reason(s) for the foregoing decision by the Council are as follows:-

1. A proposal for up to 2 dwellings on the site is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **12 March 2021**



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

The decision was based on the following amendment(s):-

Amendments:

1. The drawing named and numbered Indicative Proposed Site Plan no. 6568_P_300 Rev A, amends and supersedes the drawing named the same and numbered 6568_P_300. The amended drawing depicts an indicative layout where the proposed dwellings are 12m from boundaries and reduces the eastern extent of the site to maintain a 12m separation distance from Olinda.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

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



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

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

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

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

The applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, 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.

NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **20/00867/PPPL** for **Residential development in principle for up to three dwellings** at **Olinda 19 Suttieside Road Forfar DD8 3EL** for **Mr Ross Low** dated **12 March 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **20/00867/PPPL** for **Residential development in principle for up to three dwellings** at **Olinda 19 Suttieside Road Forfar DD8 3EL** for **Mr Ross Low** dated **12 March 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Date of completion of the above development:

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

SCHEDULE 7

Development at **Olinda 19 Suttieside Road Forfar DD8 3EL**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Ross Low** on **12 March 2021**.

Application reference **20/00867/PPPL**

The development comprises **Residential development in principle for up to three dwellings**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

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

Enquiries should be directed to the Service Manager at the above address or to planning@angus.gov.uk

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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

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

APPENDIX 4

APPLICANT RESPONSE TO FURTHER LODGED REPRESENTATIONS

Jane Conley

From: Mark Myles <mark.myles@bidwells.co.uk>
Sent: 27 May 2021 14:57
To: Sarah Forsyth
Subject: RE: Application for Review - 19 Suttieside Road Forfar

Dear Sarah

Thank you for your earlier email in respect of the above Application for Review and for providing a copy of the further representation received from the council's Team Leader of Traffic.

In responding to the representation it would appear that the Team Leader has misunderstood the basis of our appeal.

We would agree with the Team Leader, in that the first sentence of condition 1a) is reasonable in order to ensure that the planning authority has sufficient information from which it may assess the suitability of the new access from the public road and to ensure that car parking is provided within the site in accordance with the council's parking standards and to ensure compliance with the policies of the adopted development plan.

However we have not appealed against this part of condition 1a).

As confirmed in our original grounds of appeal statement and as outlined in the description of the appeal below, we have only appealed against the second part of condition 1a).

It is the 2nd sentence of condition 1a) which refers specifically to the indicative layout not being approved, alongside the restrictions imposed by condition 2 that we have appealed against, as we have shown that the proposed 3 house configuration running west to east is consistent with the existing overall mix in the character of the area and the existing patterns of development, in accordance with Policy DS3 of the Angus LDP.

I trust this response will be helpful when the Local Review Body consider the case.

Look forward to hearing from you again in due course.

Kind regards



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
DD: 01738230154 | M: 07717512203 | bidwells.co.uk

Business continuity during Covid-19 outbreak. [Click here to find out more.](#)



From: Sarah Forsyth <ForsythSL@angus.gov.uk>
Sent: 27 May 2021 11:19
To: Mark Myles <mark.myles@bidwells.co.uk>
Subject: Application for Review - 19 Suttieside Road Forfar
Importance: High

Dear Sir

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Appeal Relating to Conditions 1a (part thereof) and 2, of Planning Permission Ref 20/00867/PPPL at Olinda 19 Suttieside Road Forfar – Mr R Low
DMRC-8-21

I refer to the above application for review and to previous correspondence, and write to advise you that I have received a further representation from one of the interested parties.

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

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

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | ForsythSL@angus.gov.uk | www.angus.gov.uk
Work pattern: Mon, Tues (am) & Thurs

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