

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 24 JANUARY 2022

LAND EAST OF MAINSBANK HOUSE, ARBROATH

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission in principle for erection of a dwellinghouse, formation of vehicular access and ancillary works, application No 21/00376/PPPL, at Land East of Mainsbank House, Arbroath.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

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.

List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 21/00376/PPPL

APPLICANT- MRS LISA MCLEAN

PROPOSAL & ADDRESS – PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A DWELLINGHOUSE, FORMATION OF A VEHICULAR ACCESS AND ANCILLARY WORKS AT LAND EAST OF MAINSBANK HOUSE MAINSBANK ARBROATH DD11 4RY

CONTENTS

AC1	Report of Handling	
	Policy Tests (Angus Local Development Plan 2016)	
	<p>Policy DS1, DS3, DS4, TC2, PV7, PV15 & PV21</p> <p>Countryside Housing Supplementary Guidance - Please click on the link below: - https://www.angus.gov.uk/media/countryside_housing_supplementary_guidance</p> <p>Design Quality & Placemaking Supplementary Guidance – https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance https://www.angus.gov.uk/media/angus_local_development_plan_adopted_september_2016</p>	
	Consultation Responses	
AC2	Cadent – 11.06.21	
AC3	Roads Traffic – 15.06.21 & 21.06.21	
AC4	Health & Safety Executive – 05.07.21 X 2	
	Letters of Representations – None	

	Application Drawings	
AC5	Refused Supplementary Location Plan	
AC6	Refused Location Plan	
AC7	Refused Proposed Site Plan	
	Further Information Relevant to Assessment	
AC8	Site Photos and Officer Notes	
AC9	Decision Notice	
	Supporting Information	
AC10	Planning Statement	

Angus Council

Application Number:	21/00376/PPPL
Description of Development:	Planning Permission in Principle for the Erection of a Dwellinghouse, Formation of a Vehicular Access and Ancillary Works
Site Address:	Land East Of Mainsbank House Mainsbank Arbroath DD11 4RY
Grid Ref:	362515 : 751416
Applicant Name:	Mrs Lisa McLean

Report of Handling**Site Description**

The site is located on land east of Mainsbank House, Mainsbank. The site measures around 1300sqm and currently contains mature hedges and trees. The site is bound to the north by a vehicular access track and woodland; to the east by a vehicular access track; to the south by the U469 Kinnell unclassified public road (U469 road); and to the west by a timber fence beyond which lies a strip of woodland. Further to the west lies the approved curtilage of Mainsbank House.

Proposal

Planning permission in principle is sought for the erection of a dwellinghouse, formation of a vehicular access and ancillary works.

The proposed site plan illustrates that the house would be positioned towards the north of the site and a vehicular access off the U469 road would be formed from the south. The application form indicates that the proposed foul drainage arrangements would be private, with SuDS for surface water drainage. The public water supply would also be utilised.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 18 June 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

Planning application 15/00152/FULL for 'Change of Use from Woodland Area to Equestrian Use and Formation of Sand School (retrospective)' was determined as approved subject to conditions on the 24th June 2015. That site lies east of the proposed site and the permission regularised a sand school which had been formed without the benefit of planning permission.

Planning application 16/00753/FULL for 'Conversion and Alteration of Mainsbank Farm into Three Dwellinghouses' was determined as approved on the 14th November 2016. The site plan for that application set out the curtilage/garden ground of the three house formed. That planning permission did not include the strip of land to the immediate west of the current site as forming part of the curtilage or garden ground of any of the three houses approved in that application.

Applicant's Case

A statement was submitted in support of the application which indicates that the proposal seeks planning permission in principle for a single family home on a site which falls within the accepted definition of a gap site adjacent to an existing group of houses at Mainsbank. The site is overgrown and unsightly which would ensure that the proposal would result in a net environmental improvement. Given the residential nature of the immediate area, a residential use is considered a wholly appropriate use. The proposal would contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities.

Consultations

National Grid Plant Protection - has confirmed no objection in relation to the proposal.

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

Roads (Traffic) - has confirmed no objection in relation to the proposal subject to conditions and an advisory note.

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

Health & Safety Executive - has confirmed no objection in relation to the proposal.

Representations

There were no letters of representation.

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

Policy PV21 : Pipeline Consultation Zones

TAYplan Strategic Development Plan

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

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

Assessment

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

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

The site is located within a category 1 rural settlement unit (RSU1). The local development plan indicates that category 1 RSU's are non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The local development plan indicates that in these areas new

housing development outwith settlements should be restricted.

Policy TC2 supports housing in countryside locations where it falls within at one of a number of categories. Policy TC2 also requires proposals for housing in the countryside to be compatible with the Countryside Housing Supplementary Guidance.

The site does not comply with any of the circumstance where a new house in the countryside is permitted in a category 1 area.

The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it is not for an essential worker supported by appropriate evidence of need; and it would not involve the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or the removal of an incompatible land use. The site would not round off the building group because a house on the site would extend the building group further to the east.

The countryside housing supplementary guidance indicates that in category 1 areas a gap site with a frontage of up to 50 metres between the curtilage of one house and a metaled road may be filled by a single house; and the applicant opines that the site forms a gap site between the curtilage of a house to the west and a metalled road to the east.

Along the west boundary of the site is a strip of woodland described on the site plan as a 'service strip/foot access to Mainsbank East' contained by a 1.8m timber fence. The fence containing the west boundary of the site appears to have been erected recently, does not appear on ordnance survey data and there is no record of planning permission being granted for the fence or for the change of use of the land it encloses on its west side. It does not form part of the approved garden or curtilage of Mainsbank East.

The authorised curtilage of Mainsbank East, Mainsbank West and Mainsbank House is identified on the drawings associated with application 16/00753/FULL which subdivided the property into three dwellings. The site layout plan associated with that planning permission identifies an area with a road frontage of approximately 60m between the curtilage which was granted planning permission in 2016 and the 'existing track' to the east of the current site.

Having regard to the recent planning history of the site and on-site observations, the site sits between an area of woodland to the west and an access track to the east and therefore does not meet the definition of a gap site. The approved curtilage of property in that group is around 6m further west than shown on plans submitted with this application or observed on site, and the woodland along the west boundary does not have planning permission to be used as garden ground or curtilage associated with that building group. The 'gap site' has been artificially created by development which does not benefit from planning permission and when the curtilage authorised in 2016 is applied, the road frontage of the site measures around 60m which exceeds the maximum frontage for a qualifying gap site.

The principle of a house on the site is contrary to Policy TC2 and the associated countryside housing supplementary guidance.

Policy PV7 seeks to protect trees of nature conservation, amenity and landscape value and indicates that development and planting proposals should protect and retain woodland, trees and hedges and undertake a tree survey where appropriate. Policy TC2 requires the provision of a satisfactory residential environment for new dwellings; and requires new development to not result in unacceptable impacts on the natural environment. Policy DS4 indicates development will not be permitted where there is an unacceptable adverse impact on the amenity of occupiers of property including residential amenity in relation to loss of sunlight, daylight and overshadowing.

The application site contains mature trees in the areas to the south and west of the site and mature hedging along the northern, eastern and southern boundaries. The plans and supporting information submitted indicate that these would be retained, with the exception of works required for the creation of a vehicular access to the south and the house is proposed in the area to the north of the site.

The application is not supported by a tree survey or by information to show how a house could be achieved on the site relative to the route protection areas of trees. The application also fails to provide information in relation to the impact of the mature woodland on the residential environment of the proposed house in terms of available sunlight, daylight and overshadowing.

It would not be appropriate to approve a new house immediately to the north of mature woodland without information to show that the new house could co-exist with that woodland without the need for significant tree removal to allow for sunlight and daylight and avoid excessive overshadowing of the house and its garden ground. The application lacks the necessary information to demonstrate compliance with policies PV7, TC2 and DS4.

The principle of a house on the site does not comply with Policy TC2 or the associated countryside housing supplementary guidance. The information submitted with the application also fails to demonstrate that the proposal complies with Policy PV7 in respect of impacts on woodland; nor policies TC2 and DS4 in terms of the requirement for the dwelling to provide a satisfactory residential environment having regard to the effect of the retained trees on sunlight, daylight and overshadowing for the proposed house and its garden. Accordingly, the proposal is contrary to the development plan.

For completeness, an assessment against other relevant policies is provided below.

The proposed land use would be compatible with current and proposed land uses in the surrounding area; the site would be capable of accommodating a dwellinghouse that could be designed in a manner which would not result in unacceptable impacts on the built environment, surrounding amenity, access or infrastructure having regard to the advice provided by consultees; and a proposal of this nature would not require a contribution towards affordable housing. The proposal raises no significant conflicts with the Appendix 3 criteria. The proposed private drainage arrangements are in accordance with Policy PV15.

The site would be located around 275 metres to the east of the national grid high pressure gas pipe. The Health and Safety Executive and National Grid have both confirmed no objection in relation to the proposal. There is no reason to consider that the proposal would result in any significant direct or indirect impacts upon national grid high pressure gas pipe infrastructure.

In conclusion, the principle of a house on the site does not comply with any of the circumstances where a new house in the countryside is permitted by Policy TC2 and the associated countryside housing supplementary guidance. The application fails to demonstrate that the proposal complies with Policy PV7 in respect of impacts on trees and woodland, nor policies TC2 and DS4 in terms of the requirement for the dwelling to provide a satisfactory residential environment having regard to the effect of the retained trees on sunlight, daylight and overshadowing for the proposed house and garden. The proposal is also contrary to Policy DS1 because it is contrary to other policies of the plan as described above. The proposal is contrary to the development plan and there are no material planning considerations which would justify approval of the application.

Human Rights Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances where a new house in a category 1 area is permitted.
2. The application lacks the information to demonstrate compliance with policies PV7, DS4 and TC2 of the Angus Local Development Plan 2016 to show that a house could co-exist with retained trees both in respect of potential impact of a house on the trees and their route protection areas; and the impact of retained trees on available sunlight, daylight and overshadowing of the proposed house and its garden.
3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 because the proposal does not comply with (or demonstrate compliance with) other policies of the plan, namely policies DS4, TC2 and PV7.

Notes:

Case Officer: Walter Wyllie
Date: 28 September 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>)

Policy PV21 : Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

WALTER WYLLIE
Angus Council
Angus House
Sylvie Way
Orchardbank Business Park
Forfar
DD8 1AN

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 11/06/2021

Our Ref: XX_GS1B_3NWP_029808

Your Ref: 21/00376/PPPL (HD)

RE: Formal Planning Application, DD11 4UJ Plot, Mainsbank, Arbroath

Thank you for your enquiry which was received on 11/06/2021.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry.

Cadent and National Grid therefore have no objection to these proposed activities.

The contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does **NOT** include:

- | Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- | Gas service pipes and related apparatus
- | Recently installed apparatus
- | Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the [National Grid](#) or [Cadent](#) website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- | National Gas Transmission Pipelines and associated equipment

Requirements

BEFORE carrying out any work you must:

- | Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- | Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- | Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- | In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of Cadent and/or National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from: <http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

National High Pressure Gas Pipelines Guidance:

<http://www.nationalgrid.com/NR/rdonlyres/9934F173-04D0-48C4-BE4D-82294822D29C/51893/Above7barGasGuidance.pdf>

Dial Before You Dig Pipelines Guidance:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

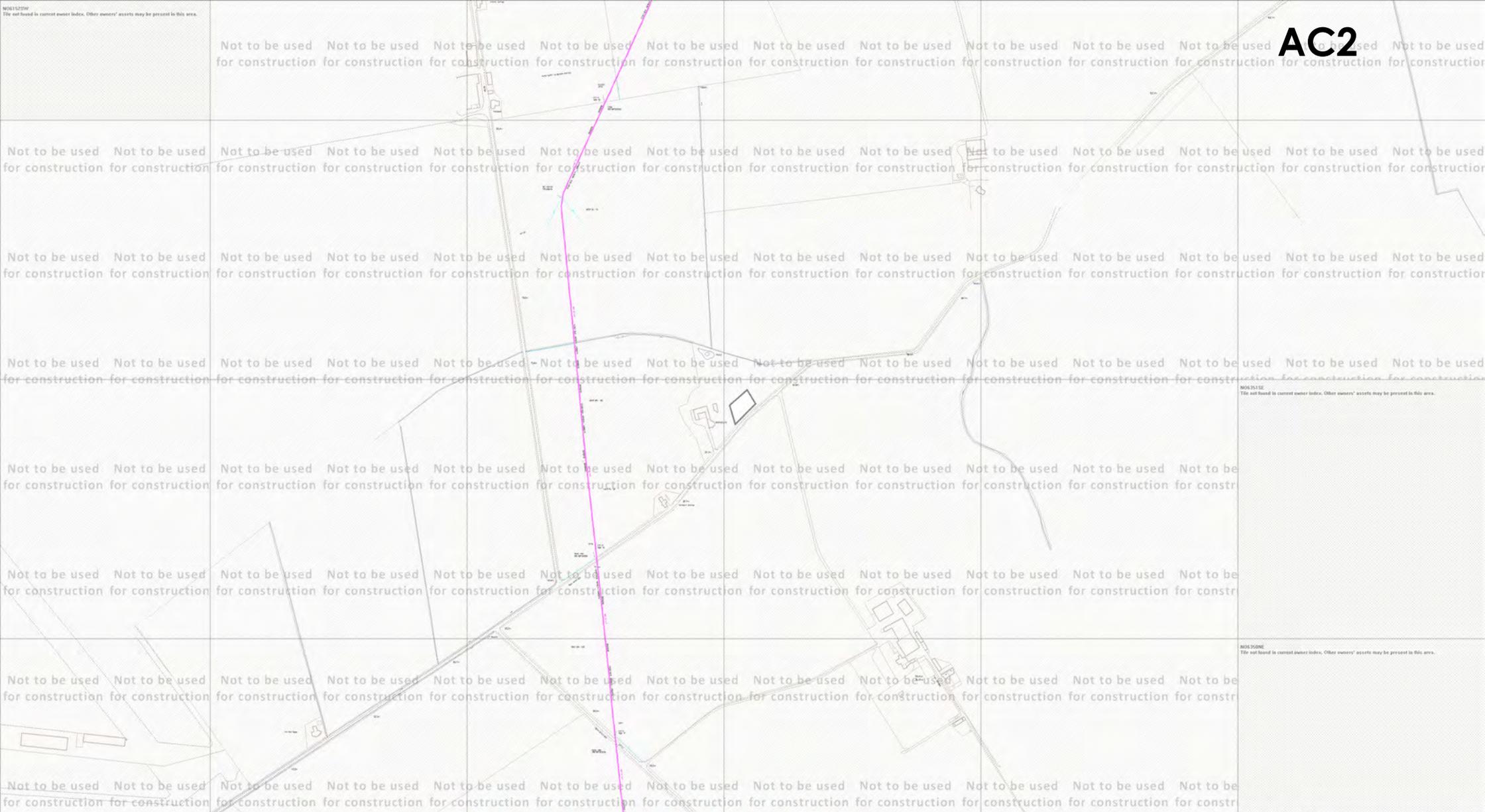
Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the [National Grid](#) and [Cadent](#) websites.



ID: XX_GS1B_3NWP_029808

View extent: 2890m, 1570m

National Grid has no objection to this application

Map 1 of 1 (GAS)

USER: Harriet.dennis

LP MAINS

This plan shows those pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT).

MAPS Plot Server Version 1.11.0

DATE: 11/06/2021

MP MAINS

Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information

DATA DATE: 10/06/2021

IP MAINS

with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is

Your Gas Network

REF: 21/00376/PPPL (HD)

LHP MAINS

given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections,

Requested by: Angus Council

MAP REF: NO6251

NHP MAINS

etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by

This plan is reproduced from or based on the

CENTRE: 362537, 751447

0m 200m

Cadent Gas Limited or their agents, servants or contractors for any error or omission. Safe digging

OS map by Cadent Gas Limited, with the sanction

Approximate scale 1:10000

on A4 Colour Landscape

practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains,

of the controller of HM Stationery Office.

Some examples of Plant Items:

Valve Depth of Cover Syphon Diameter Change Material Change Out of Standard Service

pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure

Crown Copyright Reserved.

Valve

Depth of Cover

that this information is provided to all persons (either direct labour or contractors) working for you on or near gas

Ordance Survey Licence number 100024886

Syphon

Diameter Change

apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date

Material Change

of issue.

Out of Standard Service

ENQUIRY SUMMARY

Received Date

11/06/2021

Your Reference

21/00376/PPPL (HD)

Location

Centre Point: 362536, 751446

X Extent: 54

Y Extent: 71

Postcode: DD11 4UJ

Location Description: DD11 4UJ Plot, Mainsbank, Arbroath

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 500

Actual Scale: 1:10000 (GAS)

Real World Extents: 2890m x 1570m (GAS)

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Angus Council

Contact Name: WALTER WYLLIE

Email Address: WyllieWK@angus.gov.uk

Telephone: (01307) 492632

Address: Angus House, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AN

Description of Works

P/A Planning Permission in Principle for the Erection of a Dwellinghouse, Formation of a New Vehicular Access and Ancillary Works.

Enquiry Type

Formal Planning Application

Development Types

Development Type: Development for use by General Public

ANGUS COUNCIL

PLACE PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

21/00376/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

15	06	21
----	----	----

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: 21 JUNE 2021

SUBJECT: PLANNING APPLICATION REF. NO. 21/00376/PPPL – PLANNING PERMISSION IN PRINCIPLE FOR SINGLE HOUSE, NEW ACCESS AND ASSOCIATED AMENITIES AT MAINSBANK HOUSE, FRIOCKHEIM, ARBROATH

I refer to the above planning application which relates to pre-application advice provided with reference number 20/00672/Preapp.

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 vacant land on the north side of the unclassified Kinnell Road (B965 – A934) at Mainsbank House.

In order to provide a safe and satisfactory access, a minimum visibility sightline of 2.4 x 215 metres should be provided on the southwest side of the proposed access at its junction with the public road. A sightline of 2.4 x 160 metres should be provided on the north-east side of the proposed 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 the unclassified Kinnell Road (B965 – A934) giving a minimum sight distance of 215 metres in a south-westerly direction and 160 metres in a north-easterly direction, each at a point 2.4 metres

from the nearside channel line of the unclassified public road [Kinnell Road (B965 – A934)].

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 1050 millimetres above the adjacent road channel level.
Reason: to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.
- 3 That, prior to the occupation or use of the dwelling house, car parking spaces shall be provided within the site curtilage in accordance with the National Roads Development Guide (SCOTS).
Reason: to ensure that suitable parking arrangements are provided in a timely manner.
- 4 That, the access shall be designed so as to prevent the discharge of surface water onto the public road. This shall include the provision of a cut-off drain at the end of the driveway, if provided with a non-porous surface with ground levels falling towards the public road.
Reason: to prevent the flow of surface water onto the public road in the interests of road safety.
- 5 That, an advisory, informative note be added to the decision notice to inform the applicant that the verge crossing at the proposed access must be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the Angus council website for the purpose.

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



Angus
County Buildings Market Street
Forfar
Angus
DD8 3LG

Advice : HSL-210705121415-269 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: 21/00376/PPPL

Development Name: Planning Permission in Principle for the Erection of a Dwellinghouse, Formation of a New Vehicular Access and Ancillary Works

Comments: Plot Mainsbank Arbroath



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by Damian Brennan at Angus on 05 July 2021.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

- 8368_2645 National Grid Gas PLC

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk.

Angus
County Buildings Market Street
Forfar
Angus
DD8 3LG



Advice : HSL-210705121415-269 DO NOT ADVISE AGAINST

Your Ref: 21/00376/PPPL

Development Name: Planning Permission in Principle for the Erection of a Dwellinghouse, Formation of a New Vehicular Access and Ancillary Works

Comments: Plot Mainsbank Arbroath

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Angus.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

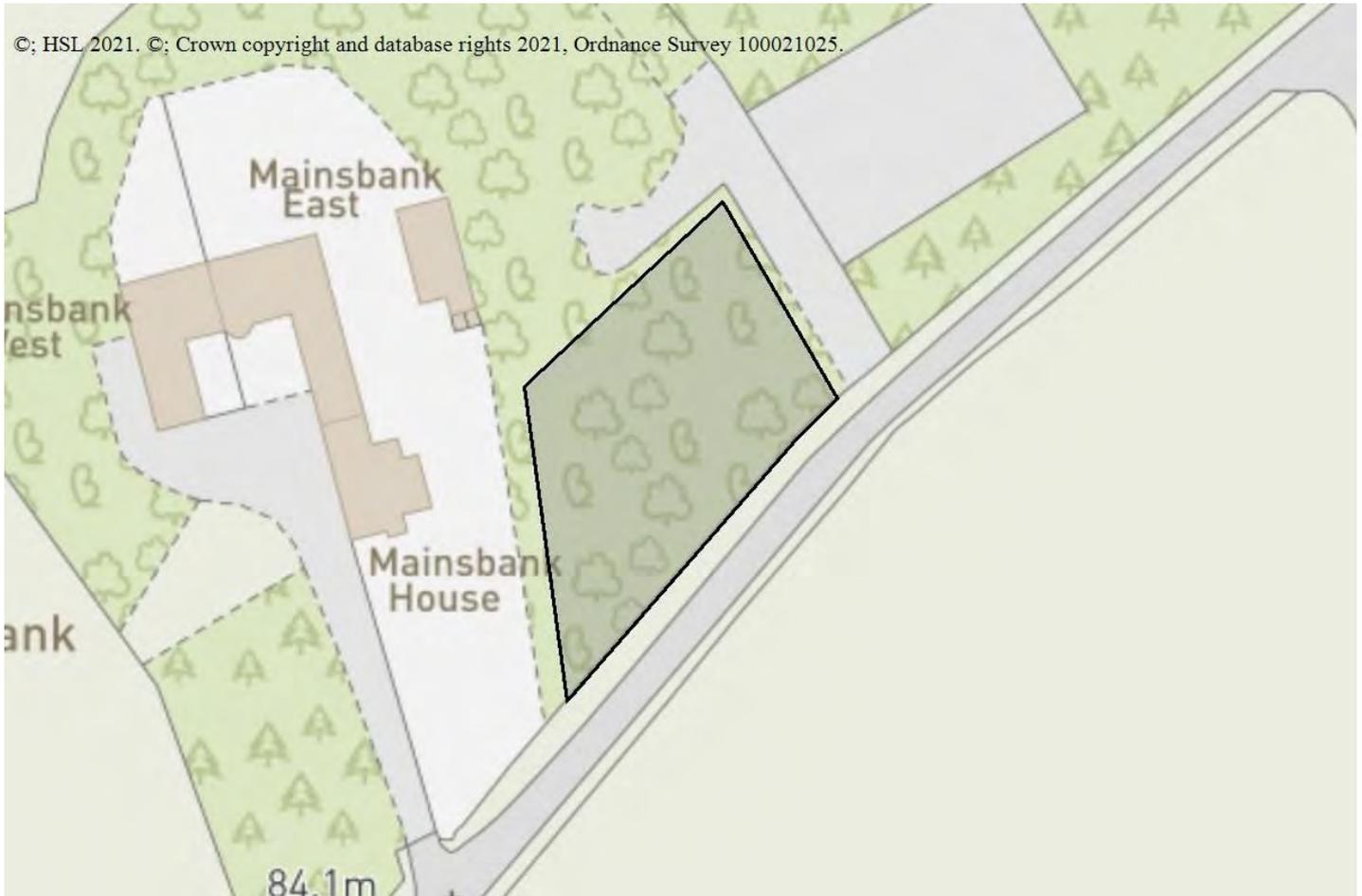


Breakdown:

AC4

Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



Pipelines

- 8368_2645 National Grid Gas PLC

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Damian Brennan at Angus on 05 July 2021.

Note that any changes in the information concerning this development would require it to be re-submitted.

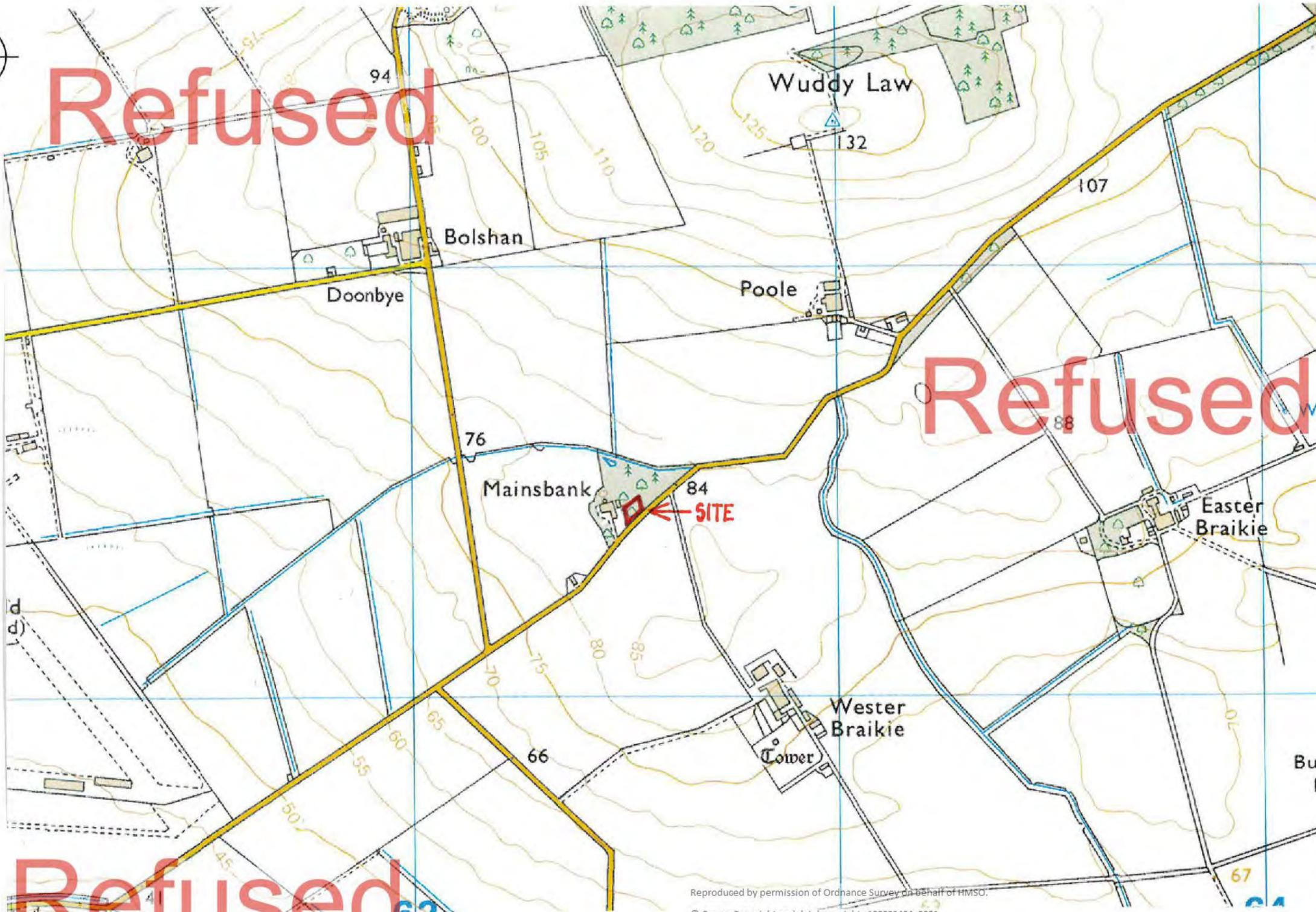
NOTES

All building works to be in accordance with the Building Standards (Scotland) Regulations
Do not scale from drawing
Contractors to verify all dimensions before manufacture of components and commencement of work
Any discrepancies to be reported to Architects Office
All dimensions are hard to blockwork or framing unless noted otherwise



Refused

Refused



Refused

Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown Copyright and database rights 100023404, 2021.



ref | revision | date

Client
NEIL & LISA MCLEAN
LAND AT MAINSBANK, FRIOCKHEIM, ARBRATH.

Job
PROPOSED NEW HOUSE ON LAND AT
MAINSBANK, FRIOCKHEIM, ARBRATH

Title
SITE LOCATION PLAN

scale 1:10,000 (0M3)

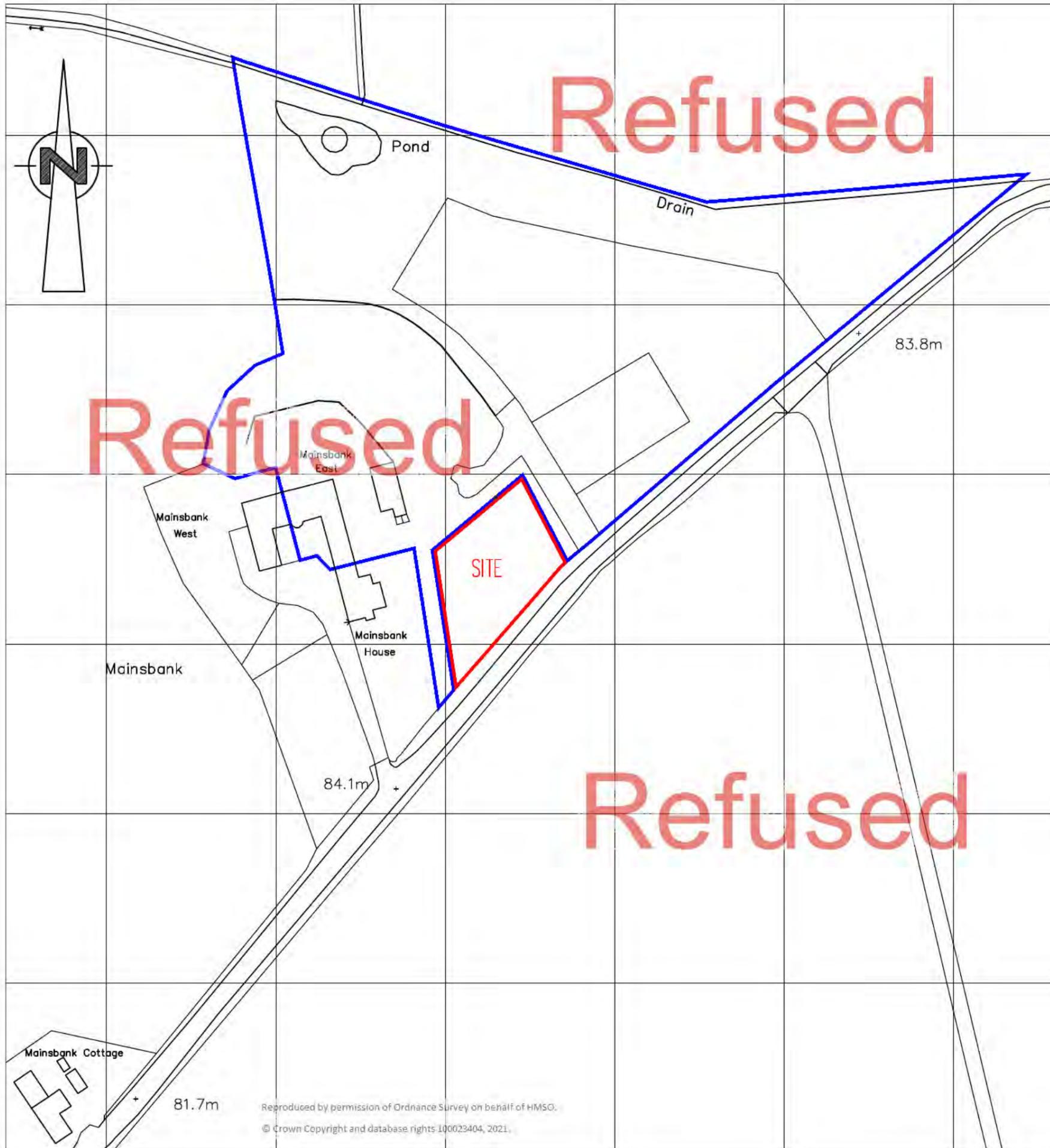
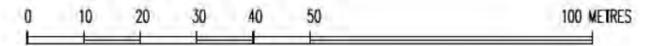
date JUNE 2021 | drawn by AF

job no. | dwg.no. | rev
MCL 001 | WD. 202

NOTES

All building works to be in accordance with the Building Standards (Scotland) Regulations
 Do not scale from drawing
 Contractors to verify all dimensions before manufacture of components and commencement of work
 Any discrepancies to be reported to Architects Office

All dimensions are hard to blockwork or framing unless noted otherwise



Reproduced by permission of Ordnance Survey on behalf of HMSO.
 © Crown Copyright and database rights 100023404, 2021.

ref	revision	date
Client Neil & Lisa McLean		
Job Proposed New House On Land At Mainsbank, Friockheim, Arbroath		
Title Site Location Plan		
scale	1:1250 @ A3	
date	MAY 2021	drawn by AF
job no.	dwg.no.	rev
MCL 001	WD. 201	

NOTES

All building works to be in accordance with the Building Standards (Scotland) Regulations
 Do not scale from drawing
 Contractors to verify all dimensions before manufacture of components and commencement of work
 Any discrepancies to be reported to Architect

All dimensions are hard to blockwork or framing unless noted otherwise

REV 'C' - Adjacent Land owned by Applicant outlined in blue Jun 2021
 REV 'B' - Date and proposed drive indicated. Apr 2021
 REV 'A' - House position and dimensions added. Dec 2020
 ref revision date

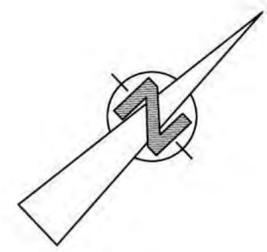
Client
 NEIL & LISA MCLEAN

Job
 PROPOSED NEW HOUSE ON LAND AT
 MAINSBANK, FRIOCKHEIM, ARBROATH

Title
 SITE LAYOUT PLAN

scale 1:500 (A2)
 date DEC 2020 drawn by A.F.

job no.	dwg.no.	rev
MCL 001	WD. 200	C

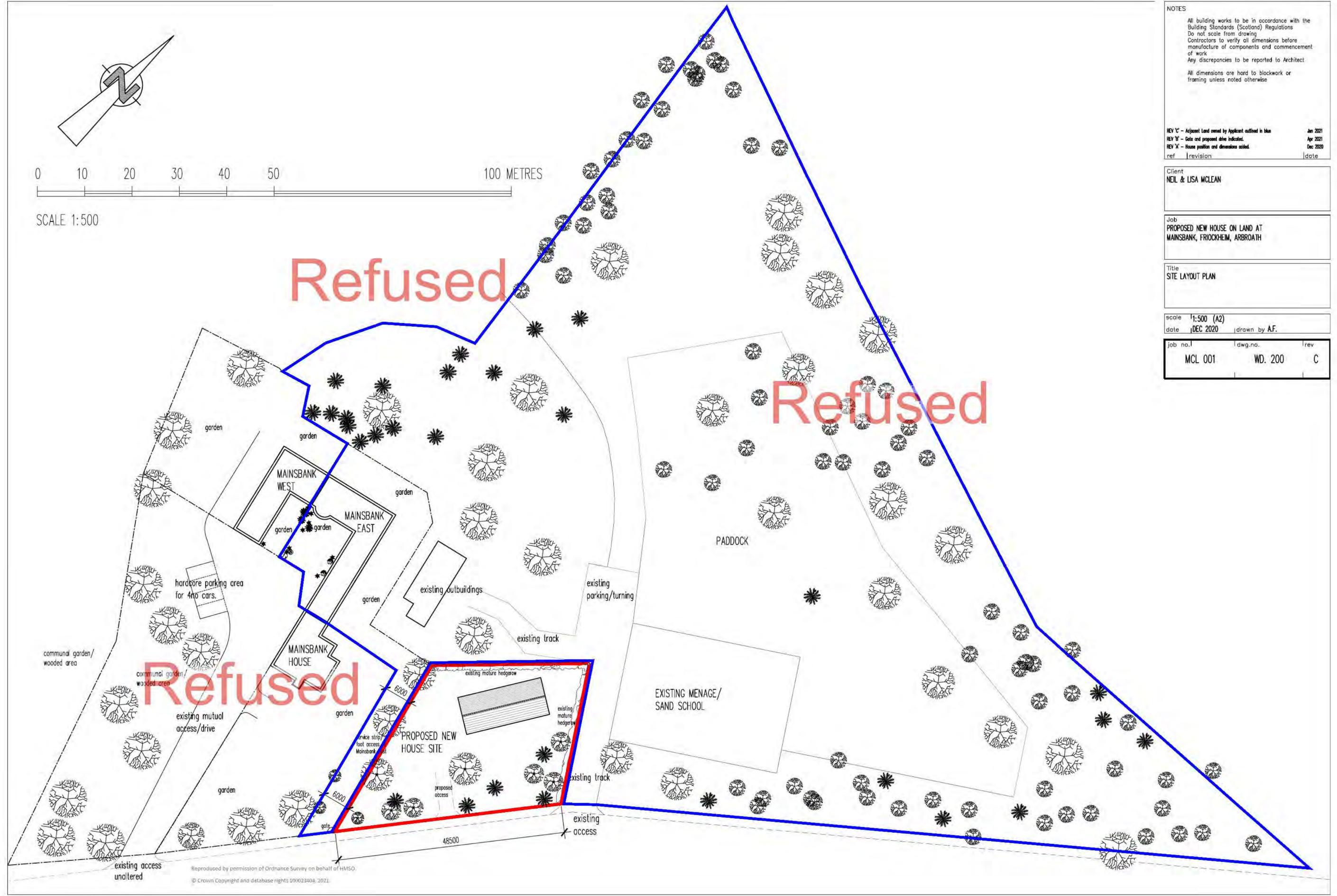


SCALE 1:500

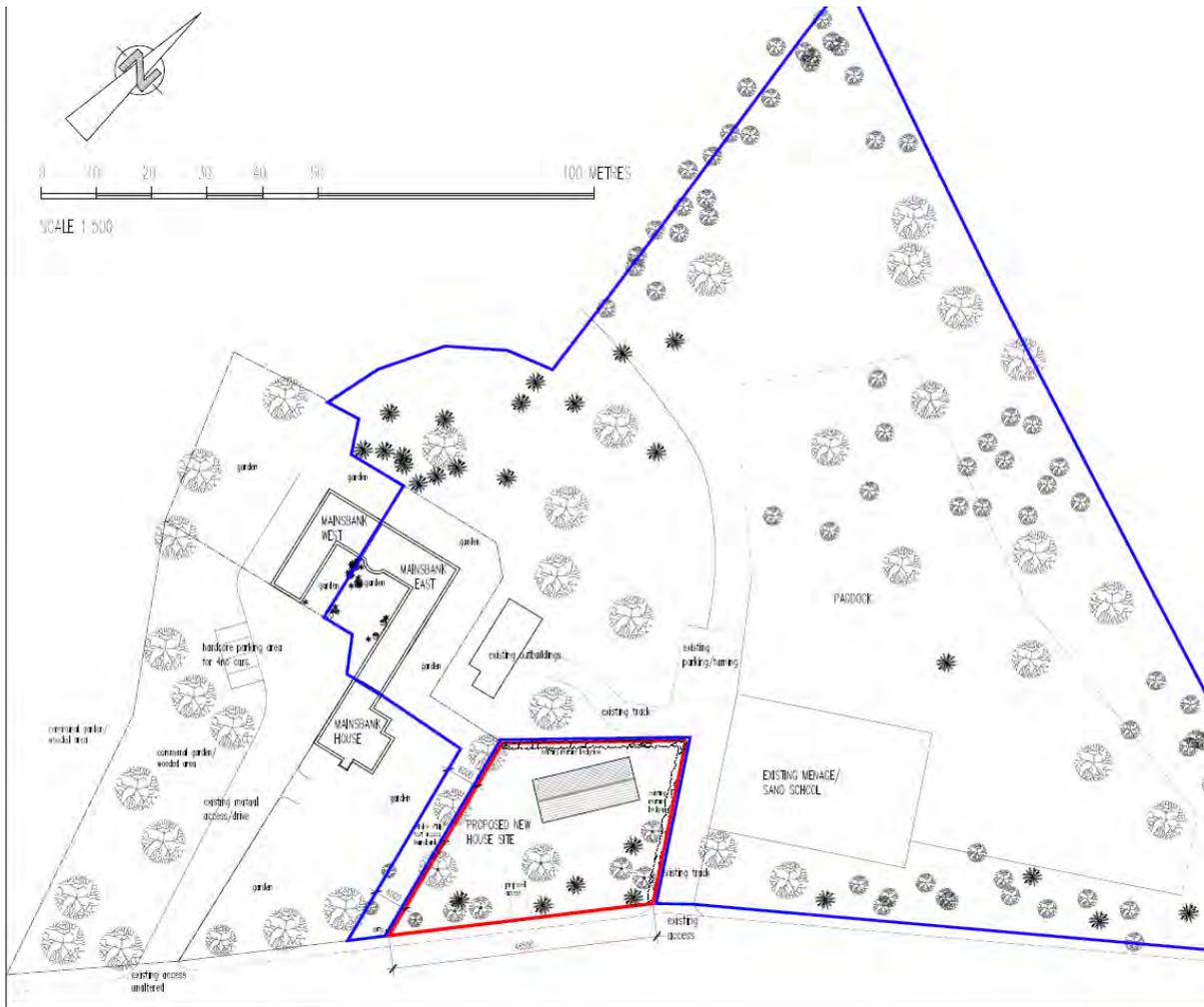
Refused

Refused

Refused



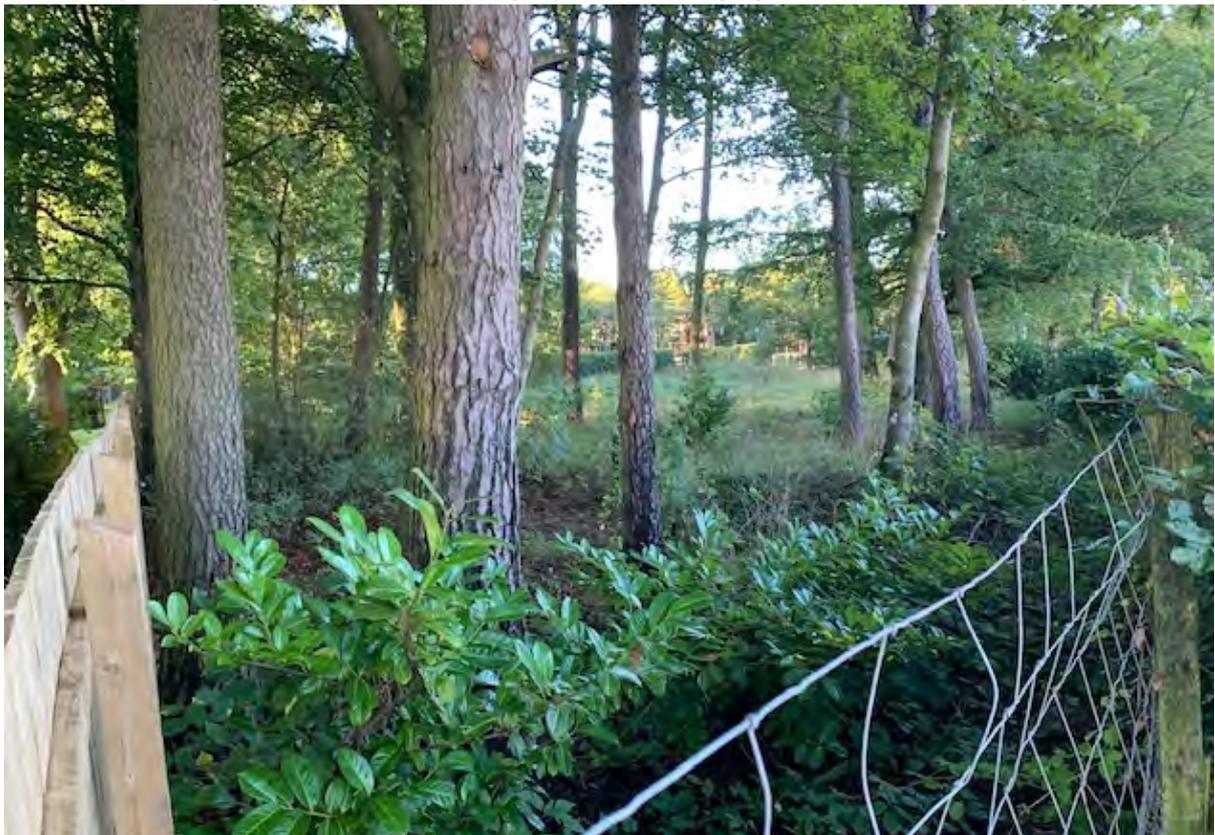
Reproduced by permission of Ordnance Survey on behalf of HMSO.
 © Crown Copyright and database rights 100023404, 2021.



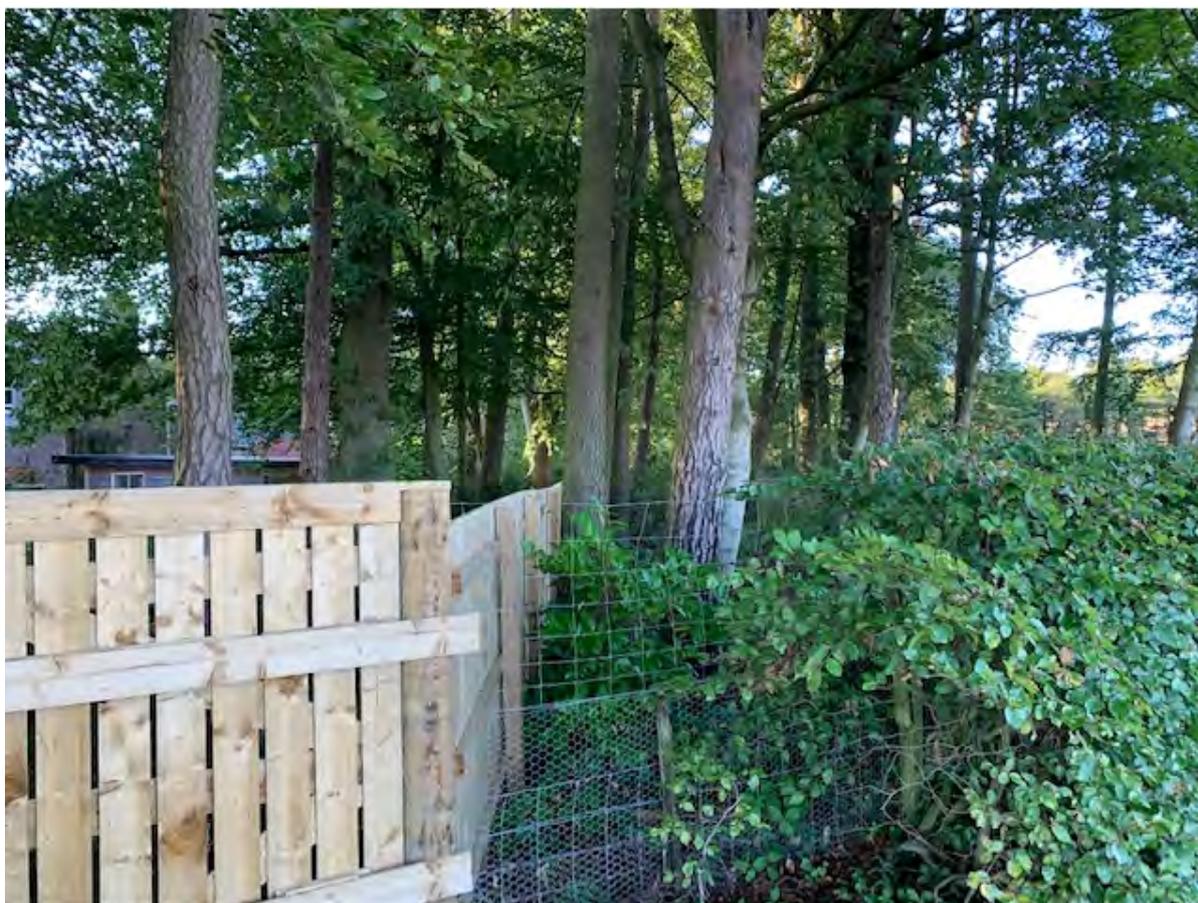
Above – Strip of land appears in 2021 submission along west of site – no planning history to support that boundary or that area being garden ground of Mainsbank East.



ABOVE – (A) fence containing approved curtilage of Mainsbank House & **(B)** recently erected fence creating western site boundary and enlarging garden area of Mainbank East taken on 27 September 2021. No planning history associated with proposal to enlarge garden or erect fencing.



ABOVE– mature trees to south and west of site



ABOVE– fence erected on west boundary of site

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 21/00376/PPPL

To Mrs Lisa McLean
c/o Suller & Clark
Karen Clark
Scoutbog Steading
Oldmeldrum
AB51 0BH

With reference to your application dated 10 June 2021 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission in Principle for the Erection of a Dwellinghouse, Formation of a Vehicular Access and Ancillary Works at Land East Of Mainsbank House Mainsbank Arbroath DD11 4RY for Mrs Lisa McLean

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

The reasons for the Council's decision are:-

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances where a new house in a category 1 area is permitted.
2. The application lacks the information to demonstrate compliance with Policies PV7, DS4 and TC2 of the Angus Local Development Plan 2016 to show that a house could co-exist with retained trees both in respect of potential impact of a house on the trees and their route protection areas; and the impact of retained trees on available sunlight, daylight and overshadowing of the proposed house and its garden.
3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 because the proposal does not comply with (or demonstrate compliance with) other policies of the plan, namely Policies DS4, TC2 and PV7.

Amendments:

The application has not been subject of variation.

Dated this 28 September 2021

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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 (<i>appeal to Scottish Ministers</i>) - See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	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 (<i>appeal to Scottish Ministers</i>) - 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
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

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



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

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

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

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

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to 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.

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.



Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
17th May 2021

Dear Sir/Madam,

Town and County Planning (Scotland) Act 1997, as amended
Planning Permission for a Single House, Land South East of Mainsbank, by Kinnell

We refer to the aforementioned application which seeks planning permission in principle for the erection of a single house on land to the east of East of Mainsbank, by Kinnell. The application package comprises: -

- Completed application forms.
- Location plan
- Indicative layout plan
- Planning Supporting Statement
- Planning fee of £401.00 to be provided by applicant

If you require any further information during the consideration of the application please contact Karen Clark on 07930 566336 or karen@sullerandclark.com

Yours Sincerely
Suller & Clark

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

Telephone: 07742 613 598
karine@sullerandclark.com

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

Mob: 07930 566 336
karen@sullerandclark.com



Planning Statement in Support

of

Land East of East Mainsbank, By Kinnell

Planning Permission in Principle for Erection of a Single House

For Mr and Mrs Mclean

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

Telephone: 07742 613 598
karine@sullerandclark.com

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

Mob: 07930 566 336
karen@sullerandclark.com

Introduction

The Planning Statement is lodged in support of an application for planning permission in principle for a single house on land east of East Mainsbank House, by Kinnell. Historically the land formed part of the policies of the Mainsbank House and steading and presumably a wider farm holding. The house and steading no longer form part of an active farm with the steading subdivided to form two houses and Mainsbank House all of which are in separate ownership. It is submitted the site presents as attractive and naturally defined gap site which benefits from established boundaries on all sides, with mature beech hedge to the south, north and west and the west boundary defined by the garden ground and access to Mainsbank East. The site is currently vacant and overgrown therefore it is submitted that the development of a single house would result in a net environmental improvement. The site can accommodate the proposed house without detriment to the surrounding neighbours. The proposed development complies with the policies of the Scottish Government and Angus Council.

Site Description

The application site extends to approximately 1400 sqm. The site is currently vacant and over grown with no current use. The application site sits in a gap to the east the access track leading to the existing dwelling at Mainsbank East House, to the west and north the hardcore track leading to the paddock and ménage and to the south is the unclassified public road. The boundaries of the site are well established on 3 sides with an existing mature copper beech hedge to the north, east and south. To the west, the site is bounded by an access which forms part of the curtilage of Mainsbank East. The road frontage of the application site measure 54.5 metres.



Boundary to west-fence

Boundary to east -established hedge and track



North boundary- hedge

South boundary- hedge and public road



Application site- self-seeded trees, scrub vegetation

The site is considered to fall within the accepted definition of a “gap” site as it is located between the curtilages of a dwelling and an existing track with a road frontage less than 50 metres and has established boundaries on all sides provided by existing beech hedging.

The surrounding area comprises a former farm house and related steading, recently subdivided into 2 houses. The wider area is predominantly agricultural with small groups and individual houses scattered throughout the landscape.

Site History

A pre-application enquiry was lodged October 2020, 20/00672/PREAPP refers. This concluded that on the basis of information provided that the site could not be considered as a gap site as the frontage of the site measures measured *around* 57 metres which exceeds the maximum 50 metres which is permitted by the Countryside Housing Supplementary Guidance.

The response further expressed concerns with regard to Policy PV7 Woodland, Trees and Hedges and Policy PV20 Soils and Geodiversity.

The current application will respond to the issues highlighted however it this time it is worth noting that given the ongoing Covid -19 restrictions this assessment was undertaken without the benefit of a site visit.

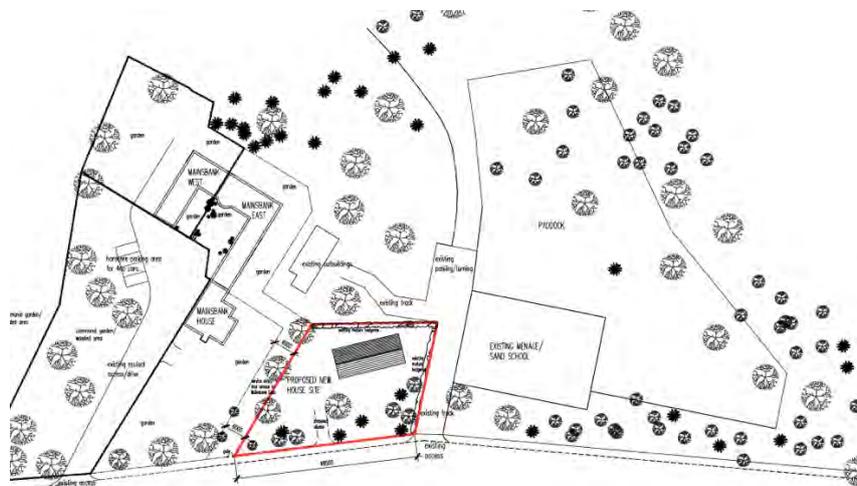
Further, it is worth noting the Mainsbank House site was subject to the following applications

- 15/00152/FULL | Change of Use from Woodland Area to Equestrian Use and Formation of Sand School (retrospective) | Mainsbank House Mainsbank Friockheim Arbroath Approved June 2015
- 16/00753/FULL Conversion and Alteration of Existing Dwelling house into Three Dwelling houses Mainsbank Farm Mainsbank Friockheim Arbroath approved November 2016

Proposal

The current proposal seeks planning permission in principle for a single house. As indicated the site provides a naturally contained gap site with no current use or prospect of any alternative use. The submitted indicative site layout plan confirms the site area to be 1400 sqm which is considered more than large enough to accommodate a house with associated amenities including private garden, access and off-street parking. Further, given the size of the site, and the orientation of the neighbouring properties it is submitted that a house can be designed with the window to window distances to the neighbouring properties to comply with the standards applied by Angus Council.

Access to the site will be achieved from a new access from the adjacent unclassified road which provides excellent visibility in both directions. In terms of drainage the proposed house will include a private drainage system, the location is suitable for soakaway.



Site plan and indicative layout

Development Plan Policy

Scottish Planning Policy 2020

The adopted SPP updated December 2020 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”

The SPP introduces a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

“making efficient use of existing capacities of land, buildings and infrastructure”

The current development represents efficient use of land as it will result in the use of a gap site within an existing group of houses.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

PAN 72 Housing in the Countryside.

The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. Additions to small scale building groups, such as proposed by the current application, are seen as appropriate within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

Angus Local Development Plan 2016

It is considered the following policies are of relevance to the consideration of the current application

- Policy DS1: Development Boundaries and Priorities
- Policy DS3: Design Quality and Place making
- Policy DS4: Amenity
- DS5: Developer Contributions
- Policy TC2: Residential Development and associated SG Countryside Housing
- PV7 Woodland, Trees and Hedges
- Policy PV15: Drainage Infrastructure.
- Policy PV20 Soils and Geodiversity.

These policies will be considered within the Discussion section of this Report.

Discussion

The application seeks planning permission in principle for the erection of a single house on a gap site within an existing small group of houses and outbuildings which comprise Mainsbank. The site has no current use and is overgrown and has become unsightly and as such the proposed development will result in a clear environmental improvement within this established residential group. It is submitted that given the size of the site it can clearly accommodate the proposed house along with all required amenity space, parking and window to window distances; as a result, the proposed house can be developed without any detrimental impact on the amenity of the existing residents.

The site extends to some 1400 sqm with a road frontage of 54.5 metres, located between the curtilage of Mainsbank East and a metalled access track to the east. The boundaries to the north and south are also well established with a mature copper beech hedge to north, south and east and the existing unclassified public road also to the south. The site is clearly a natural gap site and it is submitted that falls within the definition of a gap site as provided by the Countryside Housing SG.

However, if a strict interpretation of policy is applied and the access track which serves Mainsbank East is included within the road frontage calculation this provides a road frontage of 54.4 metres. While it is accepted that this exceeds the arbitrary 50 metre limit in the guidance given the site is well defined on all sides and clearly provides a natural gap between the existing group of houses and the access road and unclassified road with well-established and attractive mature boundaries on all sides this provides sufficient justification to allow some small tolerance in the application of policy.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keep young people and skills in the area and helping to attract new business. Further the SPP includes a presumption in favour of development that contributes to sustainable development and supports *“making efficient use of existing capacities of land, buildings and infrastructure”*. The current development represents efficient use of land as it will result in the use of a gap site with nil current use within a small established housing group.

Considering the policies of relevance of the Angus Local Development Plan,

Policy DS1 Development Boundaries states that out with 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. The policy goes on to support proposals which *“reuse or make better use of vacant derelict or underused brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.”*

In the current circumstances, the application site falls within the accepted definition of a gap site sitting between the curtilage of Mainsbank East and a metalled road. The site forms a natural well-defined site with mature hedging, trees and landscaping providing an attractive and established setting for the proposed new home. The site has no current use, having formerly formed part of the

now redundant farm holding, however is now vacant, overgrown and unsightly. As such it is submitted that the proposed development of a single house on a gap site is wholly appropriate in scale and nature with the surrounding area, the development will consolidate and complete the small group of houses while making best use of land as a scarce resource and therefore the proposal complies with Policy DS1.

Policy DS3 Design Quality and Place making requires development proposal to deliver a high design standard and draw upon those aspects of landscape or townscape within the area. The current application seeks planning permission in principle as such no detailed site plans are available however the scale of the site will ensure the site can accommodate a modern family home along with the required amenities including private garden ground and off-street parking. Considering the six qualities which make successful places:

Distinctive: The development will ensure a use for a gap site within an existing housing group. The site currently has no function and has become unsightly. The proposed house will be design to complement the site making a contribution to the rural landscape.

Safe and Pleasant: The development will be carefully considered and, subject to a further planning submission, will provide an appropriate response to this small site while considering the existing residents and site topography and landscaping. The development will provide an attractive high-quality modern house designed to complement the rural setting.

Easy to get around: The property is for a single house. Safe access is available to the adjacent road which connects to the local towns.

Welcoming: The house will be orientated south towards the road with views over open countryside.

Resource Efficient The development will provide a use for a small site with no current use and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting or exceeding all current building control requirements.

Adaptable The proposed house will provide adaptable family accommodation.

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as the development of the site to provide a high-quality house will contribute to surrounding rural area.

Policy DS4: Amenity requires proposals to have regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The Policy identifies a number of areas to be considered including

- Air quality
- Noise and vibration
- Levels of light pollution
- Levels of odour
- Suitable provision of 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
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing

In respect of air pollution, noise and vibration, light pollution and odour it is submitted that the current application for the development of a small gap site will not have any adverse impacts in regard to these matters. With regard to road traffic movement roads/parking/access, the scale of the plot will provide sufficient on-site turning and parking facilities. Further it is not anticipated that the erection of the new house will have any adverse impact on traffic generation and that the existing adjacent roads network can easily accommodate the proposal. In terms of residential amenity, the proposed house will be designed so as not to have any detrimental impact on the neighbouring properties.

Therefore, it is submitted that the proposal complies with Policy DS4.

DS5 Developer Contributions The current application falls below the threshold for Developer Contributions, that being developments over 0.5ha or 10 units, as such Policy DS is not applicable to the current application.

Policy TC2 Residential Development requires that all residential development proposals are

- compatible in terms of land use;
- provide a satisfactory residential environment;
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure and
- provide for affordable housing in accordance with Policy TC3 Affordable Housing.

In countryside locations such as the application site, Policy TC2 offers support to proposals for the development of houses that fall into at least one of a number of categories one of these being the Gap Sites. In an RSU 1 Area such as the current site this is defined as a

“site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house.”

In the current circumstances the plot represents a self-contained site with well-established boundaries on all sides. The site is bounded to the south by the unclassified public road, with the curtilage of Mainsbank East to the west and a metalled road to the east. The north, south and east boundaries are all well defined by an attractive mature beech hedge. The road frontage is approximately 48.5 metres, as such the site is considered to fall within the definition of a gap site and therefore, it is submitted that the principle of the proposal complies with Policy TC2 of the ALDP.

However, as discussed if a pedantic view is taken and the access track which serves Mainsbank East is included within the road frontage calculation this provides a road frontage of 54.5 metres. While it is accepted that this exceeds the arbitrary 50 metre limit in the guidance given the site is well

defined on all sides and clearly provides a natural gap between the existing group of houses and the access road with well-established and attractive mature boundaries on all sides this provides sufficient justification to allow some as such some tolerance in the application of policy.

The proposals are further required to meet the detailed criteria set out in the Countryside Supplementary Guidance. For the current application the following criteria are considered appropriate, these are considered in turn: -

a) not create a gap or rounding off opportunity for additional Greenfield development. The current application is a self-contained site.

b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm. The application plot size is 1400 sqm and therefore meets the plot size requirements.

c) Not extend ribbon development. The site is self-contained and in no way will extend ribbon development.

d) Not result in coalescence of building groups or of a group with a nearby settlement. The site will not result in any coalescence.

e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance. The application seeks planning permission in principle for the erection of a family home. The detailed design will be subject to a further planning application however the applicant is committed to a high-quality design which reflects the rural character of the surrounding area.

f) provide a good residential environment. The site area will ensure a good quality residential amenity can be provided. The required amenity space and parking can be accommodated within the site.

g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG. Applies to developments of more than 0.5ha and 10 units, such as the current application does not attract an affordable housing or developer contributions requirement.

h) where the proposal will have a demonstrable cumulative impact on infrastructure and community facilities an appropriate developer contribution will be sought. Developer contributions are only required on developments in excess of 0.5ha or 10 units. The current application falls below both these thresholds.

i) not adversely effect of be affected by farming or other rural business activities. The application site will not affect any farming activity.

j) not take access through a farm court, the proposed development will be taken from the adjacent unclassified public road and will in no way interfere with any farming activity area. The proposed single house can be accommodated.

j) not require an access of an urban scale or character. As above

As such the development adheres to Policy TC2 Residential Development within a countryside location which supports the redevelopment of gap sites such as that proposed. The proposed development will result in a net environmental and visual improvement with the redevelopment of a vacant overgrown site. The proposal further complies with all relevant criteria contained within the Countryside Housing SG.

PV7 Woodland, Trees and Hedges Requires that woodland, trees and hedges that contribute to the nature conservation, heritage, amenity and townscape values of Angus will be protected.

The current proposal will not require the removal of any trees or hedges, in fact the development will protect the existing attractive beech hedge and trees on site which will be incorporated into the layout. And enhanced though new planting.

Policy PV15 Drainage Infrastructure The current application seeks planning permission in principle at this time, all details including the drainage will be the subject of a further matter specified in conditions application. However, at this time it is proposed that the house will include private drainage system with septic tank and soakaways.

Therefore, it is submitted that the proposal complies with Policy PV15.

Policy PV20 Soils and Geodiversity. Seeks to protect prime agricultural land. The application site which previously formed part of the farm holding has never been cultivated as such the current proposal will not result in the loss of prime agricultural land.

Summary

The current proposal seeks planning permission in principle for a single-family home on a site which falls within the accepted definition of a gap site adjacent to an existing group of houses at Mainsbank. The site, which formerly formed part of the farm holding, is overgrown and unsightly with as such the proposed development will result in a net environmental improvement. Given the residential nature of the immediate area, a residential use is considered the wholly appropriate use. The proposed house will contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities. The detailed design will be subject to a further application however the applicant is committed to high quality development. The proposal complies with all policies and associated Supplementary Guidance of Angus Council and therefore it is respectfully submitted that proposal be APPROVED.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

**APPLICATION FOR REVIEW – LAND EAST OF MAINSBANK HOUSE,
ARBROATH**

APPLICATION NO 21/00376/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Appeal Statement and Associated Appendices
	Appendix 1 – Application Forms
	Appendix 2 – Site Plan & Location Plan
	Appendix 3 – Decision Notice
	Appendix 4 – Report of Handling



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100413087-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Mainsbank East"/>
First Name: *	<input type="text" value="Lisa"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mclean"/>	Address 1 (Street): *	<input type="text" value="Mainsbank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Arbroath"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD84RY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="karen@sullerandclark.com"/>		

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="MAINSBANK HOUSE"/>
Address 2:	<input type="text" value="MAINSBANK"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ARBROATH"/>
Post Code:	<input type="text" value="DD11 4RY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="751416"/>	Easting	<input type="text" value="362473"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Planing permission in principle for single house with associated access and garden ground

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

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)

Appendix 1 Application Form Appendix 2 Plans Appendix 3 Decision Notice Appendix 4 Report of Handling

Application Details

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

21/00376/PPPL

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

10/06/2021

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

28/09/2021

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

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

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

Yes No

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

Yes No

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

Access via private track, this can be arranged if required

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Karine Suller

Declaration Date: 15/11/2021



Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
November 2021

Dear Sir/Madam,

Town and County Planning (Scotland) Act 1997, as amended. Application for Review Against the Refusal of Planning Permission in Principle for a Single House, Formation of a Vehicular Access and Ancillary Works at Land East of Mainsbank House, Mainsbank, Arbroath, DD11 4RY. Application Ref 21/00376/PPPL

We refer to the aforementioned proposal which sought planning permission in principle for the erection of a single house on Land South East of Mainsbank, by Kinnell which was refused under delegated powers on the 28th September 2021

The appeal package comprises: -

- Completed application for Review form.
- Location and site plan
- Appeal Statement and associated appendices

If you require any further information during the consideration of the Review please contact Karen Clark on 07930 566336 or karen@sullerandclark.com

Yours Sincerely

Suller & Clark

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

Telephone: 07742 613 598
karine@sullerandclark.com

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

Mob: 07930 566 336
karen@sullerandclark.com



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

**Appeal against the Refusal of Planning Permission in Principle for a Single
House, Formation of a Vehicular Access and Ancillary Works**

(Ref 21/00376/PPPL)

Land East of Mainsbank House Mainsbank Arbroath DD11 4RY

For Mr and Mrs McLean (appellant)

By Angus Council (“the Council”)

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

Telephone: 07742 613 598
karine@sullerandclark.com

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

Mob: 07930 566 336
karen@sullerandclark.com

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

Appendices

- Appendix 1 Application Forms
- Appendix 2 Plans and Location Plan
- Appendix 3 Refusal Notice
- Appendix 4 Report of Handling

1. Executive Summary

This appeal statement has been prepared on behalf of Mr and Mrs McLean, the appellant, in respect of the decision of Angus Council to refuse planning permission in principle for the erection of a Single House, Formation of a Vehicular Access and Ancillary Works at Land East of Mainsbank House, Mainsbank, Arbroath, (Ref 21/00376/PPPL).

The Local Review Board is respectfully requested to uphold the review and grant planning permission.

The Appeal Statement considers in detail the reasons for refusal and demonstrates that the proposal complies with Scottish Government Planning Policy and Planning Advice and the Angus Local Development Plan and associated Supplementary Guidance.

2. Background

An application for planning permission in principle for the erection of a single house, formation of a vehicular access and ancillary works at Land East of Mainsbank House, Mainsbank, Arbroath, application ref (Ref 21/00376/PPPL) was lodged on the 10th June 2021 and subsequently refused on the 28th September 2021.

The application sought development on land to the east of the small grouping of houses which comprise Mainsbank; made up of Mainsbank House, Mainsbank East and Mainsbank West, and all associated ancillary buildings, ménage and accesses. The Mainsbank is defined by the public road to the east and existing structural tree belts to the south and north. The site subject of the Review sits within this grouping and presents as an attractive and naturally defined gap site, which benefits from established boundaries on all sides; comprised of mature beech hedge to the south, north and west and the west boundary defined by the garden ground and access to Mainsbank East. The site further offers the opportunity for an extension to an existing building group. The site is currently vacant and overgrown with no current use, therefore it is submitted that the development of a single house would result in a net environmental improvement. The site can accommodate the proposed house with all resulting amenities, without detriment to the surrounding residents and without impact on the existing trees, in fact the proposal would introduce new planting to the wider benefit of the area.

3. Reasons for Refusal

The application was determined by the Planning Service under delegated powers. The reasons for refusal are provided as the following, (Refusal Notice attached as Appendix 2, Report of Handling to attached as Appendix 3). The reasons for refusal were stated as the following –

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances where a new house in a category 1 area is permitted.

2. The application lacks the information to demonstrate compliance with Policies PV7, DS4 and TC2 of the Angus Local Development Plan 2016 to show that a house could co-exist with retained trees both in respect of potential impact of a house on the trees and their root protection areas; and the impact of retained trees on available sunlight, daylight and overshadowing of the proposed house and its garden.
3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 because the proposal does not comply with (or demonstrate compliance with) other policies of the plan, namely Policies DS4, TC2 and PV7.

4. Grounds of Appeal

Considering the reasons for refusal in detail

1. *The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances where a new house in a category 1 area is permitted.*

Response: It is considered that site offers the opportunity to provide an extension to an existing building group and the development of a gap site.

Considering acceptable extension to an existing building group, the Supplementary Guidance on Countryside Housing confirms that

“A single new house may be permitted where development would round off an established group of 3 or more closely related residential buildings or buildings capable of conversion for residential use. This should be sited located within the building group (i.e. generally located close to other buildings in the group) provided this does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting. Development out with the boundaries or features that define a group’s sense of containment should not be considered as constituting development within or rounding off the building group. Proposals that have a significant detrimental impact on the character of the group, or its landscape setting should be resisted as failing to round off or consolidate the group. Definitions of “sense of containment” and “building group” are contained in the Glossary.”

A building group is defined as “A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use. The building group will require to have a sense of containment.”

A “sense of containment” is defined as “A sense of containment is contributed to by existing physical boundaries such as landform, buildings, roads, trees, watercourses, or long-established means of enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long established boundaries as evidenced by historic OS Maps. Any boundaries artificially created to provide a sense of containment will not be acceptable.”

In the current circumstances, Mainsbank is an established building group which includes Mainsbank Farm House, Mainsbank East and West and all other ancillary buildings, accesses and ménage. The area is contained by an existing well-established landscape setting, the public road to the east and existing mature tree banks to the north and south. The site subject of the current review is clearly set within the boundaries of this group, and provides a natural gap site with established boundaries on all sides. The inclusion of a new house on the site will in no way detract from the overall sense of containment and the cohesion of the group within its wider landscape setting.



Aerial photo of Mainsbank, the group of houses, ancillary buildings and uses all set within an established landscape setting

Considering the site as a gap site, the Glossary to the Supplementary Guidance on Countryside defines a “gap site” as

“The space between the curtilages of two houses or between the curtilage of one house and a metalled road (i.e. a stone surface with a hard, crushed rock or stone surface as a minimum) or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility. The site should have established boundaries on three sides.”

There is no mention within the glossary definition of a limit on the permitted road frontage. By this definition the site subject of the current appeal clearly meets the “gap site” requirements, in that the site benefits from established boundaries on all four sides and is set between the curtilage of an existing house to west and a metalled road to the east.

However, the body of the Supplementary Guidance Para 3.4 introduces a further requirement that for a Gap Site within a Category 1 RSUs and requires the frontage of up to 50 metres 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 may be filled by a single house.

In the current circumstances the site frontage between the metalled track to the east and the access to Mainsbank East to the west, the frontage is 48.5 metres, when measured on site by a qualified architect, as such on this basis the proposed site also meets the requirements of the SG.

However, if the frontage is measured to Mainsbank Farm House the frontage is 54.5 metres, as such on this basis there is some conflict with the arbitrary 50metres road frontage requirement. Surely what is of primary importance is that the site is a well-defined site and will not open up further sites for development and not some arbitrary figure. From a site visit it is clearly apparent that this site is a well-defined site, which sits between an existing house and a metalled road. The site has well established boundaries on all sides therefore, and will in no way open a wider area to development as such there is sufficient justification to allow some small tolerance and pragmatism in the application to the arbitrary 50 metre element of the policy. The Report of Handling makes reference to the service strip to the west, to be clear the historic boundary to Mainsbank was formed by a post and wire fence which approximately ran along the line of the replacement fencing. The planning application which subdivided the Mainsbank into three dwellings formed a new boundary for Mainsbank Farm house with all remaining land retained within the curtilage of Mainsbank East. As such the west boundary of site subject of the current appeal boundary is formed by the original and historic boundary of the farm complex.

2. The application lacks the information to demonstrate compliance with Policies PV7, DS4 and TC2 of the Angus Local Development Plan 2016 to show that a house could co-exist with retained trees both in respect of potential impact of a house on the trees and their root protection areas; and the impact of retained trees on available sunlight, daylight and overshadowing of the proposed house and its garden.

Response: At no point during the consideration of the application by the Planning Service was any further information required to respond to this issue, had a request been made then the necessary information would have been forthcoming. At this stage the appellants are precluded from introducing new evidence. However, from a site visit, which we would request is undertaken, and from a review of the attached photographs included as Appendix 5, the site offers ample opportunity for the proposed house set within an attractive landscaped setting. The site is of sufficient size with trees and hedging to the boundaries which provide a very high residential amenity including adequate sunlight and daylight, without detriment to the existing trees or hedging. If the appeal were to be supported this additional information could be provided as a planning condition. Further, if approved the detailed design would include a landscape plan which would provide additional planting to the benefit of the site and the wider area.

3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 because the proposal does not comply with (or demonstrate compliance with) other policies of the plan, namely Policies DS4, TC2 and PV7.

Response: It is submitted that the site provides an acceptable extension to an existing building group and that the development represents a single house on a natural gap site with established boundaries on all sides. The proposed single house will in no way impact on the overall sense of containment and cohesion of the group within its wider landscape setting. In addition, the site is a naturally contained site with established boundaries on all sides. While there is some minor potential conflict with the arbitrary 50 m road frontage requirement, sufficient justification has been provided to allow some tolerance and pragmatism in this element of the proposal. The site offers

an excellent opportunity for a single house within an existing building group on a well-defined site therefore, there is no conflict with Policy DS1 Development Boundaries and Priorities

5. Site Description

The site subject of Review forms part of the existing group which comprises Mainsbank, this includes 3 existing homes Mainsbank Farm House, Mainsbank East and Mainsbank West. The group further includes the access, ménage and other many and various ancillary buildings. The group is well defined by existing landscape and landform with the existing public road to the south, and significant mature tree banks to the west and north. Historically, the group would have formed Mainsbank Home Farm.

The site subject of the current Review extends to approximately 1,400 sqm. The site is currently vacant and over grown with no current use. The site occupies a gap between a metalled road and the curtilage of Mainsbank East with established boundaries on all sides; formed to the west, the access track leading to the existing dwelling at Mainsbank East House, to the east and north the hardcore track leading to the paddock and ménage and to the south is the unclassified public road. The historic boundary to Mainsbank was formed by a post and wire fence which approximately ran along the line of the replacement fencing. The planning application which subdivided the Mainsbank into three dwellings formed a new boundary for Mainsbank Farmhouse with all remaining land retained within the curtilage of Mainsbank East. As such the west boundary of the site is formed by the original and historic boundary of the farm complex. The boundaries of the site provided on 3 sides are formed by an existing mature copper beech hedge to the north, east and south.



Boundary to west - fence

Boundary to east - established hedge and track



North boundary - hedge

South boundary - hedge and public road



Site subject of Review – with self-seeded trees, scrub vegetation cleared area available for single house without detriment to existing trees

The wider area is predominantly agricultural, with small groups and individual houses scattered throughout the landscape.

6.Site History

Mainsbank House site was subject to the following applications

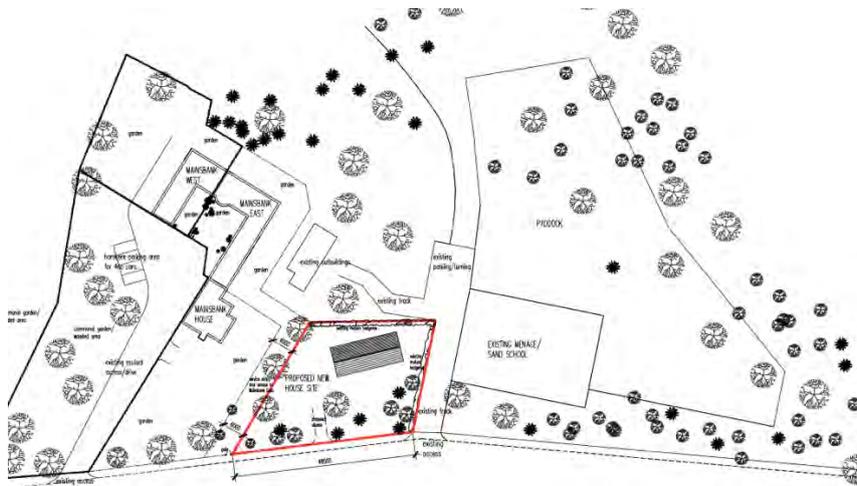
- 15/00152/FULL - Change of Use from Woodland Area to Equestrian Use, and Formation of Sand School (retrospective) at Mainsbank House, Mainsbank, Frioekheim, Arbroath. Approved June 2015
- 16/00753/FULL - Conversion and Alteration of Existing Dwelling house into Three Dwelling houses at Mainsbank Farm, Mainsbank, Frioekheim, Arbroath. Approved November 2016

7. Proposal

The current proposal seeks planning permission in principle for a single house. As indicated the site provides a naturally contained gap site, with no current use or prospect of any alternative use. The submitted indicative site layout plan confirms the site area to be 1,400 sqm which is considered more than large enough to accommodate a house with associated amenities including private garden, access and off-street parking. Further, given the size of the site, and the orientation of the neighbouring properties, it is submitted that a house can be designed with the window to window distances to the neighbouring properties to comply with the standards applied by Angus Council.

Access to the site will be achieved from a new access from the adjacent unclassified road which provides excellent visibility in both directions. In terms of drainage the proposed house will include a private drainage system, the location is suitable for soakaway.

The site benefits from a mature landscape setting which will be protected, retained and enhanced as part of any detailed design.



Site plan and indicative layout

8. Development Plan Policy

Scottish Planning Policy 2014

The adopted SPP 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

Paragraph 2 states

“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”

The SPP introduces a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

“making efficient use of existing capacities of land, buildings and infrastructure”

The current development represents efficient use of land as it will result in the use of a gap site within an existing group of houses.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

PAN 72 Housing in the Countryside.

The aim of the PAN is to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. Additions to small scale building groups, such as that proposed, are seen as appropriate within rural areas. The PAN seeks to ensure that potential sites are accessible and well designed.

Angus Local Development Plan 2016

It is considered the following policies are of relevance to the consideration of the current Review:

- Policy DS1: Development Boundaries and Priorities
- Policy DS3: Design Quality and Place making
- Policy DS4: Amenity
- Policy DS5: Developer Contributions
- Policy TC2: Residential Development and associated SG Countryside Housing
- Policy PV7: Woodland, Trees and Hedges
- Policy PV15: Drainage Infrastructure.
- Policy PV20 Soils and Geodiversity.

These policies will be considered within the Discussion section of this Report.

9. Discussion

The proposal seeks planning permission in principle for the erection of a single house on a gap site within an existing small group of houses and outbuildings which comprise Mainsbank. The site has no current use and is overgrown and has become unsightly and as such the proposed development will result in a clear environmental improvement within this established residential group. It is submitted that given the size of the site, it can clearly accommodate the proposed house along with all required amenity space, parking and window to window distances; as a result, the proposed house can be developed without any detrimental impact on the amenity of the existing residents.

The site extends to some 1,400 sqm with a road frontage of 48.5 metres as measured onsite, located between the curtilage of Mainsbank East and a metalled access track to the east. The boundaries to the north and south are also well established with a mature copper beech hedge to north, south and east and the existing unclassified public road also to the south. The site is clearly a natural gap site and it is submitted that falls within the definition of a gap site as provided by the Countryside Housing SG.

However, if a strict interpretation of policy is applied and the access track which serves Mainsbank East is included within the road frontage calculation this provides a road frontage of 54.4 metres. While it is accepted that this exceeds the arbitrary 50 metre limit in the guidance given, the site is well defined on all sides and clearly provides a natural gap between the existing group of houses and the access road and unclassified road with well-established and attractive mature boundaries on all sides, this provides sufficient justification to allow some small tolerance in the application of policy.

It is further submitted that the site provides an acceptable extension of an existing building group as it is set within the wider setting of Mainsbank. The site will not open any further area up for development and will not detract from the overall sense of containment and the cohesion of the group within its wider landscape setting.

All relevant Scottish Government advice provided by the SPP, PAN 72 Housing in the Countryside and PAN 73 Rural Diversification supports small scale rural development such as that proposed. Limited development is seen as supporting the rural communities helping to stem depopulation, keep young people and skills in the area and helping to attract new business. Further the SPP includes a presumption in favour of development that contributes to sustainable development and supports *“making efficient use of existing capacities of land, buildings and infrastructure”*. The current development represents efficient use of land as it will result in the use of a gap site with nil current use, resulting in an acceptable extension to an existing building group.

Considering the policies of relevance of the Angus Local Development Plan,

Policy DS1 Development Boundaries states that out with 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. The policy goes on to support proposals which *“reuse or*

make better use of vacant derelict or underused brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.”

In the current circumstances, the application site falls within the accepted definition of both an acceptable extension to an existing building group and a gap site sitting between the curtilage of Mainsbank East and a metalled road. The site is located within the established building group which forms Mainsbank and provides a natural well-defined site with mature hedging, trees and landscaping, providing an attractive and established setting for the proposed new home. The site has no current use, having formerly formed part of the now redundant farm holding, however is now vacant, overgrown and unsightly. As such it is submitted that the proposed development of a single house on a gap site is wholly appropriate in scale and nature with the surrounding area, the development will consolidate and complete the small group of houses while making best use of land as a scarce resource and therefore the proposal complies with Policy DS1.

Policy DS3 Design Quality and Place making requires development proposal to deliver a high design standard and draw upon those aspects of landscape or townscape within the area. The current proposal planning permission in principle, as such no detailed site plans are available however the scale of the site will ensure the site can accommodate a modern family home along with the required amenities including private garden ground and off-street parking. Considering the six qualities which make successful places:

Distinctive: The development will ensure a use for a gap site within an existing housing group. The site currently has no function and has become unsightly. The proposed house will be design to complement the site contributing to the rural landscape.

Safe and Pleasant: The development will be carefully considered and, subject to a further planning submission, will provide an appropriate response to this small site while considering the existing residents and site topography and landscaping. The development will provide an attractive high-quality modern house designed to complement the rural setting.

Easy to get around: The property is for a single house. Safe access is available to the adjacent road which connects to the local towns.

Welcoming: The house will be orientated south towards the road with views over open countryside.

Resource Efficient The development will provide a use for a small site with no current use and therefore represents efficient use of land as a scarce resource. Further the house will be insulated to a very high standard meeting or exceeding all current building control requirements.

Adaptable The proposed house will provide adaptable family accommodation.

Therefore, it is submitted that the current proposal complies with Policy DS3 Design Quality and Place as the development of the site to provide a high-quality house will contribute to surrounding rural area.

Policy DS4: Amenity requires proposals to have regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an

unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The Policy identifies a number of areas to be considered including

- Air quality
- Noise and vibration
- Levels of light pollution
- Levels of odour
- Suitable provision of 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
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing

In respect of air pollution, noise and vibration, light pollution and odour it is submitted that the current proposal for a single house in a gap site will not have any adverse impacts in regard to these matters. With regard to road traffic movement roads/parking/access, the scale of the plot will provide sufficient on-site turning and parking facilities. At the time of the application the Roads Service confirmed no objection. Further it is not anticipated that the erection of the new house will have any adverse impact on traffic generation and that the existing adjacent roads network can easily accommodate the proposal. In terms of residential amenity, the proposed house will be designed so as not to have any detrimental impact on the neighbouring properties while the site is of sufficient scale to provide a high level of residential amenity.

Therefore, it is submitted that the proposal complies with Policy DS4.

DS5 Developer Contributions The current proposal falls below the threshold for Developer Contributions, that being developments over 0.5ha or 10 units, as such Policy DS is not applicable.

Policy TC2 Residential Development requires that all residential development proposals are

- compatible in terms of land use;
- provide a satisfactory residential environment;
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure and
- provide for affordable housing in accordance with Policy TC3 Affordable Housing.

In countryside locations such as the appeal site, Policy TC2 offers support to proposals for the development of houses that fall into at least one of a number of categories considering the categories of relevance to the current proposal

Extension to an existing Building Group - Mainsbank is an established building group which included Mainsbank Farm House, Mainsbank East and West and all other ancillary buildings, accesses and ménage. The area is contained by existing well established landscape setting, the public road to the east with and banks of existing structural woodland to the north and south. The site subject of the current review is clearly set within the boundaries of the building group, and provides a natural gap site with established boundaries on all sides. The inclusion of a new house on the site will in no way

detract from the overall sense of containment and cohesion of the group within its wider landscape setting.

Gap Sites - In an RSU 1 Area such as the current site the glossary to the SG designed “gap sites” as

“The space between the curtilages of two houses or between the curtilage of one house and a metaled road (i.e. a stone surface with a hard, crushed rock or stone surface as a minimum) or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility. The site should have established boundaries on three sides.”

There is no mention of a restricted road frontage.

The body of the Guidance then indicates a “gap site” requires to be

“site with a frontage of up to 50 meters between the curtilages of two houses or the curtilage of one house and a metaled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility may be filled by a single house.”

There is no justification provided to support the arbitrary 50 metre road frontage limit. If the 50m limit is imposed to secure road safety, this has already been confirmed as satisfactory by the Roads Service. If the 50m frontage is to ensure an adequate site area, this site at 1,400 m² clearly provides good residential amenity in terms of impact on neighbouring properties.

In the current circumstances the plot represents a self-contained site with well-established boundaries on all sides. The site is bounded to the south by the unclassified public road, with the curtilage of Mainsbank East to the west and a metalled road to the south. The north and east boundaries are all well defined by an attractive mature beech hedge. The road frontage is approximately 48.5 metres, as such the site is considered to fall within the definition of a gap site and therefore, it is submitted that the principle of the proposal complies with Policy TC2 of the ALDP.

However, as discussed if a pedantic view is taken and the access track which serves Mainsbank East is included within the road frontage calculation this provides a road frontage of 54.5 metres. While it is accepted that this exceeds the arbitrary 50 metre limit in the guidance given the site is well defined on all sides and clearly provides a natural gap between the existing group of houses and the access road with well-established and attractive mature boundaries on all sides. Development of this site would in no way impact on the sense of containment of the immediate area or open up a wider area to possible development. It is submitted that this provides sufficient justification to allow some tolerance in the application of policy.

The proposals are further required to meet the detailed criteria set out in the Countryside Supplementary Guidance. For the current proposal the following criteria are considered appropriate, these are considered in turn: -

a) not create a gap or rounding off opportunity for additional Greenfield development. The current site is self-contained site.

b) Meet the plot size requirements, in RSU 1 areas the minimum plot size is 800sqm with a maximum plot area of 2000sqm. The appeal plot size is 1,400 sqm and therefore meets the plot size requirements.

c) Not extend ribbon development. The site is self-contained and in no way will extend ribbon development.

d) Not result in coalescence of building groups or of a group with a nearby settlement. The site will not result in any coalescence.

e) Have regard to the rural character of the surrounding area and not be urban in form and/or appearance. The proposal seeks planning permission in principle for the erection of a family home. The detailed design will be subject to a further planning application however the applicant is committed to a high-quality design which reflects the rural character of the surrounding area.

f) provide a good residential environment. The site area will ensure a good quality residential amenity can be provided. The required amenity space and parking can be accommodated within the site.

g) make provision for affordable housing in line with TC3 Affordable Housing and the guidance set out in Developer Contributions and Affordable Housing SG. Applies to developments of more than 0.5ha and 10 units, such as the current single house proposal does not attract an affordable housing or developer contributions requirement.

h) where the proposal will have a demonstrable cumulative impact on infrastructure and community facilities an appropriate developer contribution will be sought. Developer contributions are only required on developments in excess of 0.5ha or 10 units. The current proposal falls below both these thresholds.

i) not adversely effect of be affected by farming or other rural business activities. The appeal site will not affect any farming activity.

j) not take access through a farm court, the proposed development will be taken from the adjacent unclassified public road and will in no way interfere with any farming activity area. The proposed single house can be accommodated.

j) not require an access of an urban scale or character. As above

As such the development adheres to Policy TC2 Residential Development within a countryside location which supports the redevelopment of gap sites such as that proposed. The proposed development will result in a net environmental and visual improvement with the redevelopment of a vacant overgrown site. The proposal further complies with all relevant criteria contained within the Countryside Housing SG.

PV7 Woodland, Trees and Hedges Requires that woodland, trees and hedges that contribute to the nature conservation, heritage, amenity and townscape values of Angus will be protected.

The current proposal will not require the removal of any trees or hedges, in fact the development will protect the existing attractive beech hedge and trees on site which will be incorporated into the

layout and enhanced through new planting. The site includes existing trees, it is submitted that, as a site visit will confirm the site can accommodate the proposed house providing a high level of residential amenity for prospective residents while protecting the existing trees and hedging. As stated previously, this matter can be dealt with by Planning condition to ensure the security of the existing trees and hedges, which the Appellants are keen to conserve to retain this attractive setting.

Policy PV15 Drainage Infrastructure The current proposal seeks planning permission in principle at this time, all details including the drainage will be the subject of a further matter specified in conditions application. However, at this time it is proposed that the house will include private drainage system with septic tank and soakaways.

Therefore, it is submitted that the proposal complies with Policy PV15.

Policy PV20 Soils and Geodiversity. Seeks to protect prime agricultural land. The site which previously formed part of the farm holding has never been cultivated as such the current proposal will not result in the loss of prime agricultural land.

10.Summary

The current proposal seeks planning permission in principle for a single-family home on a site which falls within the acceptable extension to an existing building group and as a gap site within the existing building group of Mainsbank. The site, which formerly formed part of the farm holding, is overgrown and unsightly with as such the proposed development will result in a net environmental improvement. Given the residential nature of the immediate area, a residential use is considered the wholly appropriate use. The proposed house will contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities. The detailed design will be subject to a further application; however, the applicant is committed to high quality development. The proposal complies with all policies and associated Supplementary Guidance of Angus Council and therefore it is respectfully submitted that proposal be APPROVED.



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 100413087-001

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

Type of Application

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

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

Description of Proposal

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

Planning Permission in Principle for single house, new access and associated amenities

Is this a temporary permission? *

Yes No

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

Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Mainsbank East
First Name: *	Lisa	Building Number:	
Last Name: *	McLean	Address 1 (Street): *	Mainsbank
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Arbroath
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	DD84RY
Fax Number:			
Email Address: *	karen@sullerandclark.co.uk		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

MAINSBANK HOUSE

Address 2:

MAINSBANK

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ARBROATH

Post Code:

DD11 4RY

Please identify/describe the location of the site or sites

Northing

751416

Easting

362473

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)

Pre application enquiry 20/00672/PREAPP

Title:

Mr

Other title:

First Name:

Walter

Last Name:

Wylie

Correspondence Reference Number:

Date (dd/mm/yyyy):

29/10/2020

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:

1400.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Vacant -scrub land

Access and Parking

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

Yes No

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

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

Yes No

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

Water Supply and Drainage Arrangements

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

Yes No

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

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

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

What private arrangements are you proposing? *

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

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

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

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

To be agreed at detailed design/building warrant stage

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: Karen Clark

On behalf of: Mrs Lisa McLean

Date: 14/05/2021

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. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Declare – For Application to Planning Authority

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

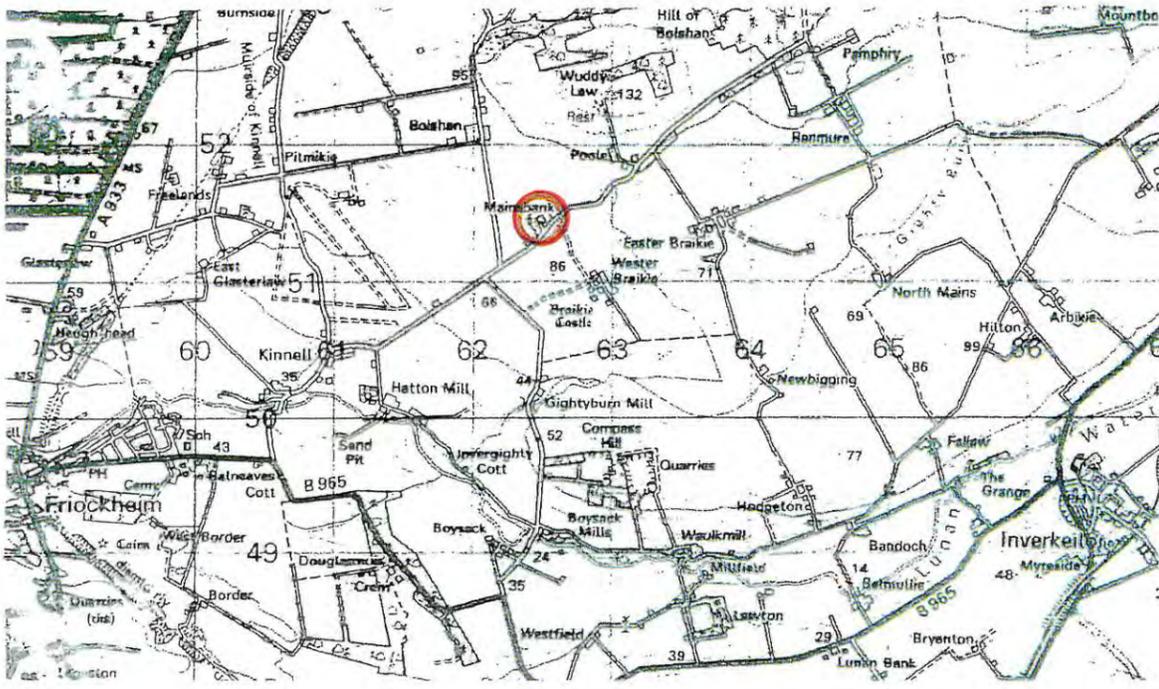
Declaration Name: Mrs Karine Suller

Declaration Date: 17/05/2021

Payment Details

Pay Direct

Created: 17/05/2021 10:57

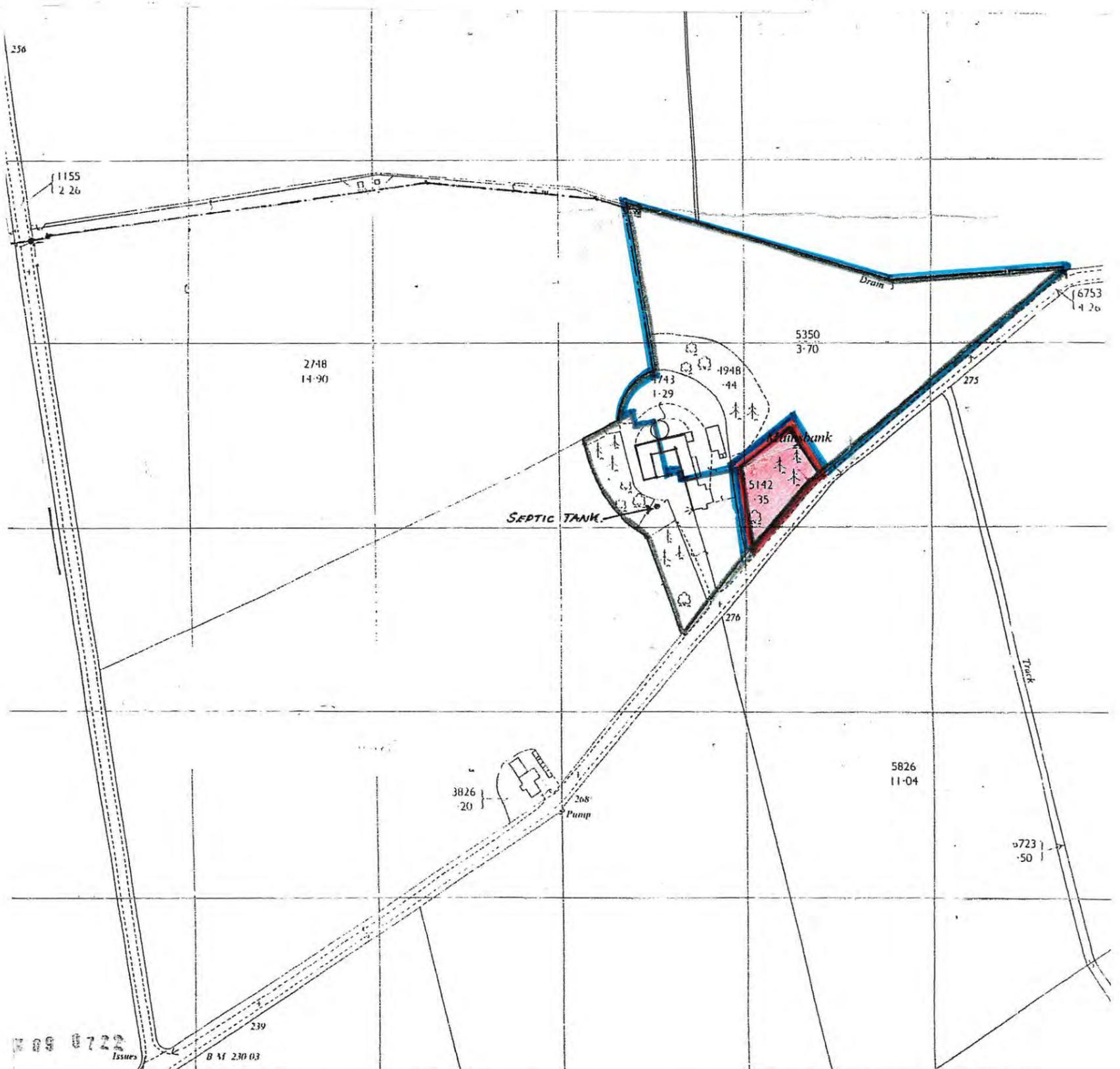
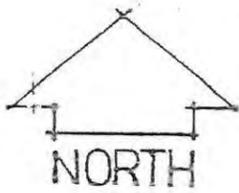


**MAINSBANK
KINNELL
ARBROATH**

SITE LOCATION PLAN

SCALE 1:2500 (at A3)

NATIONAL GRID REF: NO624514



**ITEM 2
APPENDIX 2**

NOTES

All building works to be in accordance with the Building Standards (Scotland) Regulations
Do not scale from drawing
Contractors to verify all dimensions before manufacture of components and commencement of work
Any discrepancies to be reported to Architect

All dimensions are hard to blockwork or framing unless noted otherwise

REV 'V' - Gate and proposed drive indicated. Apr 2021
REV 'X' - House position and dimensions added. Dec 2020

ref	revision	date
-----	----------	------

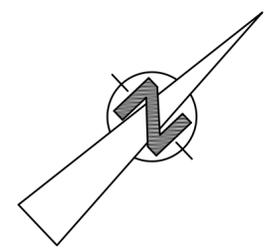
Client
NEIL & LISA MCLEAN

Job
GROUNDS OF MAINSBANK

Title
SITE LAYOUT PLAN

scale 1:500 (A2)
date DEC 2020 | drawn by A.F.

job no.	dwg.no.	rev
MCL 001	WD. 200	B



SCALE 1:500



ANGUS COUNCIL

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

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 21/00376/PPPL

To Mrs Lisa McLean
c/o Suller & Clark
Karen Clark
Scoutbog Steading
Oldmeldrum
AB51 0BH

With reference to your application dated 10 June 2021 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Planning Permission in Principle for the Erection of a Dwellinghouse, Formation of a Vehicular Access and Ancillary Works at Land East Of Mainsbank House Mainsbank Arbroath DD11 4RY for Mrs Lisa McLean

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

The reasons for the Council's decision are:-

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances where a new house in a category 1 area is permitted.
2. The application lacks the information to demonstrate compliance with Policies PV7, DS4 and TC2 of the Angus Local Development Plan 2016 to show that a house could co-exist with retained trees both in respect of potential impact of a house on the trees and their route protection areas; and the impact of retained trees on available sunlight, daylight and overshadowing of the proposed house and its garden.
3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 because the proposal does not comply with (or demonstrate compliance with) other policies of the plan, namely Policies DS4, TC2 and PV7.

Amendments:

The application has not been subject of variation.

Dated this 28 September 2021

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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 (<i>appeal to Scottish Ministers</i>) - See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	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 (<i>appeal to Scottish Ministers</i>) - 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
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

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



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

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

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

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

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to 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.

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.

Angus Council

Application Number:	21/00376/PPPL
Description of Development:	Planning Permission in Principle for the Erection of a Dwellinghouse, Formation of a Vehicular Access and Ancillary Works
Site Address:	Land East Of Mainsbank House Mainsbank Arbroath DD11 4RY
Grid Ref:	362515 : 751416
Applicant Name:	Mrs Lisa McLean

Report of Handling**Site Description**

The site is located on land east of Mainsbank House, Mainsbank. The site measures around 1300sqm and currently contains mature hedges and trees. The site is bound to the north by a vehicular access track and woodland; to the east by a vehicular access track; to the south by the U469 Kinnell unclassified public road (U469 road); and to the west by a timber fence beyond which lies a strip of woodland. Further to the west lies the approved curtilage of Mainsbank House.

Proposal

Planning permission in principle is sought for the erection of a dwellinghouse, formation of a vehicular access and ancillary works.

The proposed site plan illustrates that the house would be positioned towards the north of the site and a vehicular access off the U469 road would be formed from the south. The application form indicates that the proposed foul drainage arrangements would be private, with SuDS for surface water drainage. The public water supply would also be utilised.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 18 June 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

Planning application 15/00152/FULL for 'Change of Use from Woodland Area to Equestrian Use and Formation of Sand School (retrospective)' was determined as approved subject to conditions on the 24th June 2015. That site lies east of the proposed site and the permission regularised a sand school which had been formed without the benefit of planning permission.

Planning application 16/00753/FULL for 'Conversion and Alteration of Mainsbank Farm into Three Dwellinghouses' was determined as approved on the 14th November 2016. The site plan for that application set out the curtilage/garden ground of the three house formed. That planning permission did not include the strip of land to the immediate west of the current site as forming part of the curtilage or garden ground of any of the three houses approved in that application.

Applicant's Case

A statement was submitted in support of the application which indicates that the proposal seeks planning permission in principle for a single family home on a site which falls within the accepted definition of a gap site adjacent to an existing group of houses at Mainsbank. The site is overgrown and unsightly which would ensure that the proposal would result in a net environmental improvement. Given the residential nature of the immediate area, a residential use is considered a wholly appropriate use. The proposal would contribute to the choice of housing stock within the area while making a valuable contribution to the local economy and supporting local services and facilities.

Consultations

National Grid Plant Protection - has confirmed no objection in relation to the proposal.

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

Roads (Traffic) - has confirmed no objection in relation to the proposal subject to conditions and an advisory note.

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

Health & Safety Executive - has confirmed no objection in relation to the proposal.

Representations

There were no letters of representation.

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

Policy PV21 : Pipeline Consultation Zones

TAYplan Strategic Development Plan

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

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

Assessment

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

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

The site is located within a category 1 rural settlement unit (RSU1). The local development plan indicates that category 1 RSU's are non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. The local development plan indicates that in these areas new

housing development outwith settlements should be restricted.

Policy TC2 supports housing in countryside locations where it falls within at one of a number of categories. Policy TC2 also requires proposals for housing in the countryside to be compatible with the Countryside Housing Supplementary Guidance.

The site does not comply with any of the circumstance where a new house in the countryside is permitted in a category 1 area.

The proposal would not involve the replacement of an existing dwelling; it would not involve the conversion of a non-residential building; it is not for an essential worker supported by appropriate evidence of need; and it would not involve the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or the removal of an incompatible land use. The site would not round off the building group because a house on the site would extend the building group further to the east.

The countryside housing supplementary guidance indicates that in category 1 areas a gap site with a frontage of up to 50 metres between the curtilage of one house and a metaled road may be filled by a single house; and the applicant opines that the site forms a gap site between the curtilage of a house to the west and a metalled road to the east.

Along the west boundary of the site is a strip of woodland described on the site plan as a 'service strip/foot access to Mainsbank East' contained by a 1.8m timber fence. The fence containing the west boundary of the site appears to have been erected recently, does not appear on ordnance survey data and there is no record of planning permission being granted for the fence or for the change of use of the land it encloses on its west side. It does not form part of the approved garden or curtilage of Mainsbank East.

The authorised curtilage of Mainsbank East, Mainsbank West and Mainsbank House is identified on the drawings associated with application 16/00753/FULL which subdivided the property into three dwellings. The site layout plan associated with that planning permission identifies an area with a road frontage of approximately 60m between the curtilage which was granted planning permission in 2016 and the 'existing track' to the east of the current site.

Having regard to the recent planning history of the site and on-site observations, the site sits between an area of woodland to the west and an access track to the east and therefore does not meet the definition of a gap site. The approved curtilage of property in that group is around 6m further west than shown on plans submitted with this application or observed on site, and the woodland along the west boundary does not have planning permission to be used as garden ground or curtilage associated with that building group. The 'gap site' has been artificially created by development which does not benefit from planning permission and when the curtilage authorised in 2016 is applied, the road frontage of the site measures around 60m which exceeds the maximum frontage for a qualifying gap site.

The principle of a house on the site is contrary to Policy TC2 and the associated countryside housing supplementary guidance.

Policy PV7 seeks to protect trees of nature conservation, amenity and landscape value and indicates that development and planting proposals should protect and retain woodland, trees and hedges and undertake a tree survey where appropriate. Policy TC2 requires the provision of a satisfactory residential environment for new dwellings; and requires new development to not result in unacceptable impacts on the natural environment. Policy DS4 indicates development will not be permitted where there is an unacceptable adverse impact on the amenity of occupiers of property including residential amenity in relation to loss of sunlight, daylight and overshadowing.

The application site contains mature trees in the areas to the south and west of the site and mature hedging along the northern, eastern and southern boundaries. The plans and supporting information submitted indicate that these would be retained, with the exception of works required for the creation of a vehicular access to the south and the house is proposed in the area to the north of the site.

The application is not supported by a tree survey or by information to show how a house could be achieved on the site relative to the route protection areas of trees. The application also fails to provide information in relation to the impact of the mature woodland on the residential environment of the proposed house in terms of available sunlight, daylight and overshadowing.

It would not be appropriate to approve a new house immediately to the north of mature woodland without information to show that the new house could co-exist with that woodland without the need for significant tree removal to allow for sunlight and daylight and avoid excessive overshadowing of the house and its garden ground. The application lacks the necessary information to demonstrate compliance with policies PV7, TC2 and DS4.

The principle of a house on the site does not comply with Policy TC2 or the associated countryside housing supplementary guidance. The information submitted with the application also fails to demonstrate that the proposal complies with Policy PV7 in respect of impacts on woodland; nor policies TC2 and DS4 in terms of the requirement for the dwelling to provide a satisfactory residential environment having regard to the effect of the retained trees on sunlight, daylight and overshadowing for the proposed house and its garden. Accordingly, the proposal is contrary to the development plan.

For completeness, an assessment against other relevant policies is provided below.

The proposed land use would be compatible with current and proposed land uses in the surrounding area; the site would be capable of accommodating a dwellinghouse that could be designed in a manner which would not result in unacceptable impacts on the built environment, surrounding amenity, access or infrastructure having regard to the advice provided by consultees; and a proposal of this nature would not require a contribution towards affordable housing. The proposal raises no significant conflicts with the Appendix 3 criteria. The proposed private drainage arrangements are in accordance with Policy PV15.

The site would be located around 275 metres to the east of the national grid high pressure gas pipe. The Health and Safety Executive and National Grid have both confirmed no objection in relation to the proposal. There is no reason to consider that the proposal would result in any significant direct or indirect impacts upon national grid high pressure gas pipe infrastructure.

In conclusion, the principle of a house on the site does not comply with any of the circumstances where a new house in the countryside is permitted by Policy TC2 and the associated countryside housing supplementary guidance. The application fails to demonstrate that the proposal complies with Policy PV7 in respect of impacts on trees and woodland, nor policies TC2 and DS4 in terms of the requirement for the dwelling to provide a satisfactory residential environment having regard to the effect of the retained trees on sunlight, daylight and overshadowing for the proposed house and garden. The proposal is also contrary to Policy DS1 because it is contrary to other policies of the plan as described above. The proposal is contrary to the development plan and there are no material planning considerations which would justify approval of the application.

Human Rights Implications

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

Decision

The application is refused

Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the proposal does not comply with any of the circumstances where a new house in a category 1 area is permitted.

2. The application lacks the information to demonstrate compliance with policies PV7, DS4 and TC2 of the Angus Local Development Plan 2016 to show that a house could co-exist with retained trees both in respect of potential impact of a house on the trees and their route protection areas; and the impact of retained trees on available sunlight, daylight and overshadowing of the proposed house and its garden.

3. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 because the proposal does not comply with (or demonstrate compliance with) other policies of the plan, namely policies DS4, TC2 and PV7.

Notes:

Case Officer: Walter Wyllie

Date: 28 September 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>)

Policy PV21 : Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.