

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 7 JULY 2022

LAND AT THE CLASH, DYKEHEAD

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider an application for a review seeking the removal of Condition 1(ii) of planning permission ref 21/00764/PPPL which requires 'a scheme of improvements to the U403 Dykehead road ex-adverso the site which shall include the widening of the U403 Dykehead road along the site frontage. Thereafter the scheme of improvements shall be completed prior to the occupation of any dwellinghouse hereby approved' – relating to planning permission in principle for 2 house plots at Land at The Clash, Dykehead, Kirriemuir.

1. RECOMMENDATIONS

It is recommended that the Committee:-

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

2. ALIGNMENT TO THE ANGUS COUNCIL PLAN

This report contributes to the following outcomes contained within the Angus Council Plan:

- 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.

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

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

**ANGUS COUNCIL'S SUBMISSION ON APPEAL AGAINST CONDITIONS 1 (ii)
IMPOSED**

APPLICATION NUMBER – 21/00764/PPPL

APPLICANT- MR LOUIS FERRIE

**PROPOSAL & ADDRESS – RENEWAL OF APPLICATION 18/00754/PPPL FOR
PLANNING PERMISSION IN PRINCIPLE FOR TWO HOUSE PLOTS AT LAND AT THE
CLASH DYKEHEAD KIRRIEMUIR**

CONTENTS

AC1	Report of Handling	
	Policy Tests (Angus Local Development Plan 2016)	
	<p>Policy DS1, DS3, DS4, TC2, PV7, PV15 & PV18</p> <p>Angus Local Development Plan (2016)</p> <p>https://www.angus.gov.uk/media/angus_local_development_plan_adop... n_adop...ted_september_2016</p> <p>Design and Placemaking Supplementary Guidance</p> <p>https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance</p> <p>Developer Contributions and Affordable Housing Supplementary Guidance</p> <p>https://www.angus.gov.uk/media/developer_contributions_and_affordable_housing_supplementary_guidance</p>	
	Consultation Responses	
AC2	Roads Traffic – 14.10.21 & 18.11.21	
AC3	Scottish Water – 06.10.21	

	Letters of Representations	
AC4	Mr Ian Watt – 07.10.21	
	Application Drawings	
AC5	Approved Drawings	
	Further Information Relevant to Assessment	
AC6	Approved Decision Notice	
AC7	Email From Agent In Relation To Consultation Response From Roads	
AC8	Email From Roads – Traffic To Agent In Relation To Consultation Response	
AC9	Email From Agent In Relation To Consultation Response From Roads	
AC10	Email From Roads – Traffic To Agent In Relation To Consultation Response	
AC11	Rural Roads Extract From National Roads Development Guide	
	Supporting Information	
AC12	Blackadders property services particulars	

Angus Council

Application Number:	21/00764/PPPL
Description of Development:	Planning Permission in Principle for Two House Plots
Site Address:	Land At The Clash Dykehead Kirriemuir
Grid Ref:	338573 : 760251
Applicant Name:	Mr Louis Ferrie

Report of Handling

Proposal

Planning permission in principle is sought for the erection of two dwellinghouses on land at The Clash, Dykehead, Kirriemuir.

The site plan illustrates that a vehicular access would be formed off the U403 Dykehead road which would provide vehicular access to both dwellinghouses. The site plan illustrates that plot 1 would measure around 1000sqm and would be located to the north west and plot 2 would measure around 850sqm and would be located to the east adjacent to the public road.

The application form indicates that foul drainage would connect to the public sewer and water supply arrangements would connect to the public water supply. Surface water drainage arrangements are unspecified.

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 8 October 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 04/00585/OUT for 'Outline Erection of a Dwellinghouse' was determined as approved subject to conditions on the 22nd June 2004.

Planning application 07/00829/OUT for 'Outline Erection of a Dwellinghouse' was determined as approved subject to conditions on the 2nd October 2007.

Planning application 09/00936/PPPL for 'Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 23rd October 2009.

Planning application 12/00479/PPPL for 'Renewal of Application 09/00936/PPPL for Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 11th July 2012.

Planning application 15/00428/PPPL for 'Renewal of Application 12/00479/PPPL for Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 17th November 2015.

Planning application 18/00754/PPPL for 'Renewal of Application 15/00428/PPPL for Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 13th

November 2018.

Applicant's Case

A Tree Survey Plan and Table was submitted in support of the proposal which confirms the location, species, height, condition and age for each tree within the site. Recommendations are made for 5 of the 35 trees within the site.

A copy of Blackadders Property Services Particulars for the site was also submitted in support of the proposal.

Consultations

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

Roads (Traffic) - has confirmed no objection to the proposal subject to planning conditions requiring visibility splays from the site access and a scheme of improvements to the public road ex-adverso the site to include the widening of the road along the site frontage.

Scottish Water - has confirmed no objection in relation to the proposal but has provided advisory comments in relation to water supply arrangements, foul drainage arrangements, surface water drainage arrangements, and impacts on assets.

Representations

1 letter of representation was received neither objecting to nor supporting the proposal.

The letter raises matters relating to the alleged sale and ownership of the plot but does not raise any relevant land use planning considerations.

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 PV18 : Waste Management in New Development

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 states that 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 Angus Local Development Plan (2016) (ALDP).

Policy TC2 states that proposals for new residential development within development boundaries will be

supported where the site is not allocated or protected for another use; and the proposal is consistent with the character and pattern of development in the surrounding area. It also states that all proposals for new residential development must be compatible with current and proposed land uses in the surrounding area; provide a satisfactory residential environment for the proposed dwelling(s); not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

The site is located within the development boundary and is not allocated or otherwise identified for development. It is located within a predominantly residential area and there are no conflicting land uses which would render residential use of the site unsuitable.

In terms of the residential environment to be provided, the plot sizes illustrated would be comparable with other plot sizes in the surrounding area and it is considered that the plots would allow scope for a dwelling which could benefit from a reasonable degree of privacy. There is space for more than 100sqm of private garden ground, to provide suitable arrangements for vehicular parking and turning and to provide refuse collection/storage and recycling arrangements.

Two suitably designed dwellinghouses within the site would be consistent with the character and pattern of development in the surrounding area. Precise details regarding the siting, design and external appearance of the proposed dwellinghouses would be considered as part of a subsequent detailed application, but there is no reason to consider that a design solution could not be achieved which would conform with the Design and Placemaking Supplementary Guidance (2018).

The proposal would not result in any significant direct or indirect impacts upon the natural or built environment. Additional trees over and above those identified for removal in the tree survey information submitted would require to be felled in order to accommodate the proposed houses and access. There would be scope for retention of a reasonable quantity of those trees and for new planting as part of the development. The existing trees are of limited landscape and townscape value but a planning condition is attached to ensure the full impact of the detailed design on trees is assessed as part of a detailed application.

There is sufficient space to allow for adequate separation to be maintained between the proposed dwellinghouses and existing dwellinghouses. At this stage there is no reason to consider two houses could not be fitted into the site in a manner which would respect the privacy and amenity of existing dwellings.

A new access is proposed from the U403 Dykehead road to the south. The roads service has commented that the site sits adjacent to a narrowed section of the public road, approximately 50 metres west of its junction with the B955 Kirriemuir to Clova road. Roads has requested planning conditions requiring (amongst other things) a scheme of improvements to secure the widening of the public road along the site frontage to mitigate impacts associated with the development. Subject to the conditions requested by roads, there is no reason to consider that proposal would give rise to any unacceptable impacts in respect of road traffic and pedestrian safety.

The proposed foul drainage arrangements are acceptable with a connection proposed to the public sewer. Surface water drainage arrangements are unspecified but appropriate sustainable drainage arrangements could be secured as part of a detailed application. Scottish Water have confirmed no objection in relation to the proposal and the arrangements are compatible with development plan policy.

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance (2018) and there is no reason to consider it would result in any unacceptable impacts on surrounding infrastructure.

Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than five years old but the ALDP has recently become more than five years old as it was adopted in September 2016. The policies contained in

the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate basis for the determination of this planning application.

In conclusion, the proposal is broadly compliant with the relevant policies of the local development plan subject to planning conditions. There are no material planning considerations which would justify the refusal of planning permission in principle.

Human Rights Implications

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

Decision

The application is approved subject to conditions

Reason(s) for Decision:

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

Conditions:

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the planning authority has been given and the development shall be carried out in accordance with that approval. The matters are: -

- i) The layout of the site, including the position of building(s), car parking, turning space, access and the means of site enclosure.
- ii) a scheme of improvements to the U403 Dykehead road ex-adverso the site which shall include the widening of the U403 Dykehead road along the site frontage. Thereafter the scheme of improvements shall be completed prior to the occupation of any dwellinghouse hereby approved.
- iii) the design and external appearance of the buildings;
- iii) Details of the means of surface water drainage for the development which shall include the provision of a cut-off drain at the junction of the proposed vehicular access with the U403 Dykehead road. For the avoidance of doubt surface water shall be directed to a sustainable drainage system;
- iv) A scheme of the landscaping and boundary enclosures for the site; and
- v) Details of existing and proposed ground levels and floor levels relative to a fixed ordnance datum.

Reason:

To ensure that the identified matters are given detailed consideration and to provide a safe and suitable standard of access and to maintain free traffic flow..

2. No site clearance, preparatory work or development shall take place until a scheme providing for the protection of trees to be retained on or adjacent to the site in accordance with BS5837:2012 has been submitted to and approved in writing by the planning authority. Thereafter, the approved scheme shall be carried out in accordance with the approved details prior to the commencement of works and shall remain in situ until development is completed. For the avoidance of doubt no materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas and no fire shall be lit in the position where the flames could extend to within 5 metres of

foliage, branches or trunks.

Reason:

In order to prevent unnecessary damage to trees on and adjacent to the site.

3. Prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the unclassified Dykehead Road (B955) giving a minimum sight distance of 43 metres in an easterly direction at a point 2.4 metres from the nearside channel line of Dykehead Road (B955)

Reason:

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

Notes:

Case Officer: Walter Wyllie

Date: 23 November 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 PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Memorandum

Infrastructure
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 14 OCTOBER 2021

SUBJECT: **PLANNING APPLICATION REF. NO. 21/00764/PPPL – PROPOSED ERECTION OF TWO DWELLINGHOUSES AT SMITHY COTTAGE, THE CLASH DYKEHEAD, KIRRIEMUIR**

I refer to the above planning application which seeks to reinstate previous planning permissions reference numbers 12/00479/PPPL and 09/0936/PPL.

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

The site is located on the north side of the unclassified Dykehead Road (B955) on land to the rear and to the east of an existing telephone exchange. The site sits adjacent to a narrowed section of the public road, approximately 50 metres west of its junction with the B955 Kirriemuir to Clova road.

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, a scheme of improvements to the public road ex-adsverso the site shall be submitted for the approval of the planning authority. The scheme of improvement shall include for a widening of the road over the site frontage. The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the public road shall thereafter be completed prior to the occupation of any dwelling house hereby approved.
Reason: to provide a safe and suitable standard of access and to maintain free traffic flow.

- 2 That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the unclassified Dykehead Road (B955) giving a minimum sight distance of 60 metres in a westerly direction and 55 metres in an easterly direction, each at a point 2.4 metres from the nearside channel line of Dykehead Road (B955).
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 any dwelling house approved on the site, car parking spaces shall be provided within its plot 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, plans and particulars of all details relating to access; road layout design; specification and construction, including the provision of surface water drainage shall be submitted for consideration by the planning authority. The development shall not commence until the planning authority has agreed the details in writing. The road works shall thereafter be completed in accordance with the approved details.
Reason: to ensure a satisfactory standard of road construction.
- 5 That, the vehicle 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 access if finished ground levels fall towards the public road.
Reason: to prevent the flow of surface water onto the public road in the interests of traffic safety.

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



Walter K Wyllie

From: Andy Barnes
Sent: 18 November 2021 19:42
To: Walter K Wyllie
Cc: Adrian G Gwynne
Subject: RE: Planning Application Reference : 21/00764/PPPL - Application for Two House Plots on Land At The Clash, Dykehead, Kirriemuir

Walter

Further to discussions regarding the above planning application and the Roads consultation response dated 14 October 2021.

With reference to Condition 2 of the above response:

Condition 2

“That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the unclassified Dykehead Road (B955) giving a minimum sight distance of 60 metres in a westerly direction and 55 metres in an easterly direction, each at a point 2.4 metres from the nearside channel line of Dykehead Road (B955).

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

It is recognised that as the application is in principle only the issue of access is a reserved matter. I note that the application plan indicates that the access could be formed directly adjacent to the neighbouring telephone exchange. Regardless, provision of sightlines in accordance with Condition 2 as stated would require land not in the ownership or under the control of the applicant and as such cannot be provided. This would therefore be an inappropriate condition.

I would recommend that the condition be revised as follows:

“That, prior to the commencement of development, a visibility splay shall be provided at the junction of the proposed access with the unclassified Dykehead Road (B955) giving a minimum sight distance of 43 metres in an easterly direction at a point 2.4 metres from the nearside channel line of Dykehead Road (B955).

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

I trust the above is of assistance.

Regards

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

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Think green – please do not print this email

Wednesday, 06 October 2021



Local Planner
Planning Service
Angus Council
Forfar
DD8 1AN

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

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



Dear Customer,

Land At The Clash, Dykehead, Kirriemuir, DD8 4QN
Planning Ref: 21/00764/PPPL
Our Ref: DSCAS-0049999-YGV
Proposal: Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the CLASH SEP Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

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

Asset Impact Assessment

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

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ **Non Domestic/Commercial Property:**

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

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

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Pamela Strachan

Development Services Analyst

Tel: 0800 389 0379

planningconsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Comments for Planning Application 21/00764/PPPL

Application Summary

Application Number: 21/00764/PPPL

Address: Land At The Clash Dykehead Kirriemuir

Proposal: Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots

Case Officer: Walter Wyllie

Customer Details

Name: Mr Ian Watt

Address: Am Mile Bliadhna Dykehead Dd84qn

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

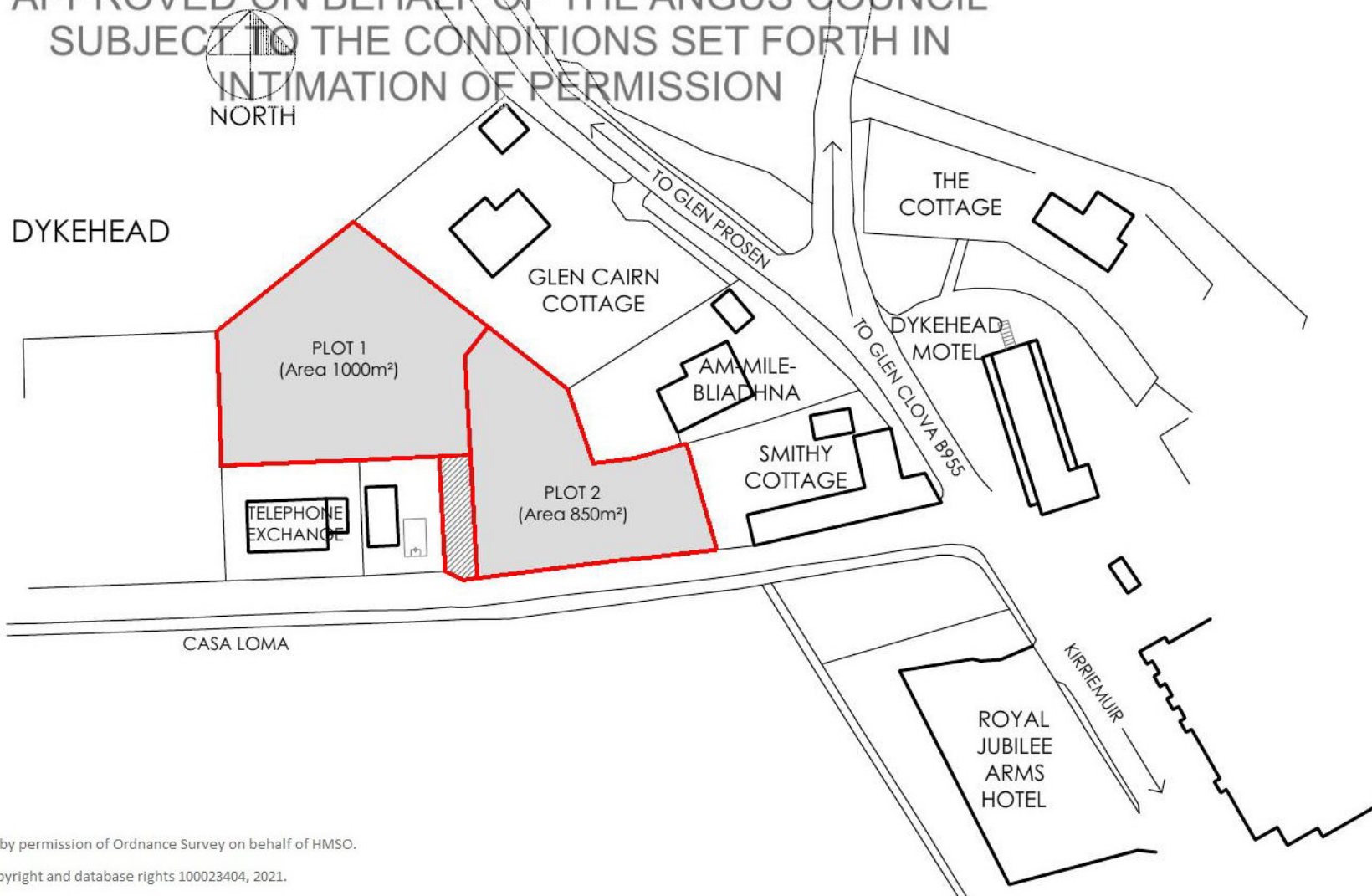
Comment: Having recently entered in negotiations about purchasing this plot, I have been led to believe that the plot was sold and therefore I do not understand why the Planning Application Renewal is still in the name of the previous owner?



OS MAP
(Not to Scale)


Town & Country Planning (Scotland) Act 1997 As Amended

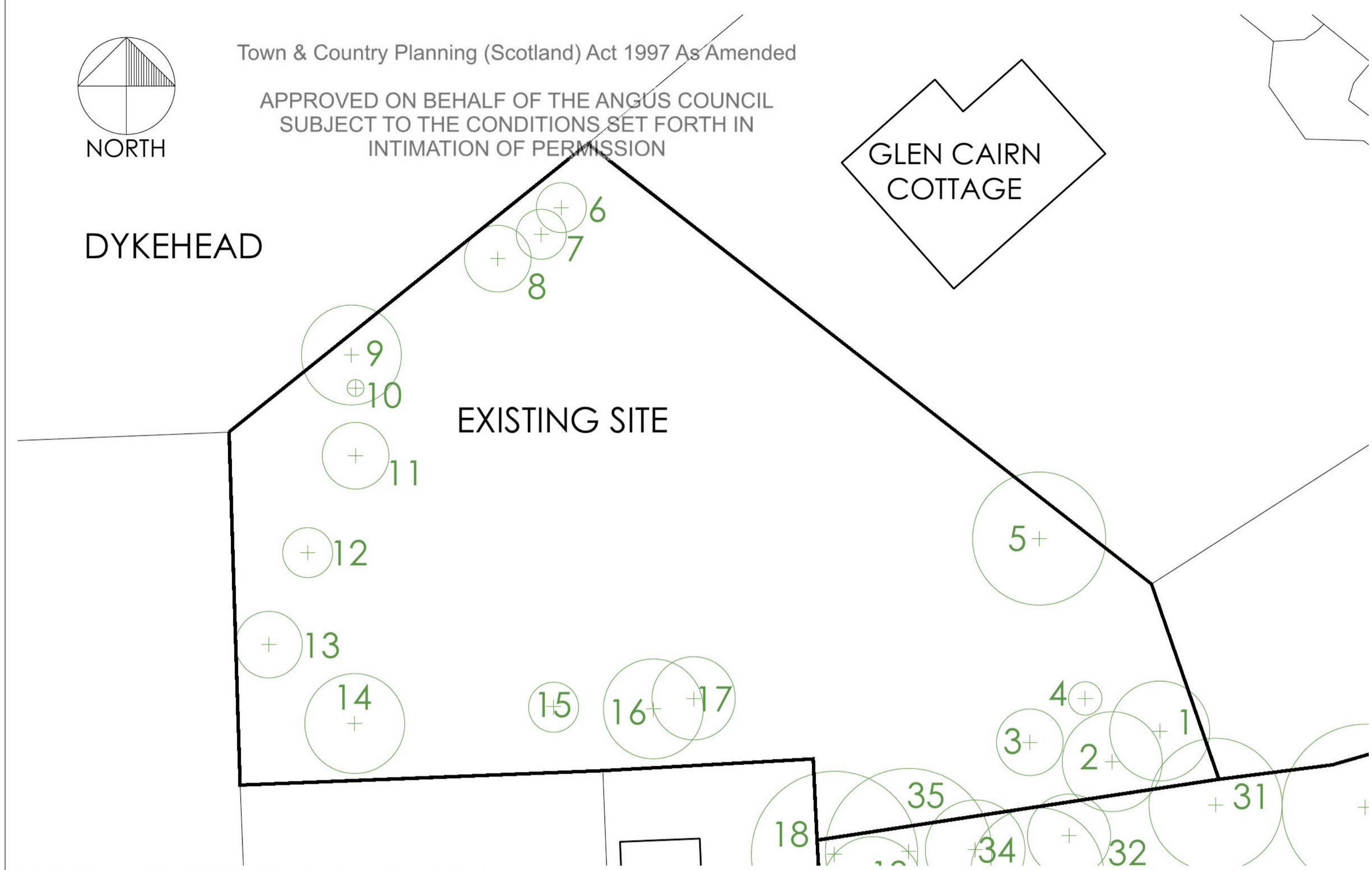
APPROVED ON BEHALF OF THE ANGUS COUNCIL
SUBJECT TO THE CONDITIONS SET FORTH IN
INTIMATION OF PERMISSION



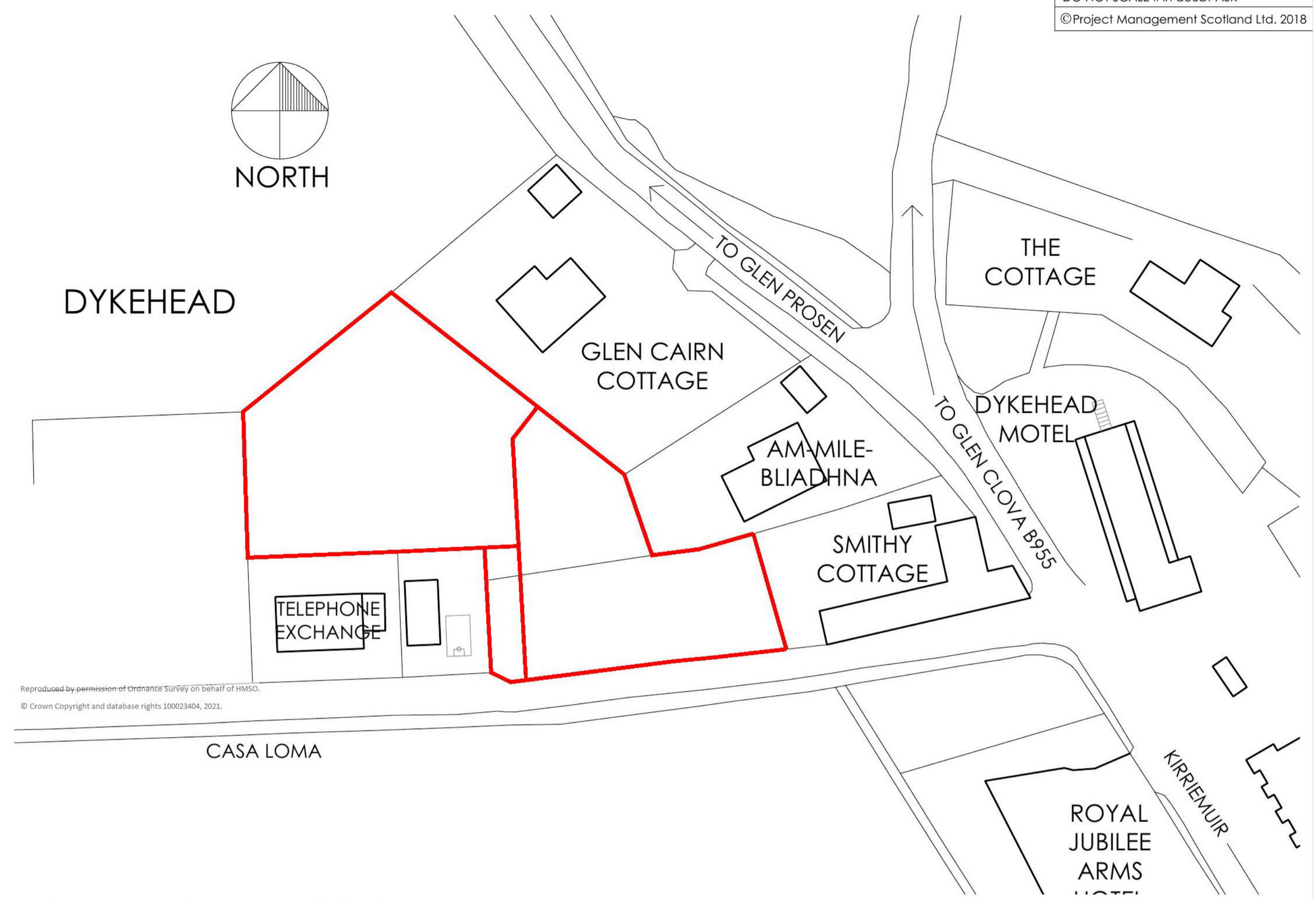
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LOCATION PLAN
Scale 1:1000

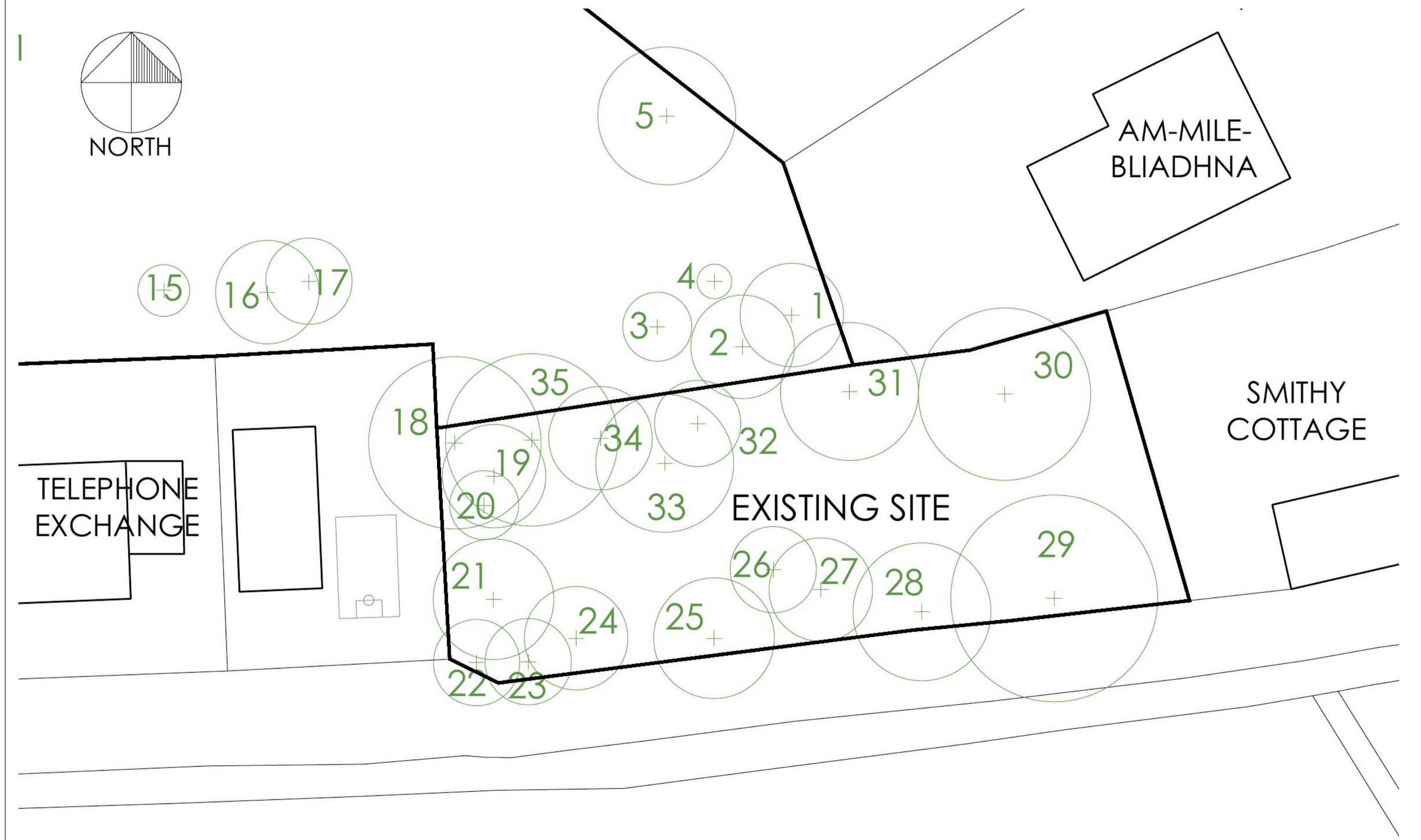
 PROJECT MANAGEMENT SCOTLAND LTD 98 NORTH STREET, FORFAR, ANGUS, DD8 3BN TELE: 01307 467744 FAX: 01307 467766 E-MAIL: enq@pm-scot.com	© Project Management Scotland Ltd 2018		DO NOT SCALE-IF IN DOUBT-ASK				
	CLIENT	DRAWING	DATE	DRAWN BY	CHECKED BY		
	Mr Ferrie	Location Plan & OS Map	Sept'21	[REDACTED]	[REDACTED]		
	PROJECT	DRAWING No.	SCALE	REV.	DESCRIPTION		
2no. House Plots Land at Smithy Cottage, Dykehead By Kirriemuir	PMS 1657/100	1:1000		DATE			
DRAWING STATUS		Feasibility <input type="checkbox"/>	For Client Approval <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>	Building Warrant <input type="checkbox"/>	Construction <input type="checkbox"/>	As Built <input type="checkbox"/>



EXISTING SITE PLAN - PART 1
Scale 1:200




EXISTING SITE LAYOUT
Scale 1:1000



EXISTING SITE PLAN - PART 2
Scale 1:200

TREE SURVEY TABLE

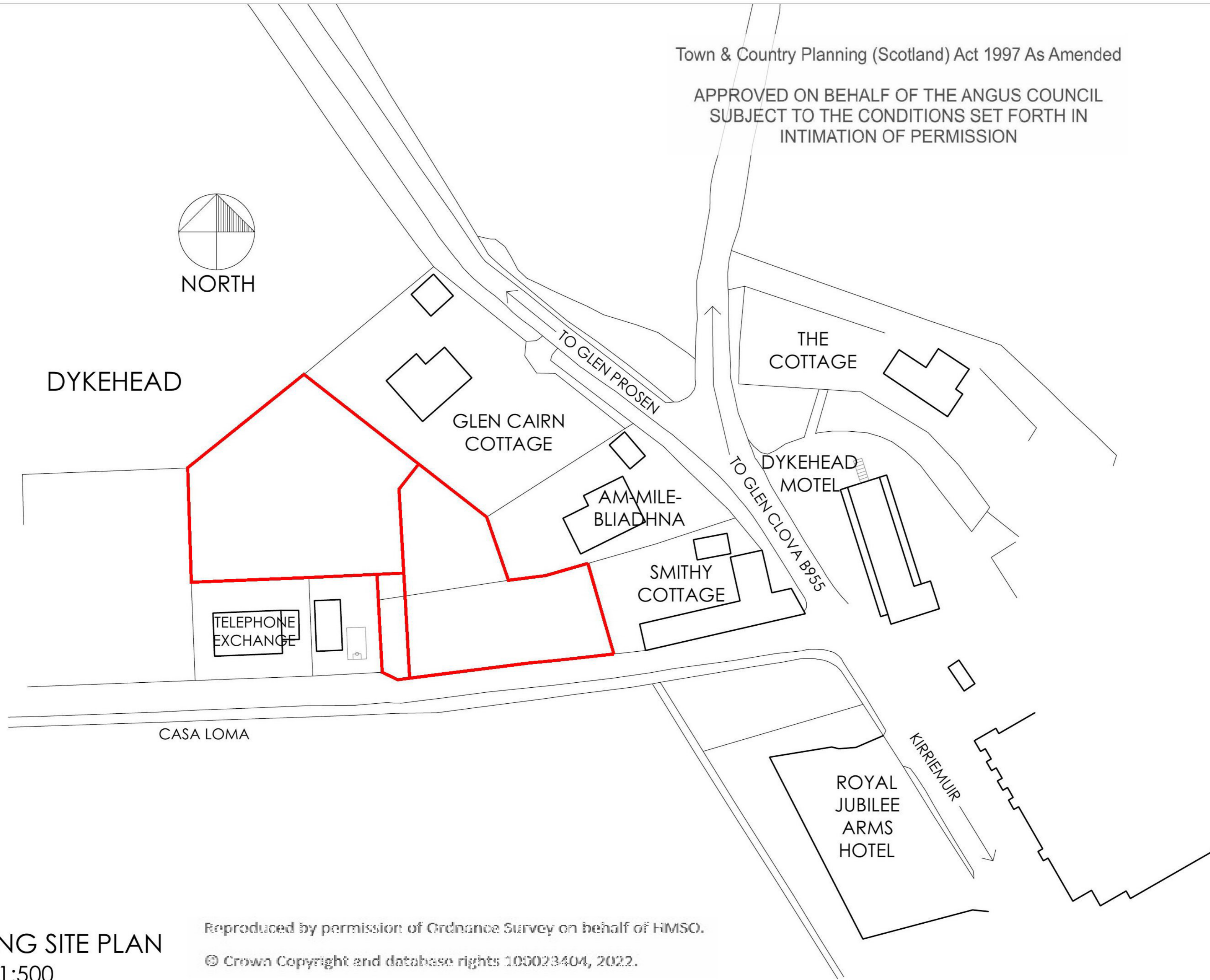
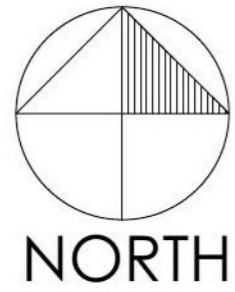
TREE No.	SPECIES	HEIGHT(m)	CLEAR TRUNK	BREAST HIGH DIAMETER	CROWN DIAMETER	CONDITION	VIGOUR	AGE	ACTION
1.	CHERRY	10.0m	2.5m	0.6m	6.0m	Healthy	Normal	Semi-Mature	?
2.	CHERRY	10.0m	2.7m	0.6m	6.0m	Healthy	Normal	Semi-Mature	?
3.	CHERRY	7.0m	2.4m	0.5m	4.0m	Suspect	Low	Young Tree	FELL
4.	THORN	5.0m	2.0m	0.1m	2.0m	Suspect	Low	Young Tree	FELL
5.	CHERRY	12.0m	2.5m	0.7m	8.0m	Healthy	Normal	Semi-Mature	?
6.	SILVER BIRCH	13.0m	3.0m	0.5m	3.0m	Healthy	Normal	Semi-Mature	?
7.	SILVER BIRCH	13.0m	3.0m	0.6m	3.0m	Healthy	Normal	Semi-Mature	?
8.	SCOTS PINE	11.0m	2.8m	0.9m	4.0m	Healthy	Normal	Semi-Mature	?
9.	SCOTS PINE	9.0m	0.5m	0.8m	6.0m	Healthy	Normal	Semi-Mature	?
10.	ROWAN	4.0m	2.0m	0.1m	1.0m	Dying	x	Young Tree	FELL
11.	SCOTS PINE	11.0m	1.0m		4.0m	Healthy	Normal	Semi-Mature	?
12.	SILVER BIRCH	16.0m	3.0m	0.6m	3.0m	Healthy	Normal	Young Tree	?
13.	SILVER BIRCH	16.0m	3.5m	0.6m	4.0m	Healthy	Normal	Young Tree	?
14.	SCOTS PINE	14.0m	2.5m	0.9m	6.0m	Healthy	Normal	Semi-Mature	?
15.	THORN	4.0m	2.4m	0.3m	3.0m	Suspect	Low	Young Tree	FELL
16.	ASH	9.0m	2.0m	0.6m	6.0m	Healthy	Normal	Young Tree	?
17.	ASH	8.0m	2.4m	0.5m	5.0m	Healthy	Normal	Young Tree	?
18.	ALDER	14.0m	2.4m	1.2m	10.0m	Healthy	Normal	Mature	?
19.	?	12.0m	2.2m	0.8m	6.0m	x	x	Dead	FELL
20.	BEECH	6.0m	1.0m	0.5m	4.0m	Healthy	Normal	Young Tree	?
21.	SERVICE	6.0m	2.0m	0.6m	7.0m	Healthy	Normal	Semi-Mature	?
22.	SYCAMORE	7.0m	N/A	N/A	5.0m	Moderate	Low	Young Tree	?
23.	SYCAMORE	6.5m	N/A	N/A	5.0m	Moderate	Low	Young Tree	?
24.	ALDER	9.0m	3.0m	0.6m	6.0m	Moderate	Low	Young Tree	?
25.	SYCAMORE	8.0m	N/A	N/A	7.0m	Moderate	Low	Young Tree	?
26.	SILVER BIRCH	10.0m	2.5m	0.7m	5.0m	Healthy	Normal	Young Tree	?
27.	SERVICE	9.0m	2.0m	0.6m	6.0m	Moderate	Normal	Semi-Mature	?
28.	SYCAMORE	10.0m	N/A	N/A	8.0m	Moderate	Normal	Young Tree	?
29.	HORSE CHESTNUT	20.0m	4.0m	2.7m	12.0m	Healthy	Normal	Mature	?
30.	ALDER	18.0m	3.0m	1.2m	10.0m	Healthy	Normal	Mature	?
31.	SWEET CHESTNUT	17.0m	2.5m	0.9m	8.0m	Healthy	Normal	Semi-Mature	?
32.	SCOTS PINE	16.0m	3.0m	0.8m	5.0m	Healthy	Normal	Mature	?
33.	OAK	16.0m	2.5m	0.8m	8.0m	Healthy	Normal	Young Tree	?
34.	LARCH	15.0m	4.0m	1.0m	6.0m	Healthy	Normal	Young Tree	?
35.	ALDER	17.0m	3.0m	0.9m	10.0m	Healthy	Normal	Young Tree	?

A	site boundary update	NOV 21
REV.	DESCRIPTION.	DATE.
 PROJECT MANAGEMENT SCOTLAND LTD 98 NORTH STREET, FORFAR, ANGUS, DD8 3BN TELE: 01307 467744 FAX: 01307 467766 EMAIL: info@pm-scot.com		
CLIENT	Mr Ferrie	
PROJECT	2no. House Plots Land at Smithy Cottage Dykehead By Kirriemuir	
DRAWING	Proposed Tree Survey & Site Plans	
DRAWING STATUS	Feasibility <input type="checkbox"/> For Client Approval <input type="checkbox"/> Planning <input checked="" type="checkbox"/> Building Warrant <input type="checkbox"/> Construction <input type="checkbox"/> As Built <input type="checkbox"/>	
SCALE	As Stated	DATE Sep'18
DRAWN BY	CHECKED BY	
DRAWING No.	PMS1657/102	REV. A
CAD REFERENCE:	[1657]SITE.dwg	

DO NOT SCALE-if in doubt-ASK
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Town & Country Planning (Scotland) Act 1997 As Amended

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



EXISTING SITE PLAN
 Scale 1:500

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REV.	DESCRIPTION.	DATE.
A	site boundary update	NOV 21

pm
 PROJECT MANAGEMENT SCOTLAND LTD
 98 NORTH STREET, FORFAR, ANGUS, DD8 3BN
 TELE: 01307 467744 FAX: 01307 467766
 E-MAIL: enq@pm-scot.com

CLIENT
 Mr Ferrie

PROJECT
 2no. House Plots
 Land at Smithy Cottage
 Dykehead
 By Kirriemuir

DRAWING
 Existing Site Plan

DRAWING STATUS
 Feasibility For Client Approval
 Planning Building Warrant
 Construction As Built

SCALE
 1:500

DATE
 Sept'18

DRAWN BY
 [REDACTED]

CHECKED BY

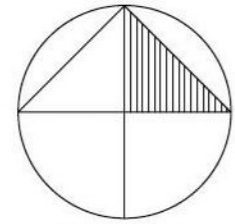
DRAWING No.
 PMS 1657/101

REV.

CAD REFERENCE.
 (1657)SITE.dwg

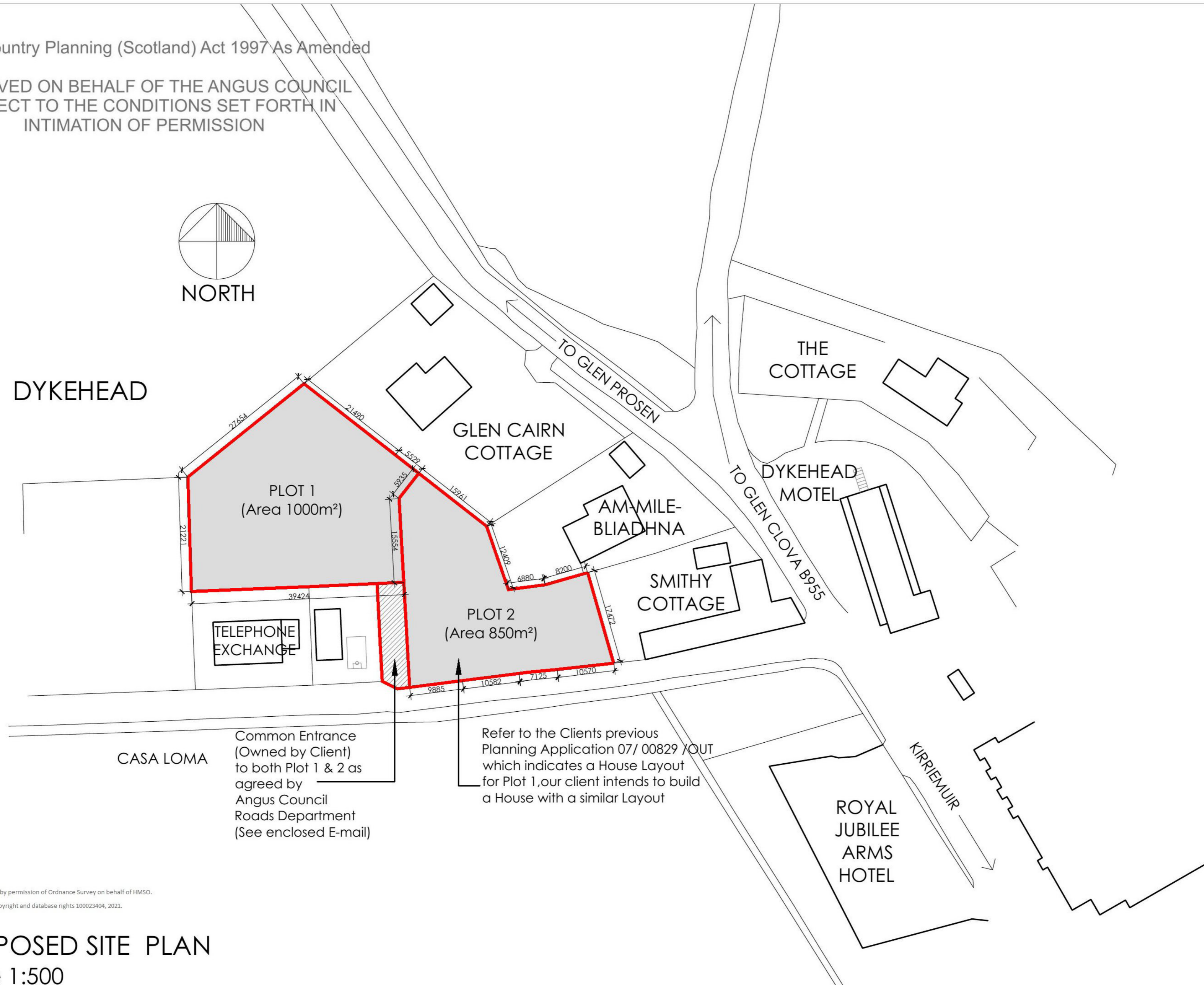
Town & Country Planning (Scotland) Act 1997 As Amended

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



NORTH

DYKEHEAD



TELEPHONE EXCHANGE

CASA LOMA
Common Entrance
(Owned by Client)
to both Plot 1 & 2 as
agreed by
Angus Council
Roads Department
(See enclosed E-mail)

Refer to the Clients previous
Planning Application 07/ 00829 /OUT
which indicates a House Layout
for Plot 1,our client intends to build
a House with a similar Layout

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PROPOSED SITE PLAN
Scale 1:500

DO NOT SCALE-if in doubt-ASK

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REV.	DESCRIPTION.	DATE.
A	plot note update	NOV 21
A	arrow location update	NOV 21



PROJECT MANAGEMENT SCOTLAND LTD
98 NORTH STREET, FORFAR, ANGUS, DD8 3BN
TELE: 01307 467744 FAX:01307 467766
E-MAIL: enq@pm-scot.com

CLIENT
Mr Ferrie

PROJECT
2no. House Plots
Land at Smithy Cottage
Dykehead
By Kirriemuir

DRAWING
Proposed Site Plan

DRAWING STATUS
 Feasibility For Client Approval
 Planning Building Warrant
 Construction As Built

SCALE
1:500

DATE
Sept'18

DRAWN BY
[Redacted]

CHECKED BY
[Redacted]

DRAWING No.
PMS 1657/201

REV.
A

CAD REFERENCE.
(1657)SITE.dwg



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

**PLANNING PERMISSION IN PRINCIPLE APPROVAL
REFERENCE : 21/00764/PPPL**

To: **Mr Louis Ferrie
c/o Project Management Scotland Limited
26 Montrose Road
Forfar
DD8 2HT**

With reference to your application dated **28 September 2021** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir for Mr Louis Ferrie

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

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the planning authority has been given and the development shall be carried out in accordance with that approval. The matters are: -
 - i) The layout of the site, including the position of building(s), car parking, turning space, access and the means of site enclosure;
 - ii) A scheme of improvements to the U403 Dykehead road ex-adverso the site which shall include the widening of the U403 Dykehead road along the site frontage. Thereafter the scheme of improvements shall be completed prior to the occupation of any dwellinghouse hereby approved;
 - iii) The design and external appearance of the buildings;
 - iv) Details of the means of surface water drainage for the development which shall include the provision of a cut-off drain at the junction of the proposed vehicular access with the U403 Dykehead road. For the avoidance of doubt surface water shall be directed to a sustainable drainage system;
 - v) A scheme of the landscaping and boundary enclosures for the site; and
 - vi) Details of existing and proposed ground levels and floor levels relative to a fixed ordnance datum.
2. No site clearance, preparatory work or development shall take place until a scheme providing for the protection of trees to be retained on or adjacent to the site in accordance with BS5837:2012 has been submitted to and approved in writing by the planning authority. Thereafter, the approved scheme shall be carried out in accordance with the approved details prior to the commencement of works and shall remain in situ until development is completed. For the avoidance of doubt no materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
3. Prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the U403 Dykehead road giving a minimum sight distance of 43 metres in an easterly direction at a point 2.4 metres from the nearside channel line of the U403 Dykehead road.

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

1. To ensure that the identified matters are given detailed consideration and to provide a safe and suitable standard of access and to maintain free traffic flow.
2. In order to prevent unnecessary damage to trees on and adjacent to the site.
3. To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

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

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

Dated this **29 November 2021**

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

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

Amendments:

The application has not been subject of variation.

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

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



WARNING

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

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

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

Produced by:

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

NOTIFICATION OF INITIATION OF DEVELOPMENT

AC6

This notice must be fully completed by the person intending to carry out the development as approved in application reference **21/00764/PPPL** for **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots** at **Land At The Clash Dykehead Kirriemuir** for **Mr Louis Ferrie** dated **29 November 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Do you own the land subject to the above permission?

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

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

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

AC6

This notice should be fully completed by the person who completed the development approved in application reference **21/00764/PPPL** for **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots** at **Land At The Clash Dykehead Kirriemuir** for **Mr Louis Ferrie** dated **29 November 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Date of completion of the above development:

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

SCHEDULE 7

Development at **Land At The Clash Dykehead Kirriemuir**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Louis Ferrie** on **29 November 2021**.

Application reference **21/00764/PPPL**

The development comprises **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots**

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

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

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

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linsearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

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.

Walter K Wyllie

From: Phil Birse <phil@pm-scot.com>
Sent: 05 November 2021 10:23
To: Walter K Wyllie
Cc: Project Management Enquiries
Subject: Planning Application Reference : 21/00764/PPPL -Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir.

Planning Application Reference : 21/00764/PPPL -Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir.

Morning Walter,

The applicant has brought the attached to our attention:

That, prior to the commencement of development, a scheme of improvements to the public road ex-adverso the site shall be submitted for the approval of the planning authority. The scheme of improvement shall include for a widening of the road over the site frontage. The development shall not commence until the planning authority has agreed the scheme of improvements in writing. The scheme of improvements to the public road shall thereafter be completed prior to the occupation of any dwelling house hereby approved. Reason: to provide a safe and suitable standard of access and to maintain free traffic flow.

The original application for this one was submitted back in 2004 and has been renewed again 2007, 2009, 2012, 2015 and 2018, this condition has never been attached to the PPPL and is obviously the attached, unexpected suggested condition, has come out of the blue and with it will attach serious additional construction costs to carry out.

Can you please confirm the justification as to why this has now been added into a long standing application that has ran for 17 years, For 17 years it would seem that it was safe and suitable access but now it is not?

Whereby the area has remained the same as has the proposal? Will the above recommended / suggested condition be attached to the approval...

Await your response

Kind Regards

Phil Birse
Project Management Scotland Ltd
26 Montrose Road
Forfar
DD8 2HT

Tel: [REDACTED]
Email: phil@pm-scot.com



Walter K Wyllie

From: Andy Barnes <BarnesA@angus.gov.uk>

Sent: 09 November 2021 18:08

To: Walter K Wyllie <WyllieWK@angus.gov.uk>

Cc: Adrian G Gwynne <GwynneAG@angus.gov.uk>; phil@pm-scot.com

Subject: RE: Planning Application Reference : 21/00764/PPPL -Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir.

Walter

The question of road width is covered in the council's current road standards document, The National Roads Development Guide.

In a remote rural situation consideration is required to be given to road widths. The requirement for basic road widths is based on user defined swept path analysis and this remains the case.

Where a development is proposed on a road which does not meet the normal width criteria then the developer will be required to widen the road along the frontage of the development to the appropriate width and provide new and/or passing places where required.

On an existing narrow rural road, passing places should be constructed to enable user defined traffic to pass. This is tempered by the road widening that has taken place for the properties to the west of the Telephone Exchange up to Dykehead Cottages.

Locating passing places on bends on existing roads is advisable to assist vehicle conflict where reversing or anticipating and negotiating passing vehicles is more difficult.

While functionality can be retained with minimal road widths, on minor rural roads with a reduced carriageway width passing places should be provided to create a nominal width of 5.5 metres which allows for the safe passage of two-way traffic. This width should also be provided where new accesses are created to provide sufficient width for the swept path of a vehicle entering and exiting the access.

I trust this helps to clarify the previous roads consultation response.

Regards

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

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

Think green – please do not print this email

Walter K Wyllie

From: Phil Birse <phil@pm-scot.com>

Sent: 11 November 2021 15:29

To: Walter K Wyllie <WyllieWK@angus.gov.uk>

Cc: Project Management Enquiries <enq@pm-scot.com>

Subject: RE: Planning Application Reference : 21/00764/PPPL -Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir.

Walter,

The current NRD Guide on Scotgov website and the sections dealing with roads policy seem to have been last updated in June 2017, around 16 months before the last permission was granted in November 2018 and which would again question why our client is being subjected to this condition now.

There is minimal traffic on this road only serving around 10 houses. It is straight with good visibility its whole length, in rare cases 2 vehicles should meet in opposite directions there are already a couple of wider sections for passing places.

Can you confirm if and why this condition will be applied to a historic application and one that has already been approved in 2018 against the same road policies on this matter?

Kind Regards

Phil
Project Management Scotland Ltd
26 Montrose Road
Forfar
DD8 2HT

Tel: [REDACTED]
Email: phil@pm-scot.com

The logo consists of the lowercase letters 'pm' in a bold, sans-serif font. The letter 'p' is positioned to the left of the letter 'm'. A horizontal line is drawn underneath the 'p'.

Walter K Wyllie

From: Andy Barnes <BarnesA@angus.gov.uk>

Sent: 17 November 2021 14:59

To: Walter K Wyllie <WyllieWK@angus.gov.uk>; Adrian G Gwynne <GwynneAG@angus.gov.uk>

Cc: phil@pm-scot.com

Subject: RE: Planning Application Reference : 21/00764/PPPL -Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir.

Walter

The demands on public roads are ever evolving.

The policies within the National Roads Development Guide are applicable today and have been considered with respect to the current application.

In this respect the roads authority is not minded to amend its consultation response.

Regards

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

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(j) Surface Finish of Service Strip

The surface finish of all service strips must form an integral part of the environment and be acceptable for general maintenance by the Local Roads Authority. Service strips should be protected when there are risks from damage from occasional overriding by vehicles.

(k) Planting and Service Strips

It is essential that any trees adjacent to service strips are located so that their roots will not damage services underground or be damaged themselves during the maintenance of such services.

Ducting services past tree roots can provide normally an acceptable compromise for all parties.

Advice should always be sought from the Statutory Undertakers when considering planting in the vicinity of services. Refer to [NJUG Publications](#) .

(l) Road Opening Consultations and Consents

The developer is responsible for contacting the Statutory Undertakers regarding the position of, and connection to, any existing underground plant. In all cases, the necessary Road Opening Permit under the Roads (Scotland) Act, 1984 or Permission in Writing under the New Roads and Street Works Act, 1991 must be obtained from the Road Authority before any excavation is undertaken in a public road.

3.1.7 Rural Areas**(a) Introduction**

The main part of the Guidelines considers the urban situation and its immediate environs. However, areas of a rural nature should be considered differently.

(b) Hierarchy

Circumstances when rural standards may be applied should be discussed early in the planning stage and may include:

- ◊ *developments adjacent to and accessing directly onto an existing unrestricted road;*
- ◊ *developments which are likely to remain remote from existing settlements for the foreseeable future and require a new road that ultimately accesses to the existing unrestricted road network.*

Rural areas can be treated similar to the urban areas but the significant difference will be to ensure that adequate visibility is provided on roads which are subject to speed limits which are in excess of 30mph.

Required provision for public transport and footways should be referred to the local authority.



(c) Road Widths

Introduction

Consideration will also require to be given to road widths in a remote rural situation. The basic road widths for Residential Roads, within this document, are based on user defined swept path analysis and this remains the case. However, consideration must be given to the additional traffic flow which will be generated by the development on the existing surrounding road network.

Dwellings/Traffic Flow/Road Widths

The developer will have to demonstrate the level of the existing traffic flow and the likely peak generated flow created by the new development and depending upon the new total flow the following new road types and minimum widths are suggested as likely to be appropriate.

Adjacent future development identified through either Master planning or Local Development Plans need to be considered such that developments are adaptable to these future requirements.

Developing on Existing Roads

Where a development is proposed on a road which does not meet these criteria then the developer will be required to widen the road along the frontage of the development or the access road to the development to the appropriate width and provide new and/or passing places where required to mitigate the development traffic. Note this requires statutory consents such as a Section 56 *Roads (Scotland) Act 1984* [link](#).

Passing Places on Existing Roads

On an existing narrow rural road, passing places should be constructed to enable user defined traffic to pass. The design of such a passing place should consider functionality against a balanced view of placemaking aspirations and a presumption against urbanising the countryside.

All passing places should provide a minimum overall width of 5.5 metres. Locating passing places is dependent on gaining the maximum benefit balanced with planning legislation.

Where possible, it is advisable to have intervisible passing places, adjacent passing places should be placed on alternate sides of the road or on corners where maximum benefit is gained.

Locating passing places on bends on existing roads is advisable to assist vehicle conflict where reversing or anticipating and negotiating passing vehicles is more difficult.

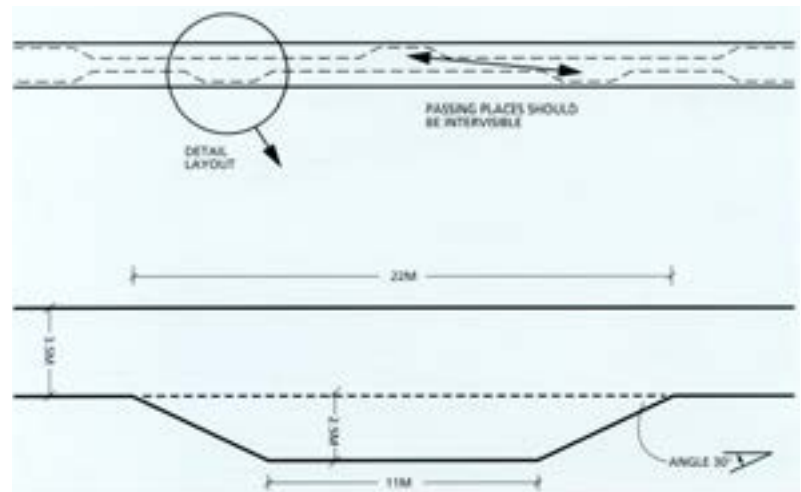
Advice on specific numbers and locations should be sought from the Local Authority in advance.



Passing Places on New Access Roads

All passing places on a new access road should be constructed to the dimensions given in Figure 26. All passing places should be intervisible. Adjacent passing places should be placed on alternate sides of the road. Advice on specific numbers and locations should be sought from the Local Authority in advance.

Figure 26
New Access Passing Places



Visibility Splay

Visibility splays are calculated in the same manner to the method used in the Urban area for the X distance, but the speed which the Y distance is based on will be higher. In certain circumstances, the design speed for the road will not be known and it may be necessary to measure the actual speed at which the traffic is travelling in order to calculate the Y distance.

Speed Visibility Relationship

Where the traffic speed can be measured, the 85%ile speed should be measured in wet weather and then this measured speed can be compared against the speed, or the next highest speed in Table 8, which then gives the Y distance. If there is not an opportunity to measure the speed then Table 9 should be used and the Y distance obtained from the appropriate speed limit.

Table 8 Wet Weather - 85 Percentile Speed

Major Road Speed (mph)	75	62	53	44	37.5	30
Y Distance (m)	295	215	160	120	60	43

Table 9 Speed Limit

Speed Limit (mph)	70	60	50	37	30
Y Distance (m)	295	215	160	59	43

Access Points

Where a development is proposed from a road with a high traffic flow which is not subject to a 30 mph speed limit, particularly in more rural areas, and the access is to be gated then the gate should be set back by at least 6 metres so that cars entering or leaving do not require to stand on the carriageway while the gates are opened and closed. All gates must open inwards towards the site. If the development is to cater for larger vehicles or is a field access when it will be necessary to set the gate back by a distance which will accommodate a turning manoeuvre appropriate for the vehicles which are likely to be using it. On roads with a low traffic flow this requirement may be waived at the discretion of the Local Roads Authority.

**Consultation**

Developers are advised to consult the Local Roads Authority at an early stage to determine the road requirements of the development.

3.1.8 Street Planting Considerations

This aspect should be considered in conjunction with any SUDS design.

(a) Visual Aspects of Housing Developments

It is important to the general appearance of a housing development that emphasis is placed on the careful design of gardens and public open spaces. Every attempt should be made to reduce the visual intrusion of roads in a housing environment by the judicious use of hard and soft landscape treatments while ensuring that security is not compromised.



Maintaining existing trees that are in good condition and of value is well understood to accentuate the value of a new development.

Reference to the Scottish Government's [Green Infrastructure: Design and Placemaking](#).

[Trees in Hard Landscapes: A Guide for Delivery](#)

[Trees in the Townscape: A Guide for Decision Makers](#)



Blackadders

PROPERTY SERVICES

AC12



PLOTS 1 & 2, THE CLASH, DYKEHEAD, CORTACHY, BY KIRRIEMUIR, DD8 4QN

OFFERS OVER £120,000 for Plot 1 and OFFERS OVER £100,000 for Plot 2

- 2 BUILDING PLOTS
- IDYLIC RURAL LOCATION
- SERVICES NEARBY
- PLOT 1 APPROX 1000SQM
- PLOT 2 APPROX 850 SQM
- OUTLINE PLANNING PERMISSION

DESCRIPTION

Offered for sale are two generous sized building plots located off a quiet lane in the village of Dykehead. Dykehead is situated at the foot of Glen Clova and approx. 5 miles from Kirriemuir. The Angus Glens are popular for those enjoying outdoor activities including hill walking, fishing, skiing and game shooting on the nearby estates.

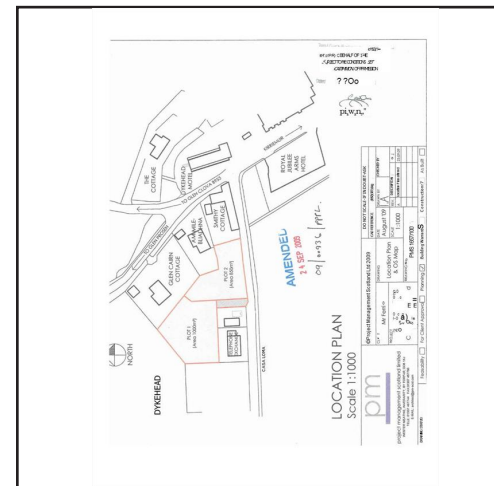
There is primary schooling at Cortachy Primary and secondary at Websters High School in Kirriemuir. Kirriemuir offers a full range of amenities and services including shops, supermarket, doctors surgery, leisure centre and golf course.

Dundee, Aberdeen and Perth are all within comfortable driving distance for a more extensive range of retail and consumer facilities.

Plot 1 enjoys an open aspect over farmland towards the Airlie Monument and the Glens whilst Plot 2 enjoys a southerly aspect over farmland towards the Strathmore Valley.

These plots can be sold separately or together as one lot.

Planning permission for the erection of detached dwellinghouses is available from the selling agents.



CONTACT

BLACKADDERS PROPERTY SERVICES
40 WHITEHALL STREET
DUNDEE DD1 4AF

E PROPERTY@BLACKADDERS.CO.UK
W www.blackadders.co.uk

TELEPHONE

DUNDEE T 01382 342222
ARBROATH T 01241 876620
FORFAR T 01307 461234
EDINBURGH T 0131 2021868
MONTROSE T 01674 900200
PERTH T 01738 500600
GLASGOW T 0141 4045460
ABERDEEN T 01224 452750

DISCLAIMER

Entry by mutual arrangement. Viewing strictly through selling agents. Whilst we endeavor to make these particulars as accurate as possible, they do not form part of any contract or offer nor are they guaranteed. Measurements are approximate and in most cases are taken with a digital tape. If there is any part of these particulars that you find misleading or simply wish clarification on, please contact our office when we will endeavor to assist you.



Blackadders

PROPERTY SERVICES

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE
APPLICATION FOR REVIEW – LAND AT THE CLASH, DYKEHEAD
APPLICATION NO 21/00764/PPPL
APPLICANT’S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Appeal Statement
ITEM 3	Planning Permission Ref 18/00754/PPPL
ITEM 4	Location Plan
ITEM 5	Report of Handling
ITEM 6	Decision Notice



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 100517172-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Louis"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Ferrie"/>	Address 1 (Street): *	<input type="text" value="Seaside Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdour"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY3 0TX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land at The Clash, Dykehead DD8 4QN

Northing

760235

Easting

338596

Description of Proposal

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

Planning Permission In Principle Approval Reference 21/00764/PPPL Renewal of Application 18/00754/PPPL for Planning Permission in Principle for two house plots on land at The Clash, Dykehead, Kirriemuir

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.

I consider imposition of Condition 1(ii) of the approval to be unreasonable. The condition provides for road widening ex adverso the site. Planning permission/renewals were granted in 2004, 2007, 2009, 2012, 2015 and 2018 without such condition and there has been no increase of traffic or change to road conditions in that time. The road concerned (U403) is an access road only in a rural location with minimal traffic, good visibility and no bends. See Supporting Statement for additional detail

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)

Plan showing location of site Statement of reasons for notice of review Copy of previous planning permission reference
18/00754/PPPL

Application Details

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

21/00764/PPPL

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

28/09/2021

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

29/11/2021

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

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Louis Ferrie

Declaration Date: 14/02/2022

ITEM 2

Notice of Review – ecase Reference 100517172-001

Planning permission in principle was granted by Angus Council under delegated powers on 29th November 2021 under reference 21/00764/PPPL. Condition 1 (ii) of the permission requires “a scheme of improvements to the U403 Dykehead road ex adverso the site which shall include widening of the U403 Dykehead road along the site frontage”.

As owners of the site we consider this condition to be unreasonable for the following reasons :-

1. The U403 (known locally as “The Clash”) is a local, unclassified road which provides access only to a small number of houses. It is not a through road.
2. There are not high volumes of traffic on the road and it is a straight road with clear visibility for all its length including ex adverso the site.
3. It is an existing condition of the permission that visibility splays are created with a minimum sight distance of 43 metres in an easterly direction from the site access to the main road (B955 Glen Clova to Kirriemuir). The total area from the site access to the main road is approximately 65 metres and such visibility splays will give a clear view to the main road and any traffic approaching the site. A copy plan is attached showing the site location in relation to the B955.
4. Immediately adjacent to the west of the site access there is a wide parking/passing area in front of the Telephone Exchange.
5. In light of the physical conditions set out in 3 and 4 above there is/will be good visibility along the length of the U403 and, coupled with the fact that traffic on the road is light and not travelling at speed, we do not believe road widening of the whole length of the site (approximately 43 metres) is justified or necessary.
6. Immediately adjacent to the east of the site and with its frontage directly on the U403 is a residential property known as “The Smithy” which runs from the east of the site to the junction of the B955. We previously owned The Smithy and lived there for around 8 years. There are two points of access to The Smithy from the U403, a garden gate and the front door of the property. We would suggest that widening of the road ex adverso the site might encourage traffic approaching the B955 to travel at a higher speed than at present thereby presenting a potential safety issue for anyone exiting The Smithy on foot. As previous occupants of The Smithy we found that the narrowing of the road to the west of the house was beneficial as it naturally caused traffic to slow down as it passed the house and approached the junction with the B955.
7. The site has had the benefit of a number of planning permissions/renewals over the years granted in each of 2004, 2007, 2009, 2012, 2015 and 2018. The current permission of 29th November 2021 was founded on the original permission of 2009 which was renewed in each of 2012, 2015, 2018 and 2021. Aside from the latest permission there was no requirement for road widening in any of the other permissions. Each application has been made on the same basis.
8. We became aware of a recommendation by the Roads Department re road widening at the consultation stage and raised our initial concerns through our agents. We were advised the recommendation was in line with the National Roads Development Guide. We note the

provisions on which the Roads Department sought to rely came into effect in June 2017, some 17 months before the 2018 planning permission was granted on 13th November 2018. The 2018 planning permission did not contain a requirement for road widening and given there have been no changes to the terms of the application or the level of traffic using the U403 since 2018 we cannot understand the justification for imposing a new road widening condition to a historic application where there are no change in circumstances.

9. In exchanges with the Roads department at the consultation stage there was an acknowledgement by the Roads Department that any issues were tempered by the wide passing place immediately adjacent to the site in front of the telephone exchange. That situation will be further improved by the visibility splays at the site access.
10. There would be a maximum of 2 houses on the site which would not generate significant additional traffic to warrant the proposed road widening.

ANGUS COUNCIL

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



PLANNING PERMISSION IN PRINCIPLE APPROVAL
 REFERENCE : 18/00754/PPPL

To: **Mr Louis Ferrie**
c/o Project Management Scotland Limited
98 North Street
Forfar
DD8 3BN

With reference to your application dated **1 October 2018** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Renewal of Application 15/00428/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir for Mr Louis Ferrie

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

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the planning authority has been given and the development shall be carried out in accordance with that approval. The matters are: -
 - i) The layout of the site, including the position of building(s), car parking, turning space, access and the means of site enclosure;
 - ii) The design and external appearance of the buildings (which shall involve dwellings of no greater than single storey in height);
 - iii) Details of foul and surface water drainage for the development. For the avoidance of doubt the surface water shall be directed to a sustainable urban drainage system (SUDs);
 - iv) A scheme for the landscaping of the site; and
 - v) Details of existing and proposed ground levels and floor levels relative to a fixed ordnance datum.
2. Prior to the commencement of the development hereby approved, visibility splays of 2.4 metres x 60 metres shall be provided on the west side of the existing access point and visibility splays of 2.4 metres x 55 metres shall be provided on the east side of the existing access point, at the junction of the access point with the public road. Thereafter, no structure, wall or planting in excess of 1050 millimetres in height when measured from the adjacent road channel shall be introduced into the sightline areas.
3. No site clearance, preparatory work or development shall take place until a scheme providing for the protection of trees to be retained on or adjacent to the application site in accordance with BS5837:2012 shall be submitted to and approved in writing by the planning authority. Thereafter, the approved scheme shall be carried out in accordance with the approved details prior to the commencement of works and shall remain in situ until development is completed. For the avoidance of doubt no materials, supplies, plant, machinery, soil heaps, changes in ground levels

or construction activities shall be permitted within the protected areas and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

1. In order that the planning authority may consider the acceptability of the identified matters.
2. In the interests of road traffic and/or pedestrian safety.
3. In order to prevent unnecessary damage to trees on and adjacent to the site.

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

1. The proposal is broadly compliant with the relevant policies of the Angus Local Development Plan (2016) subject to the stated conditions. There are no material planning considerations which would justify the refusal of planning permission in principle.

Dated this **13 November 2018**


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

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

Amendments:

The application has not been subject of variation.

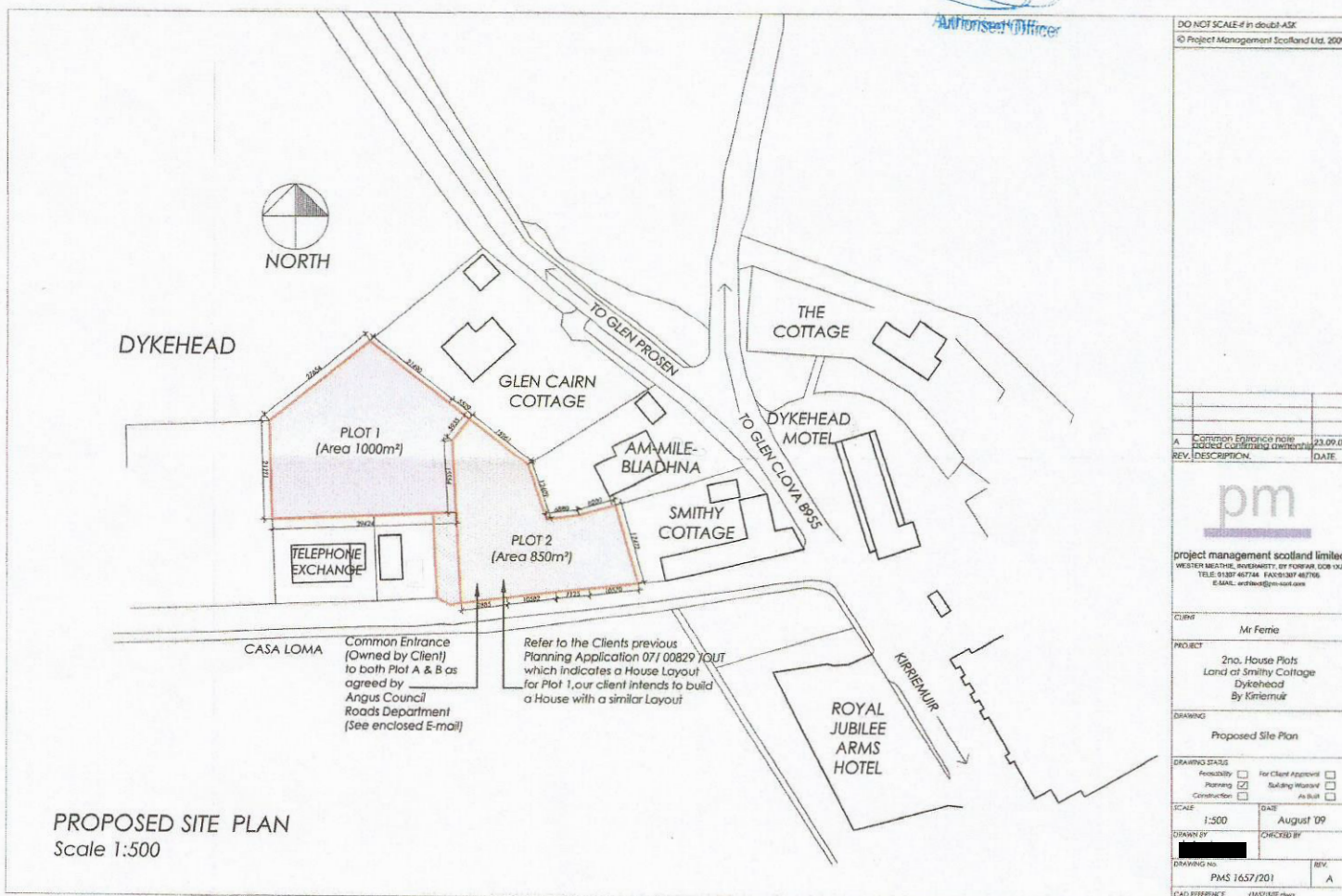
It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

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

Town & Country Planning (Scotland) Act 1997 As Amended
 APPROVED ON BEHALF OF THE ANGUS COUNCIL
 SUBJECT TO THE CONDITIONS SET FORTH IN
 INTIMATION OF DETERMINATION

Dated 11 JUL 2012

[Signature]
 Authorised Officer



PROPOSED SITE PLAN
 Scale 1:500

DO NOT SCALE if in doubt ASK	
© Project Management Scotland Ltd. 2009	
A	CORRECTION ENTRANCE FROM PROJECT CUSTOMERS OVERSEAS
REV.	DESCRIPTION DATE
project management scotland limited WESTER BISHOP, ROSSCART, 27 FORDHALL ROAD TEL: 01337 46734 FAX: 01337 46736 E-MAIL: arthur@pm-sctd.com	
CLIENT	Mr Ferris
PROJECT	2no. House Plots Land of Smithy Cottage Dykehead By Kriemuir
DRAWING	Proposed Site Plan
DRAWING STATUS	Feasibility <input type="checkbox"/> For Client Approval <input type="checkbox"/> Planning <input checked="" type="checkbox"/> Building Material <input type="checkbox"/> Construction <input type="checkbox"/> As Built <input type="checkbox"/>
SCALE	1:500 DATE August 09
DRAWN BY	CHECKED BY
DRAWING NO.	PMS 1657/201 REV. A
CAD REFERENCE	1657SITE.dwg

Angus Council

Application Number:	21/00764/PPPL
Description of Development:	Planning Permission in Principle for Two House Plots
Site Address:	Land At The Clash Dykehead Kirriemuir
Grid Ref:	338573 : 760251
Applicant Name:	Mr Louis Ferrie

Report of Handling

Proposal

Planning permission in principle is sought for the erection of two dwellinghouses on land at The Clash, Dykehead, Kirriemuir.

The site plan illustrates that a vehicular access would be formed off the U403 Dykehead road which would provide vehicular access to both dwellinghouses. The site plan illustrates that plot 1 would measure around 1000sqm and would be located to the north west and plot 2 would measure around 850sqm and would be located to the east adjacent to the public road.

The application form indicates that foul drainage would connect to the public sewer and water supply arrangements would connect to the public water supply. Surface water drainage arrangements are unspecified.

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 8 October 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 04/00585/OUT for 'Outline Erection of a Dwellinghouse' was determined as approved subject to conditions on the 22nd June 2004.

Planning application 07/00829/OUT for 'Outline Erection of a Dwellinghouse' was determined as approved subject to conditions on the 2nd October 2007.

Planning application 09/00936/PPPL for 'Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 23rd October 2009.

Planning application 12/00479/PPPL for 'Renewal of Application 09/00936/PPPL for Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 11th July 2012.

Planning application 15/00428/PPPL for 'Renewal of Application 12/00479/PPPL for Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 17th November 2015.

Planning application 18/00754/PPPL for 'Renewal of Application 15/00428/PPPL for Planning Permission in Principle for Two House Plots' was determined as approved subject to conditions on the 13th

November 2018.

Applicant's Case

A Tree Survey Plan and Table was submitted in support of the proposal which confirms the location, species, height, condition and age for each tree within the site. Recommendations are made for 5 of the 35 trees within the site.

A copy of Blackadders Property Services Particulars for the site was also submitted in support of the proposal.

Consultations

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

Roads (Traffic) - has confirmed no objection to the proposal subject to planning conditions requiring visibility splays from the site access and a scheme of improvements to the public road ex-adverso the site to include the widening of the road along the site frontage.

Scottish Water - has confirmed no objection in relation to the proposal but has provided advisory comments in relation to water supply arrangements, foul drainage arrangements, surface water drainage arrangements, and impacts on assets.

Representations

1 letter of representation was received neither objecting to nor supporting the proposal.

The letter raises matters relating to the alleged sale and ownership of the plot but does not raise any relevant land use planning considerations.

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 PV18 : Waste Management in New Development

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 states that 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 Angus Local Development Plan (2016) (ALDP).

Policy TC2 states that proposals for new residential development within development boundaries will be

supported where the site is not allocated or protected for another use; and the proposal is consistent with the character and pattern of development in the surrounding area. It also states that all proposals for new residential development must be compatible with current and proposed land uses in the surrounding area; provide a satisfactory residential environment for the proposed dwelling(s); not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

The site is located within the development boundary and is not allocated or otherwise identified for development. It is located within a predominantly residential area and there are no conflicting land uses which would render residential use of the site unsuitable.

In terms of the residential environment to be provided, the plot sizes illustrated would be comparable with other plot sizes in the surrounding area and it is considered that the plots would allow scope for a dwelling which could benefit from a reasonable degree of privacy. There is space for more than 100sqm of private garden ground, to provide suitable arrangements for vehicular parking and turning and to provide refuse collection/storage and recycling arrangements.

Two suitably designed dwellinghouses within the site would be consistent with the character and pattern of development in the surrounding area. Precise details regarding the siting, design and external appearance of the proposed dwellinghouses would be considered as part of a subsequent detailed application, but there is no reason to consider that a design solution could not be achieved which would conform with the Design and Placemaking Supplementary Guidance (2018).

The proposal would not result in any significant direct or indirect impacts upon the natural or built environment. Additional trees over and above those identified for removal in the tree survey information submitted would require to be felled in order to accommodate the proposed houses and access. There would be scope for retention of a reasonable quantity of those trees and for new planting as part of the development. The existing trees are of limited landscape and townscape value but a planning condition is attached to ensure the full impact of the detailed design on trees is assessed as part of a detailed application.

There is sufficient space to allow for adequate separation to be maintained between the proposed dwellinghouses and existing dwellinghouses. At this stage there is no reason to consider two houses could not be fitted into the site in a manner which would respect the privacy and amenity of existing dwellings.

A new access is proposed from the U403 Dykehead road to the south. The roads service has commented that the site sits adjacent to a narrowed section of the public road, approximately 50 metres west of its junction with the B955 Kirriemuir to Clova road. Roads has requested planning conditions requiring (amongst other things) a scheme of improvements to secure the widening of the public road along the site frontage to mitigate impacts associated with the development. Subject to the conditions requested by roads, there is no reason to consider that proposal would give rise to any unacceptable impacts in respect of road traffic and pedestrian safety.

The proposed foul drainage arrangements are acceptable with a connection proposed to the public sewer. Surface water drainage arrangements are unspecified but appropriate sustainable drainage arrangements could be secured as part of a detailed application. Scottish Water have confirmed no objection in relation to the proposal and the arrangements are compatible with development plan policy.

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance (2018) and there is no reason to consider it would result in any unacceptable impacts on surrounding infrastructure.

Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than five years old but the ALDP has recently become more than five years old as it was adopted in September 2016. The policies contained in

the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate basis for the determination of this planning application.

In conclusion, the proposal is broadly compliant with the relevant policies of the local development plan subject to planning conditions. There are no material planning considerations which would justify the refusal of planning permission in principle.

Human Rights Implications

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

Decision

The application is approved subject to conditions

Reason(s) for Decision:

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

Conditions:

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the planning authority has been given and the development shall be carried out in accordance with that approval. The matters are: -

- i) The layout of the site, including the position of building(s), car parking, turning space, access and the means of site enclosure.
- ii) a scheme of improvements to the U403 Dykehead road ex-adverso the site which shall include the widening of the U403 Dykehead road along the site frontage. Thereafter the scheme of improvements shall be completed prior to the occupation of any dwellinghouse hereby approved.
- iii) the design and external appearance of the buildings;
- iii) Details of the means of surface water drainage for the development which shall include the provision of a cut-off drain at the junction of the proposed vehicular access with the U403 Dykehead road. For the avoidance of doubt surface water shall be directed to a sustainable drainage system;
- iv) A scheme of the landscaping and boundary enclosures for the site; and
- v) Details of existing and proposed ground levels and floor levels relative to a fixed ordnance datum.

Reason:

To ensure that the identified matters are given detailed consideration and to provide a safe and suitable standard of access and to maintain free traffic flow..

2. No site clearance, preparatory work or development shall take place until a scheme providing for the protection of trees to be retained on or adjacent to the site in accordance with BS5837:2012 has been submitted to and approved in writing by the planning authority. Thereafter, the approved scheme shall be carried out in accordance with the approved details prior to the commencement of works and shall remain in situ until development is completed. For the avoidance of doubt no materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas and no fire shall be lit in the position where the flames could extend to within 5 metres of

foliage, branches or trunks.

Reason:

In order to prevent unnecessary damage to trees on and adjacent to the site.

3. Prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the unclassified Dykehead Road (B955) giving a minimum sight distance of 43 metres in an easterly direction at a point 2.4 metres from the nearside channel line of Dykehead Road (B955)

Reason:

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

Notes:

Case Officer: Walter Wyllie

Date: 23 November 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 PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

ANGUS COUNCIL

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

PLANNING PERMISSION IN PRINCIPLE APPROVAL

REFERENCE : 21/00764/PPPL

To: **Mr Louis Ferrie**
c/o Project Management Scotland Limited
26 Montrose Road
Forfar
DD8 2HT

With reference to your application dated **28 September 2021** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir for Mr Louis Ferrie

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

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the planning authority has been given and the development shall be carried out in accordance with that approval. The matters are: -
 - i) The layout of the site, including the position of building(s), car parking, turning space, access and the means of site enclosure;
 - ii) A scheme of improvements to the U403 Dykehead road ex-adverso the site which shall include the widening of the U403 Dykehead road along the site frontage. Thereafter the scheme of improvements shall be completed prior to the occupation of any dwellinghouse hereby approved;
 - iii) The design and external appearance of the buildings;
 - iv) Details of the means of surface water drainage for the development which shall include the provision of a cut-off drain at the junction of the proposed vehicular access with the U403 Dykehead road. For the avoidance of doubt surface water shall be directed to a sustainable drainage system;
 - v) A scheme of the landscaping and boundary enclosures for the site; and
 - vi) Details of existing and proposed ground levels and floor levels relative to a fixed ordnance datum.
2. No site clearance, preparatory work or development shall take place until a scheme providing for the protection of trees to be retained on or adjacent to the site in accordance with BS5837:2012 has been submitted to and approved in writing by the planning authority. Thereafter, the approved scheme shall be carried out in accordance with the approved details prior to the commencement of works and shall remain in situ until development is completed. For the avoidance of doubt no materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.
3. Prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with the U403 Dykehead road giving a minimum sight distance of 43 metres in an easterly direction at a point 2.4 metres from the nearside channel line of the U403 Dykehead road.

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

1. To ensure that the identified matters are given detailed consideration and to provide a safe and suitable standard of access and to maintain free traffic flow.
2. In order to prevent unnecessary damage to trees on and adjacent to the site.
3. To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

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

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

Dated this **29 November 2021**

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

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

Amendments:

The application has not been subject of variation.

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

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



WARNING

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

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

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

Produced by:

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

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **21/00764/PPPL** for **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots** at **Land At The Clash Dykehead Kirriemuir** for **Mr Louis Ferrie** dated **29 November 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Do you own the land subject to the above permission?

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

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

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **21/00764/PPPL** for **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots** at **Land At The Clash Dykehead Kirriemuir** for **Mr Louis Ferrie** dated **29 November 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Date of completion of the above development:

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

SCHEDULE 7

Development at **Land At The Clash Dykehead Kirriemuir**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Louis Ferrie** on **29 November 2021**.

Application reference **21/00764/PPPL**

The development comprises **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots**

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

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

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

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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

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

APPENDIX 3

FURTHER LODGED REPRESENTATIONS

From: [Andy Barnes](#)
To: [Sarah Forsyth](#)
Cc: [Adrian G. Gwynne](#)
Subject: RE: Application for Review - Land at The Clash Dykehead Kirriemuir
Date: 23 February 2022 17:25:11
Attachments: [DECISION NOTICE.pdf](#)

Dear Sarah

Thank you for the opportunity to comment on the above application for review of the planning authority's decision.

The Roads service consultation response to the planning authority dated 14 October 2021 remains valid.

The existing carriageway adjacent to the site is approximately 4.4 metres wide. The minimum width of carriageway required to maintain light (cars only) two-way traffic in a safe manner is at least 4.7 metres. As the site is located in a rural area where the percentage of large agricultural vehicles using the road will be higher than would be experienced in urban areas, a nominal carriageway width of 5.5 metres is more desirable.

In view of the above, the Roads service does not support removal of Condition 1 (ii), in the interests of road safety, to maintain the free flow of two-way traffic and to support the ease of access into and out of the development plots by the incoming residents.

I trust the above is of assistance.

Regards

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

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Visit our Facebook page
For information on COVID-19 goto www.NHSInform.scot

Think green – please do not print this email

From: Tanisha Todd <ToddT@angus.gov.uk> **On Behalf Of** ROADS
Sent: 22 February 2022 14:53
To: Andy Barnes <BarnesA@angus.gov.uk>
Subject: FW: Application for Review - Land at The Clash Dykehead Kirriemuir
Importance: High

Tanisha Todd | Business Support Assistant | HR, Digital Enablement, IT & Business Support | Angus Council | Angus House | ToddT@angus.gov.uk | www.angus.gov.uk

From: Sarah Forsyth <ForsythSL@angus.gov.uk>
Sent: 22 February 2022 14:49

Subject: Application for Review - Land at The Clash Dykehead Kirriemuir

Importance: High

Dear Sir/Madam

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

Application for Review – Condition 1(ii) of Planning Permission in Principle for Two House Plots at Land at The Clash, Dykehead, Kirriemuir – Mr Louis Ferrie

Application No 21/00764/PPPL - DMRC-3-22

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

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth and is seeking the removal of Condition 1(ii) of planning application reference 21/00764/PPPL. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

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

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

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

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

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | ForsythSL@angus.gov.uk

| www.angus.gov.uk

Work pattern: Mon, Tues (am) & Thurs

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ANGUS COUNCIL



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

**PLANNING PERMISSION IN PRINCIPLE APPROVAL
REFERENCE : 21/00764/PPPL**

To: **Mr Louis Ferrie**
c/o Project Management Scotland Limited
26 Montrose Road
Forfar
DD8 2HT

With reference to your application dated **28 September 2021** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots at Land At The Clash Dykehead Kirriemuir for Mr Louis Ferrie

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

1. That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the planning authority has been given and the development shall be carried out in accordance with that approval. The matters are: -
 - i) The layout of the site, including the position of building(s), car parking, turning space, access and the means of site enclosure;
 - ii) A scheme of improvements to the U403 Dykehead road ex-adverso the site which shall include the widening of the U403 Dykehead road along the site frontage. Thereafter the scheme of improvements shall be completed prior to the occupation of any dwellinghouse hereby approved;
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 - iv) Details of the means of surface water drainage for the development which shall include the provision of a cut-off drain at the junction of the proposed vehicular access with the U403 Dykehead road. For the avoidance of doubt surface water shall be directed to a sustainable drainage system;
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1. To ensure that the identified matters are given detailed consideration and to provide a safe and suitable standard of access and to maintain free traffic flow.
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The reason(s) for the foregoing decision by the Council are as follows:-

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

Dated this **29 November 2021**

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

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

Amendments:

The application has not been subject of variation.

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

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Produced by:

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

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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.

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Decision Types and Appeal/Review Routes

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The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

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



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 - c) to grant planning permission or any approval, consent or agreement subject to conditions,

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

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



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

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

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

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

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

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

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

NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **21/00764/PPPL** for **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots** at **Land At The Clash Dykehead Kirriemuir** for **Mr Louis Ferrie** dated **29 November 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Do you own the land subject to the above permission?

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

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

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **21/00764/PPPL** for **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots** at **Land At The Clash Dykehead Kirriemuir** for **Mr Louis Ferrie** dated **29 November 2021** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Place, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

Full Name:

Address:

Date of completion of the above development:

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

SCHEDULE 7

Development at **Land At The Clash Dykehead Kirriemuir**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Louis Ferrie** on **29 November 2021**.

Application reference **21/00764/PPPL**

The development comprises **Renewal of Application 18/00754/PPPL for Planning Permission in Principle for Two House Plots**

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

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

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

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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

APPENDIX 4

APPLICANT RESPONSE TO FURTHER LODGED REPRESENTATIONS

From: [REDACTED]
To: [Sarah Forsyth](#)
Subject: Re: Application for Review - Land at The Clash Dykehead Kirriemuir
Date: 22 March 2022 17:44:20
Importance: High

Hello Sarah,

Thank you for forwarding the additional comments of the Roads Department.

This sets out the justification for the widening of the road based primarily on the fact the road is in a rural location with a greater likelihood of agricultural traffic. In response I reiterate the argument already set out that the road is an unclassified access road only with minimal traffic travelling at low speed. We do not consider the requirement for road widening to be reasonable or proportionate for the reasons already stated.

Yours sincerely

Louis Ferrie

----- Original Message -----

From: "Sarah Forsyth" <ForsythSL@angus.gov.uk>

To: [REDACTED]

Sent: Friday, 11 Mar, 2022 At 20:15

Subject: Application for Review - Land at The Clash Dykehead Kirriemuir

Dear Sir

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

Application for Review – Condition 1(ii) of Planning Permission in Principle for Two House Plots at Land at The Clash, Dykehead, Kirriemuir – Mr Louis Ferrie

Application No 21/00764/PPPL - DMRC-3-22

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

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

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

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | ForsythSL@angus.gov.uk
| www.angus.gov.uk

Work pattern: Mon, Tues (am) & Thurs

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