#### **AGENDA ITEM NO 4**

#### **REPORT NO 218/22**

#### ANGUS COUNCIL

#### DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 31 AUGUST 2022

#### CAIRNTON STEADING, EAST NEWTON, ARBROATH

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

#### ABSTRACT:

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse, application No 21/00614/FULL, at Cairnton Steading, East Newton, Arbroath.

#### 1. **RECOMMENDATIONS**

It is recommended that the Committee:-

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

#### 2. ALIGNMENT TO THE COUNCIL PLAN

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

- An enhanced, protected and enjoyed natural and built environment
- A reduced carbon footprint
- Safe, secure, vibrant and sustainable communities

#### 3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

#### 4. FINANCIAL IMPLICATIONS

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

#### 5. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

#### 6. CONSULTATION

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

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

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

#### **APPLICATION NUMBER – 21/00614/FULL**

#### APPLICANT- MR ROGER GOODFELLOW

#### PROPOSAL & ADDRESS – ERECTION OF THREE DWELLINGHOUSES AND CONVERSION OF RESIDENTIAL OUTBUILDING TO A SINGLE DWELLINGHOUSE AT CAIRNTON STEADING EAST NEWTON ARBROATH

#### CONTENTS

AC1	Report of Handling		
	Policy Tests (Angus Local Development Plan 2016)		
	Policy DS1, DS3, DS4, TC2, TC3, PV5, PV6, PV7, PV8, PV15, PV18 & PV20		
	Countryside Housing Supplementary Guidance - Please click on the link below: -		
	https://www.angus.gov.uk/media/countryside_housing_supplementary_ guidance		
	Design Quality & Placemaking Supplementary Guidance –		
	https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance		
	Angus Local Development Plan (2016)		
	https://www.angus.gov.uk/media/angus_local_development_pla n_adopted_september_2016		
	Consultation Responses		
AC2	Scottish Water – 17.08.21		
AC3	Environmental Health – 18.08.21		
AC4	Roads Traffic – 24.08.21		
AC5	Archaeology - 27.08.21		

	Letters of Representations – None	
	Application Drawings	
AC6	Refused Location Plan	
AC7	Refused Drawings	
		1
	Further Information Relevant to Assessment	
AC8	Decision Notice	
	Supporting Information	
AC9	Planning Supporting Statement	
AC10	Bat Survey Report	
AC11	Photographic survey	

#### **Angus Council**

Application Number:	21/00614/FULL	
Description of Development:	Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse	
Site Address:	Cairnton Steading East Newton Arbroath	
Grid Ref:	367017 : 746803	
Applicant Name:	Mr Roger Goodfellow	

#### Report of Handling

#### Proposal

Planning permission is sought for the creation of four new dwellings, three of which would be new build construction and one via conversion of an outbuilding.

The site identified measures around 7600sqm and is bound by the B listed Cairnton Farmhouse to the northwest and agricultural land on all other boundaries.

Houses 1 and 2 involve the demolition of the northeast section of the steading building and erection of two new dwellinghouses in their place. House 1 provides for the development of a two storey detached four bedroom house on a plot of approximately 780sqm. House 2 provides for the development of a two storey four bedroom house on a plot of approximately 1000sqm. House 3 is proposed within a section of the steading that is currently used as an outbuilding and adjoins the existing dwelling at Cairnton Cottage. The converted outbuilding would form a house providing three bedrooms and would occupy a plot of approximately 370sqm.

House 4 is located to the eastern edge of the site and would provide for the erection of a single storey two-bedroom house with a mono pitched roof. That house would be located on undifferentiated greenfield land on a 1900sqm area in the northeast section of the site.

Access to the houses would be via the existing vehicular access to the west where it joins the C45 public road at a distance of approximately 350 metres from the site. The application form indicates that private drainage arrangements are proposed along with sustainable drainage for surface water and connection to the public water supply.

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 24 December 2021 for the following reasons:

• Affecting Setting of Listed Building

The application was advertised in the Dundee Courier on 20 August 2021 for the following reasons:

• Neighbouring Land with No Premises

A site notice was posted for Setting of Listed Building on 27 January 2022.

#### **Planning History**

06/00313/FUL for Conversion of Steading to Form Two Dwellinghouses (Re-Application) was determined as "approved subject to conditions" on 30 May 2006.

11/00408/FULL for Demolition of Steading and Erection of Two Dwellinghouses (Re-application) was determined as "approved subject to conditions" on 11 July 2011.

14/00568/FULL for Application under S42 to extend time limit restriction of condition (1) of 11/00408/FULL to demolish steading and erect 2 houses to allow a further 3 years. was determined as "approved" on 11 September 2014.

17/00743/FULL for Partial Demolition of Steading and Erection of Two Dwellinghouses was determined as "approved subject to conditions" on 23 November 2017.

#### Applicant's Case

Supporting information in the form of a planning statement, bat survey and a photographic survey has been submitted and is summarised as follows:

Supporting statement

- Provides an overview of the site and the planning history and provides photographs of the site and surrounding land
- Identifies that permission has been granted for the demolition of the steading and erection of two dwellinghouses;
- The proposal seeks to renew the permission for the two houses approved in addition to the conversion of an additional adjacent steading and erection of a new eco-house;
- Notes the position of B listed Cairnton Farmhouse to the southeast;
- Identifies the position of the site in a Category 1 RSU 2.5km to the south of Inverkeilor;
- Provides commentary on the planning history of the site and highlights that application 17/00743/FULL for the development of the steading for two houses remains extant;
- The proposal relates to the development of demolition of a steading in order to form 2 dwellinghouse (Houses 1 + 2), the conversion of an outbuilding (House 3), and erection of a single storey dwellinghouse described as an eco-house (House 4);
- Outlines the proposal in the context of the planning policy including identifying that Houses 1 and 2 would redevelop brownfield land, House 4 would be developed in existing garden ground and round off a group, the proposal does not give rise to any issues in relation to protected species, would not impact on the landscape or setting of Cairnton House;
- Concludes that the proposal accords with the provisions of the development plan and that there are material considerations in support of the proposal.

#### Bat Survey

No bat droppings or other potential signs of bats were recorded;

The building was assessed as having low potential for roosting bats;

In the professional opinion of the surveyor there are no bat roosts or bat roost activity and it is safe to proceed with construction/demolition work.

#### Consultations

Aberdeenshire Council Archaeology Service - Has not objected to the application subject to a condition requiring a photographic survey.

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

**Roads (Traffic)** - Offered no objection to the proposal.

**Scottish Water** - Offered no objection to the proposal.

**Environmental Health** - This Service is satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination and offered no objection.

#### Representations

There were no letters of representation.

#### **Development Plan Policies**

#### Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities Policy DS3 : Design Quality and Placemaking Policy DS4 : Amenity Policy TC2 : Residential Development Policy TC3 : Affordable Housing Policy PV5 : Protected Species Policy PV5 : Development in the Landscape Policy PV7 : Woodland, Trees and Hedges Policy PV8 : Built and Cultural Heritage Policy PV15 : Drainage Infrastructure Policy PV18 : Waste Management in New Development Policy PV20 : Soils and Geodiversity

#### 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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The site is located within a Category 1 Rural Settlement Unit (RSU1). The local development plan indicates that Category 1 RSU's are non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. It indicates that in these areas new housing development outwith settlements should be restricted. The plan provides opportunities for residential development in category 1 areas where development involves brownfield land through the conversion of non-domestic buildings in appropriate circumstances; and where development involves the redevelopment of a rural brownfield site which would deliver a significant visual or environmental improvement through the removal of derelict buildings. It provides more limited opportunities for new housing where proposals involve the development of greenfield land.

There are two distinct elements to the proposal, the three dwellings which would be delivered on brownfield land (3 units – houses 1 to 3) and the single house proposed on greenfield land (1 unit – house 4).

The brownfield elements resulting in two new dwellings in the position of the demolished buildings (described as houses 1 and 2 on the proposed site plan) are broadly similar to development which has been granted planning permission previously and would result in the removal of derelict buildings. The dwelling formed by conversion of the stone building to the south east (described as house 3) is also compatible with policy and guidance and would retain the features which give that building its character. The local development plan prioritises the development of brownfield land over greenfield land and these elements of the proposal attract in principle support from the housing approach set out in Policy TC2 and the associated supplementary guidance on countryside housing.

The single new house proposed to the north-east of the site is located on greenfield land. The development of a house in this location does not comply with any of the circumstances which allow for new housing in the countryside on greenfield land. The site does not form a gap site, it does not involve redevelopment of degraded brownfield land, and the house is not for an essential worker supported by evidence of need.

The applicant contends that the site rounds off the building group, but that argument is not coherent. The existing building group is contained in a discreet cluster comprising the listed building to the north (Cairnton House), the existing cottage (Cairnton Cottage) and the redundant steading. This group is visually contained and the buildings have a close proximity to each other. The area to the north-east of the existing buildings where house 4 is proposed is not a developed area and provides a landscaped backdrop for the existing group containing mature planting. Locating a dwelling in this area is clearly a visual and physical extension of the building group further to the north-east and it cannot reasonably be considered to round off the group in a situation where it visually and physically extends the group. A house in this area would also create a rounding off opportunity for an additional house in the area of ground immediately north-west the house proposed on plot 4.

The applicant also contends that the proposal is considered to comply with the objectives of the Countryside Housing Supplementary Guidance approach to large country houses. The supplementary guidance indicates that the terms of Policy TC2 may preclude the development of one off substantial country houses which have the potential to contribute to the future architectural and landscape heritage of Angus. In exceptional circumstances Angus Council may support proposals for a new large country house where certain criteria are met but that criteria includes a requirement for the minimum footprint of the house to be around 500 sqm, excluding garaging and outbuildings. The proposed house 4 is modest 2 bedroom house which falls significantly below that size threshold, and the proposal house 4 is not a large country house style of property. The large country house approach set out in the supplementary guidance provides no support for the proposal.

While the brownfield elements of the proposal (houses 1 to 3) attract support from the local development plan, the house proposed on greenfield land to the north-east of the group (house 4) does not comply with any of the circumstances which allow a new house in the countryside set out in Policy TC2 and the associated Countryside Housing Supplementary Guidance.

The proposal also fails to comply with criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria contained within the supplementary guidance because house 4 would create a rounding off opportunity for additional greenfield development to the immediate north-west. The proposal is contrary to Policy TC2 and the associated supplementary guidance.

For completeness, an assessment of remaining policy considerations is provided below.

Policy TC2 requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. There are also a number of criteria in Appendix 3 of the Countryside Housing Supplementary Guidance which are not referred to above.

The proposal does not raise any significant issues against the remaining tests of Policy TC2. Residential use would be a compatible land use having regard to neighbouring uses. The proposed housing would provide a satisfactory residential environment with adequate garden ground, space for the parking of vehicles and bin and recycling storage space available. The houses would have a reasonable separation

distance from each other and from neighbouring dwellings and would not unacceptably impact on amenity. The development would not unacceptably impact on the natural or built environment. The bat survey suggests that there are no bats present in the buildings and the development would not result in an unacceptable impact on the setting of the adjacent listed building. The archaeology service offered no objection to the proposal subject to a condition requiring a photographic survey. The roads service has no objection to the proposed access arrangements and improvements to the private track could be sought by panning condition were the proposal otherwise acceptable. The proposed drainage arrangements are acceptable and there is no reason to consider the proposal would unacceptably impact on existing infrastructure.

The proposal is generally compatible with the Appendix 3 criteria with the exception of the criterion indicating that proposals should not create opportunities for additional greenfield development (criterion (a)), which is a consequence of the proposed house 4. The proposed house designs are generally acceptable and they would be of an appropriate form or appearance for a rural area. The mono pitched roof serving house 4 is not a particularly rural feature but in this case that style of roof helps to reduce the mass of the house and consequently reduces the impact it has on the setting of the adjacent listed building. The application form indicates that the site measures 0.76HA. Policy TC3 and criterion (g) of the Appendix 3 criteria require affordable housing for sites which exceed 0.5HA. That matter could be regulated by planning condition were the proposal otherwise acceptable.

The proposal complies with some aspects of the development plan but significantly the proposed house 4 does not comply with any of the circumstances which allow new housing in the countryside. That house would create a rounding off opportunity for additional greenfield development to the north-west contrary to the detailed development criteria contain in appendix 3. Policy DS1 requires proposal in the countryside to accord with relevant policies of the local development plan. As a consequence of the failure to comply with Policy TC2, the proposal is contrary to Policy DS1. The proposal is contrary to the development plan.

In terms of material considerations, Paragraph 33 of Scottish Planning Policy 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 5-years old but the ALDP has recently become more than 5-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 application.

In conclusion, while the brownfield elements of the proposal (houses 1 to 3) attract support from the local development plan, the house proposed on greenfield land to the north-east of the group (house 4) does not comply with any of the circumstances which allow a new house in the countryside set out in Policy TC2 and the associated Countryside Housing Supplementary Guidance. House 4 also fails to comply with criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria contained within the supplementary guidance because it would create a rounding off opportunity for additional greenfield development to the immediate north-west. The proposal is contrary to the development plan and there are no material considerations which justify approval of planning permission.

#### **Human Rights Implications**

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

#### Decision

The application is refused

#### Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the development of House 4 does not comply with any of the circumstances where new housing in the countryside is permitted; and because a house on that part of the site would create a rounding off opportunity for additional greenfield development on land to the north-west.

2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policy TC2 and the associated Countryside Housing Supplementary Guidance.

#### Notes:

Case Officer: Damian Brennan Date: 13 April 2022

#### **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 PV5 : Protected Species

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

#### European Protected Species

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

o there is no satisfactory alternative; and

o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and

o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

#### Other Protected Species

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

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

Policy PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;

o potential cumulative effects with any other relevant proposal are considered to be acceptable; and

o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

#### 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 PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

• supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or

• the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

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<sup>\*</sup>. 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.

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

o support delivery of the development strategy and policies in this local plan;

o are small scale and directly related to a rural business or mineral extraction; or

o constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

#### TAYplan Strategic Development plan

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

SW Public General

**DD8 1AN** 

Local Planner Planning Service Angus Council

Tuesday, 17 August 2021

Forfar

Dear Customer,

Cairnton Steading, East Newton, Arbroath Planning Ref: 21/00614/FULL Our Ref: DSCAS-0046674-F24 Proposal: Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse

#### 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 the Lintrathen 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

Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



**Development Operations** 

Cumbernauld Road

**Development Operations** 

Buchanan Gate Business Park

The Bridge

Stepps Glasgow

G33 6FB



E-Mail - DevelopmentOperations@scottishwater.co.uk www.scottishwater.co.uk

Freephone Number - 0800 3890379



#### **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 <u>our</u> <u>Customer Portal</u>.

#### **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 <u>our Customer Portal</u> 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 <a href="http://www.scotlandontap.gov.uk">www.scotlandontap.gov.uk</a>

#### 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 <u>here</u>.
- 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 <u>www.resourceefficientscotland.com</u>

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 <u>planningconsultations@scottishwater.co.uk</u>.

Yours sincerely,

#### Angela Allison

Development Operations Analyst developmentoperations@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."



### MEMORANDUM

- TO: Damian Brennan, Planning Officer (Development Standards)
- FROM: Alan Milne, Environmental Protection Officer
- YOUR REF: 21/00614/FULL
- OUR REF: Site 1052
- DATE: 18 August 2021
- SUBJECT: Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse at Cairnton Steading, East Newton, Arbroath.

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

Available information including historic mapping and aerial photography has been reviewed. I have also reviewed the comments offered by this Section in response to previous applications for the above site; further information was provided by the applicant and it was stated by us to cover all areas of concern with regards contaminated land. I am satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination.

I do not require any further information regarding contaminated land.

#### ANGUS COUNCIL

#### PLANNING

#### **CONSULTATION SHEET**

PLANNING APPLICATION NO

21/00614/FULL

#### Tick boxes as appropriate

ROADS

No Objection

(Comments to follow within 14 days)

Date

Interest

24	08	21

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

#### ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

From:	Claire Herbert
То:	PLNProcessing
Cc:	Damian G Brennan
Subject:	Application 21/00614/FULL - Archaeology comments
Date:	27 August 2021 16:18:33
Attachments:	image007.ipg image008.ipg image009.ipg

Planning Reference: 21/00614/FULL
Case Officer Name: Damian Brennan
Proposal: Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse
Site Address: Cairnton Steading East Newton Arbroath
Site Post Code:
Grid Reference: NO 6701 4677

Having considered the above application, which affects the archaeology site NO64NE0103, a farmstead dating to the 19th Century, I would ask that the following condition is applied:

#### Photographic survey

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

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

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

Kind regards, Claire

Claire Herbert MA(Hons) MA MCIfA

#### Archaeologist

Archaeology Service, Planning and Environment Service, Infrastructure Services Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB

T: 01467 537717

E: <u>Claire.herbert@aberdeenshire.gov.uk</u>

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

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

Your feedback is important to us and helps us to improve our service – we value your <u>comments</u>.

Please note office working hours: Monday - Friday, 9.30am - 5.30pm

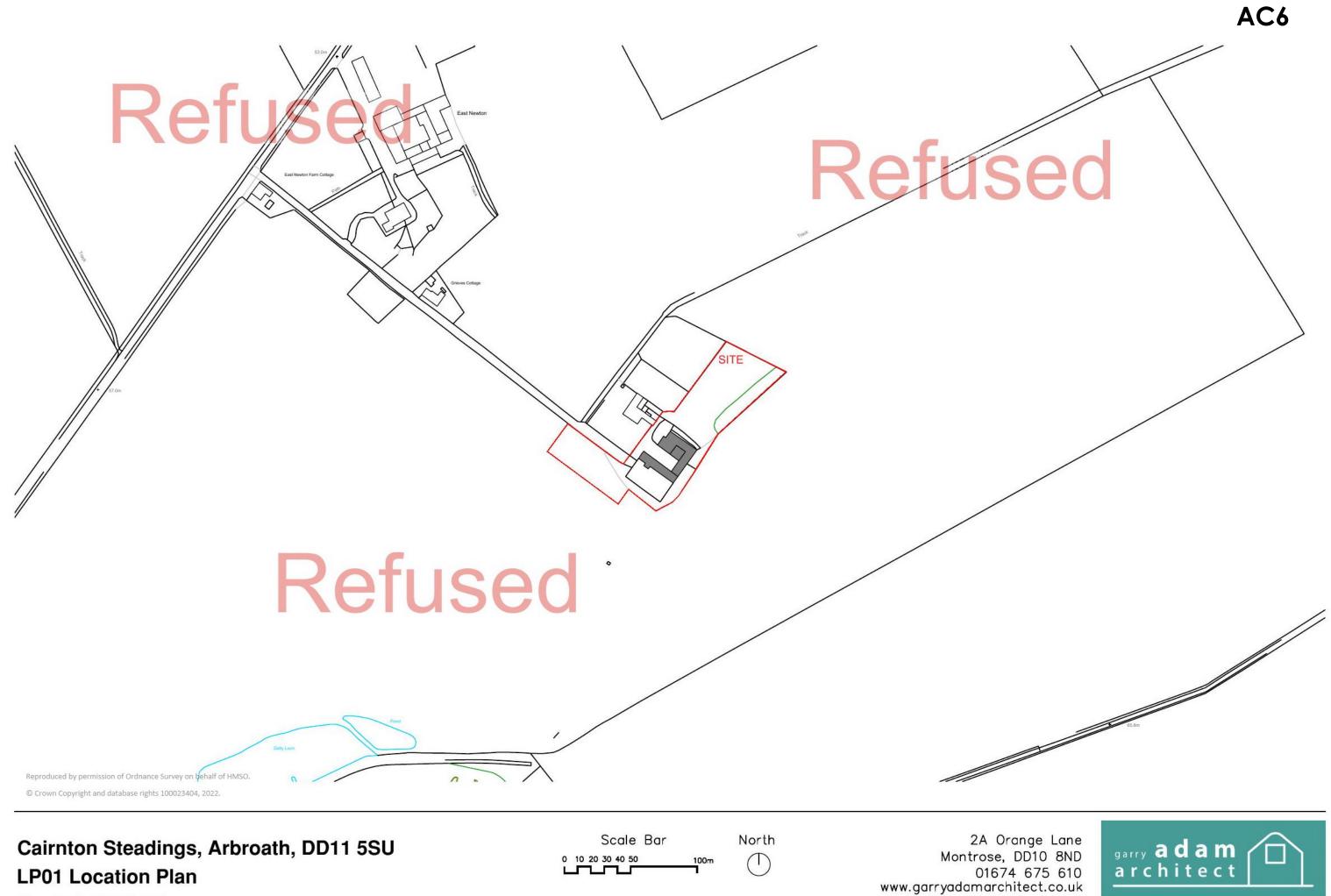
Explore the historic environment - find and follow the Archaeology Service on social media:



This e-mail may contain privileged information intended solely for the use of the individual to whom it is addressed. If you have received this e-mail in error, please accept our apologies and notify the sender, deleting the e-mail afterwards. Any views or opinions presented are solely those of the e-mail's author and do not necessarily represent those of Aberdeenshire Council.

Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

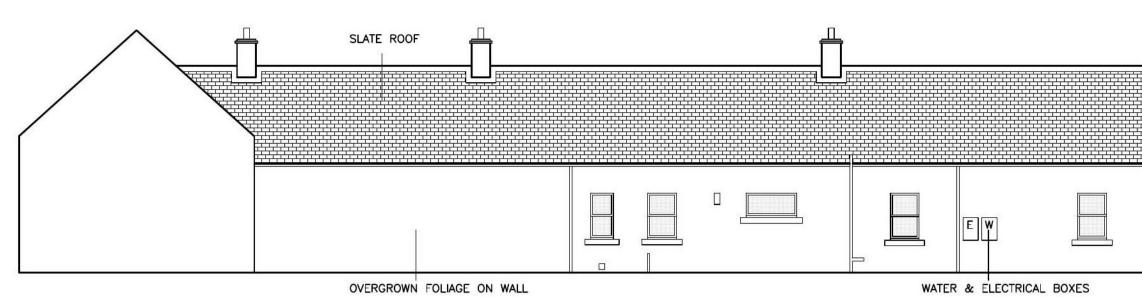


Scale 1:2500 A3

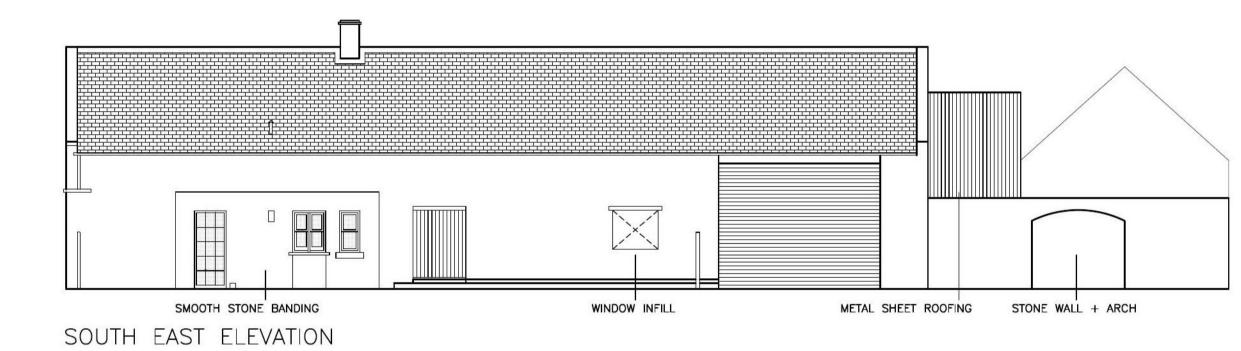


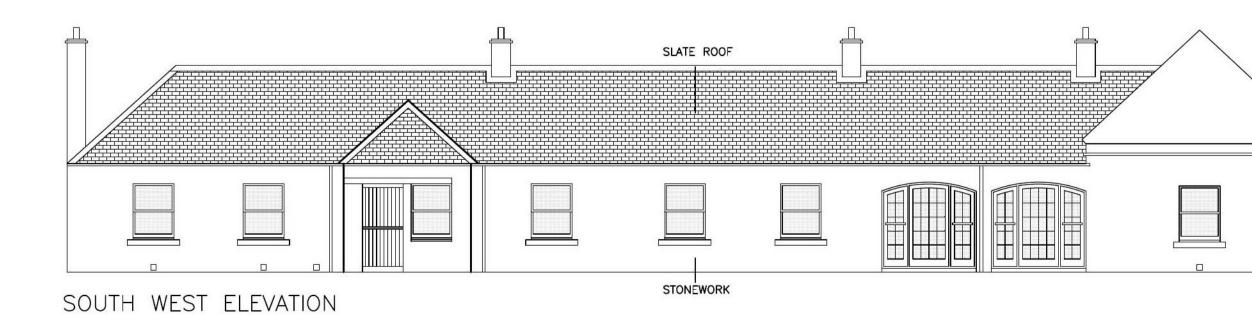


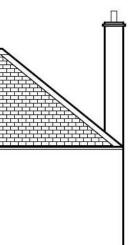
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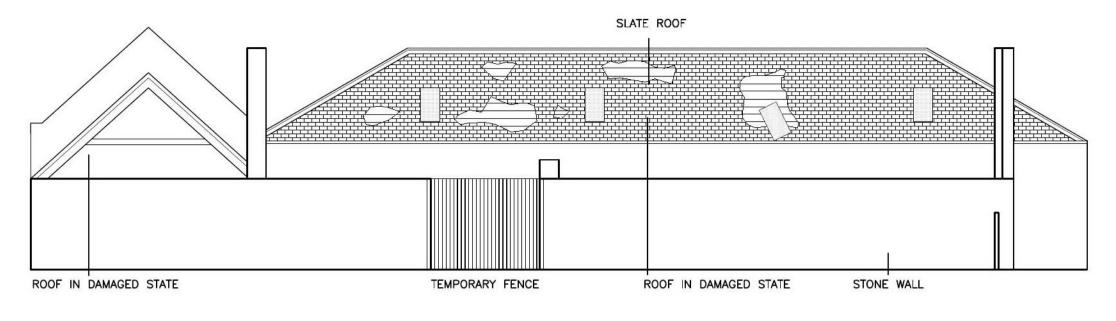


NORTH EAST INTERNAL COURTYARD ELEVATION













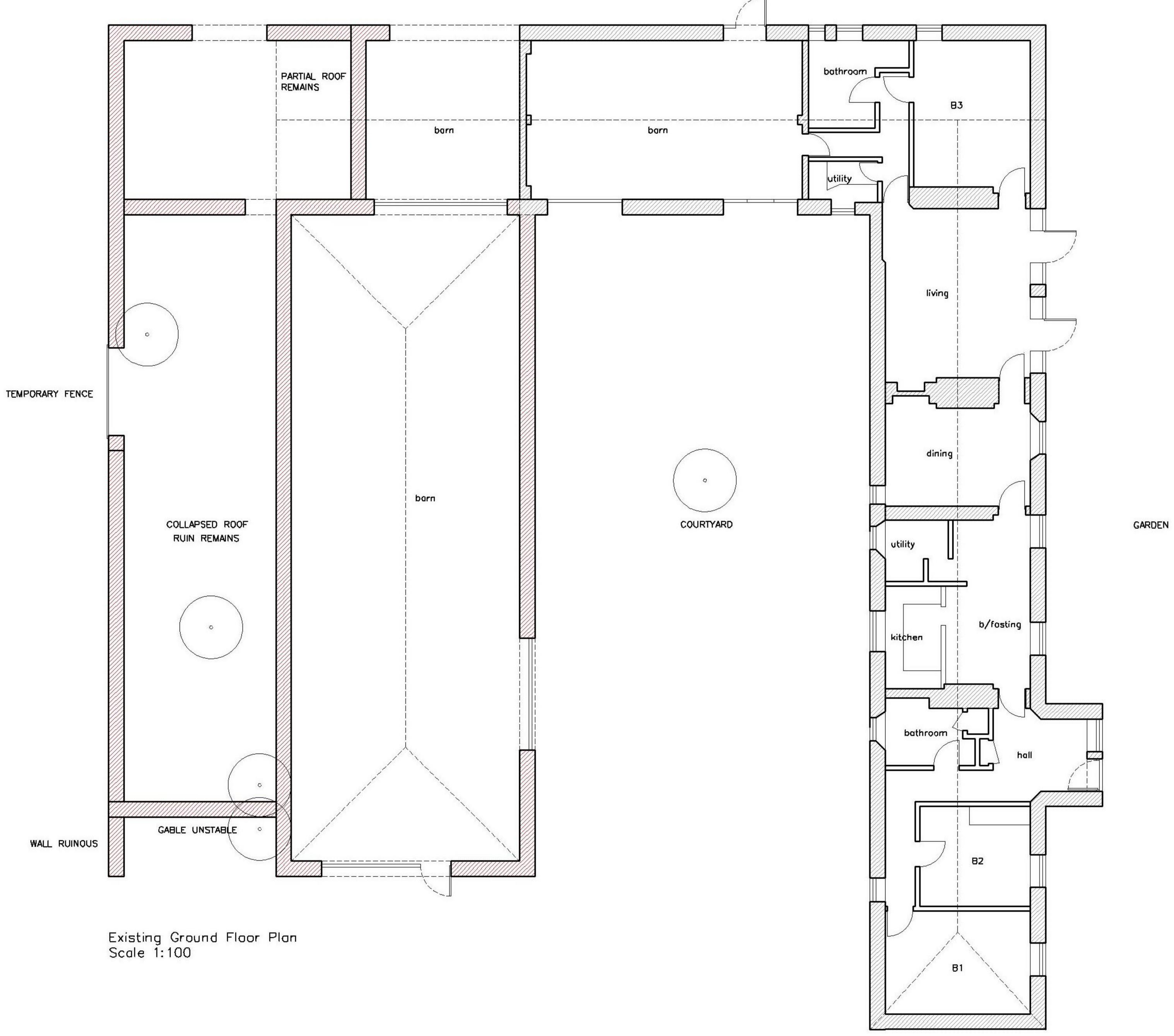


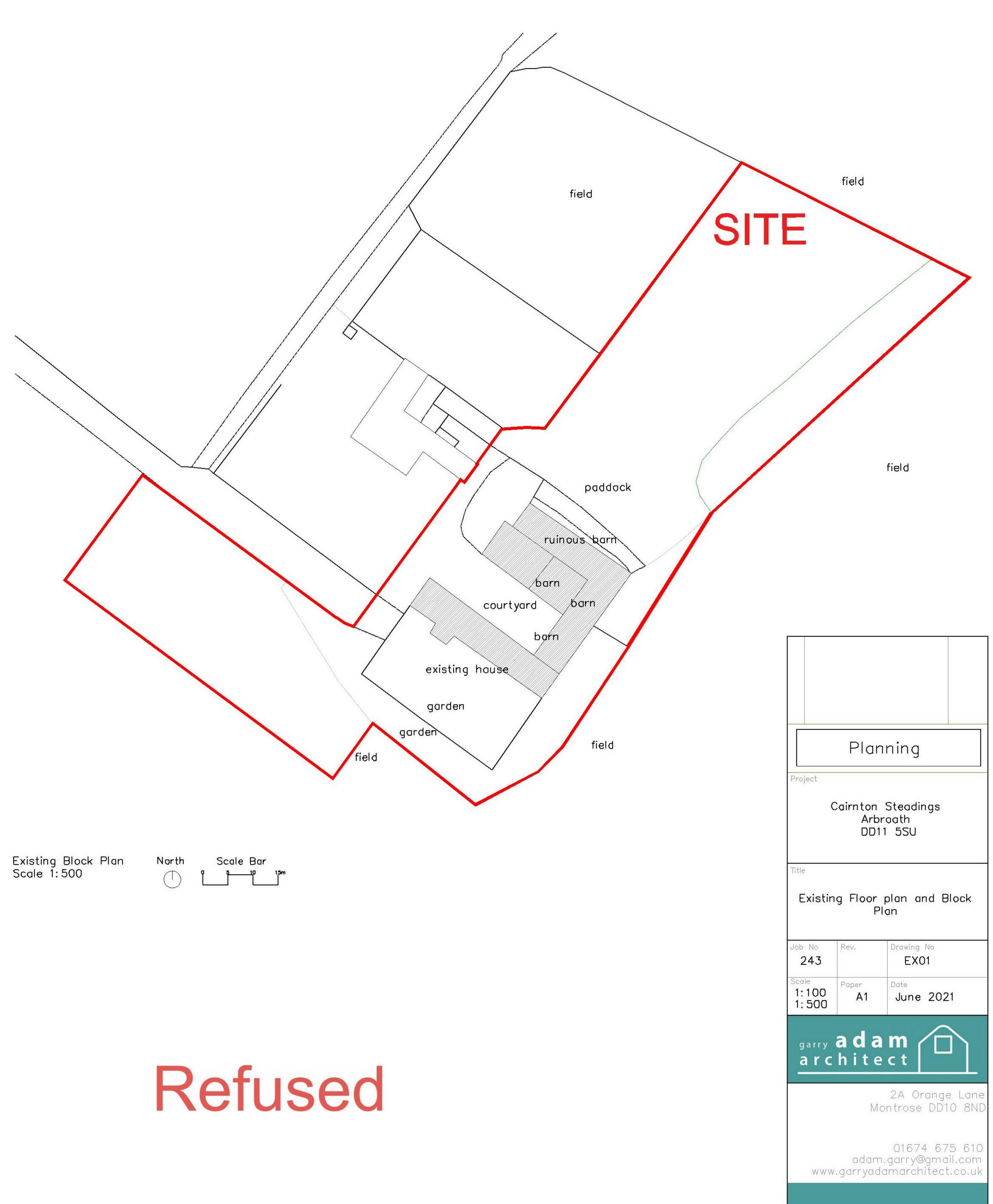
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5m

EX02

# Refused



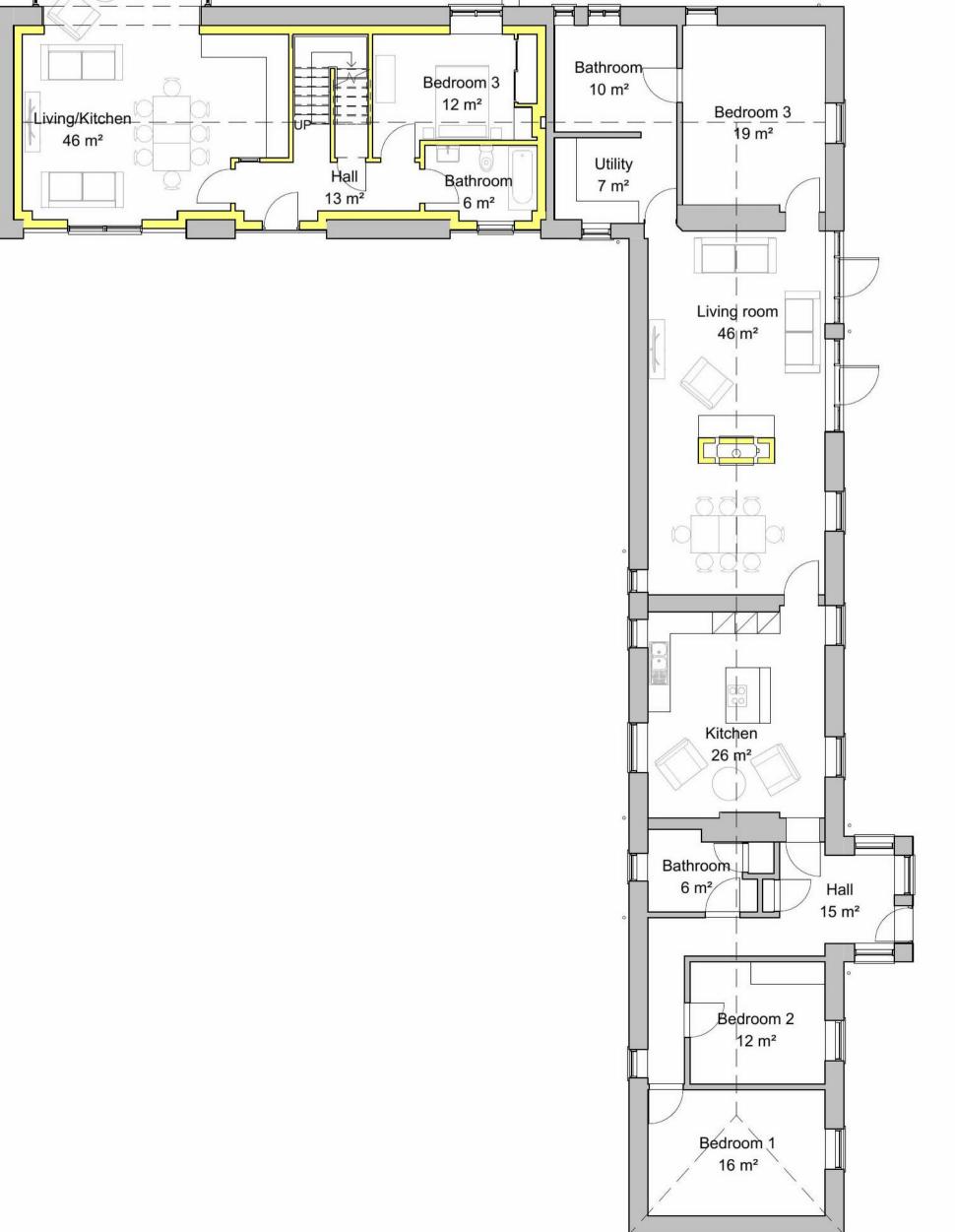




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6 1:100



### 3 Proposed S/E Elevation



### 4 Proposed S/W Elevation

Refused	

### Proposed N/E Elevation

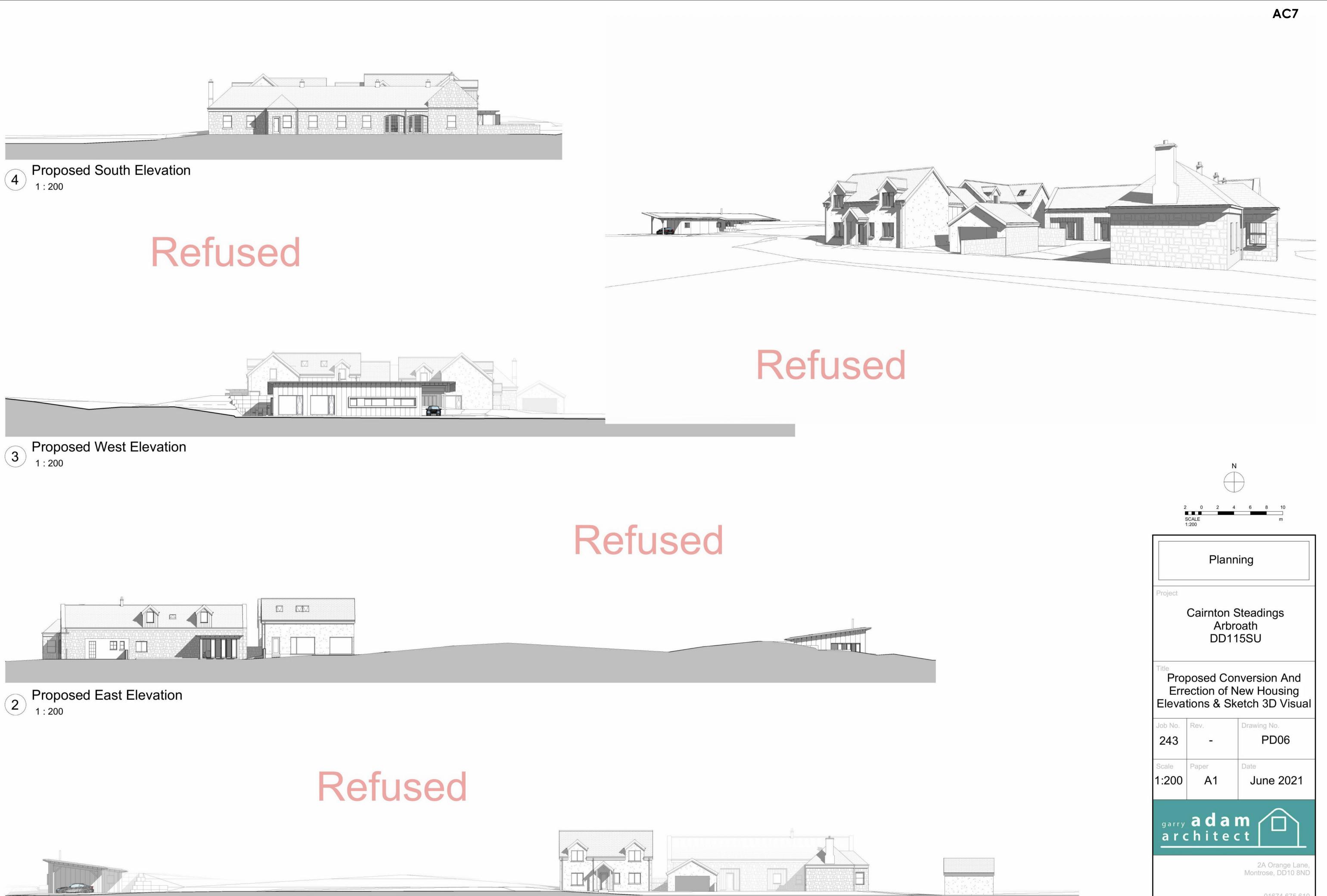






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	Planni	ng		
Project Cairnton Steadings Arbroath DD115SU				
	Title Existing House & House 3 Proposed Plan, Elevations & Draft Visual			
Job No. 243	Rev.	Drawing No. PD05		
Scale 1:100	Paper A1	Date June 2021		
garry <b>a d a m</b> a r c h i t e c t				
2A Orange Lane, Montrose, DD10 8ND 01674 675 610 garry@garryadamarchitect.co.uk www.garryadamarchitect.co.uk				

 $\bigcirc$ 



**Proposed North Elevation** (1)1:200

01674 675 610 garry@garryadamarchitect.co.uk www.garryadamarchitect.co.uk



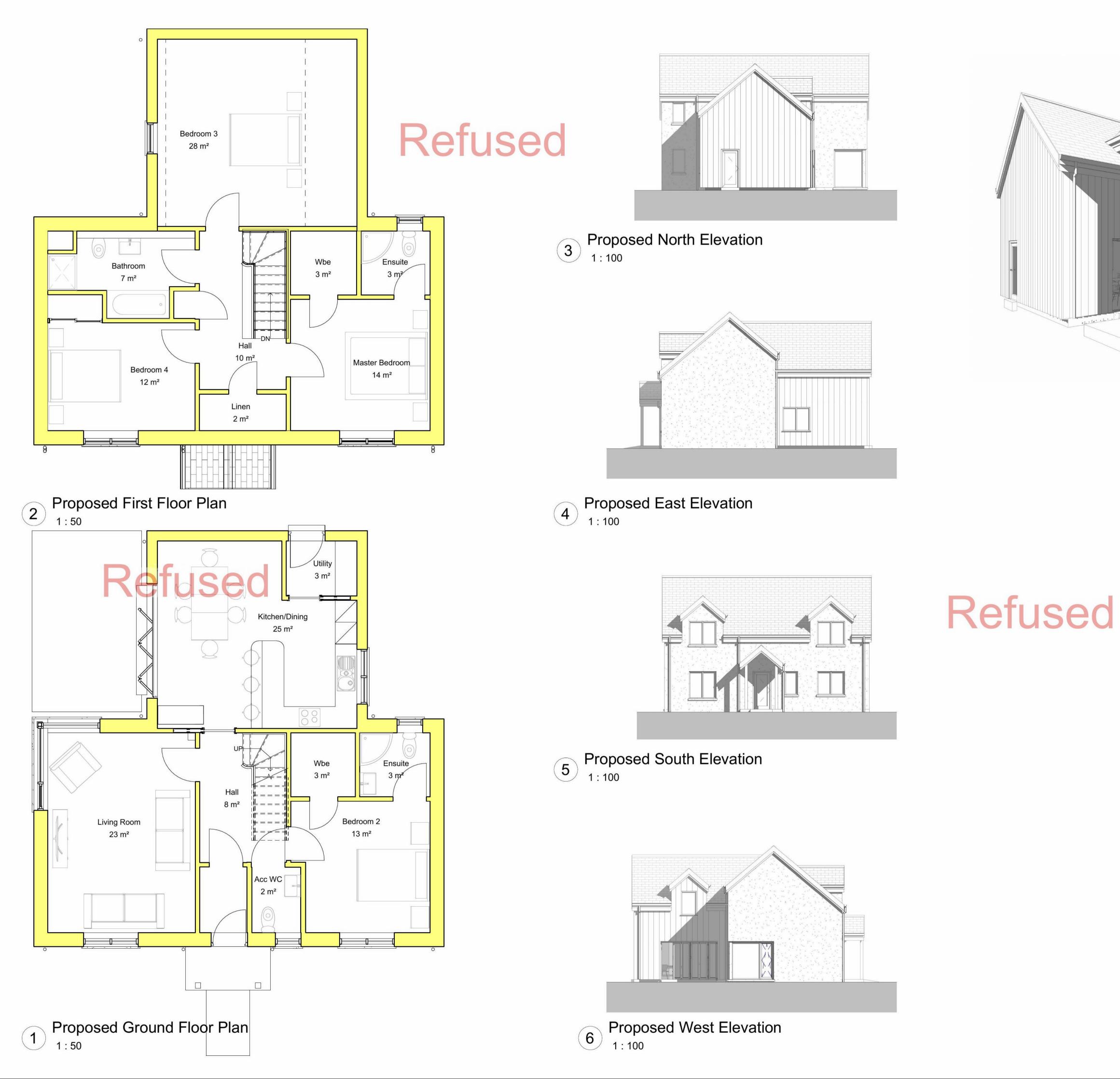


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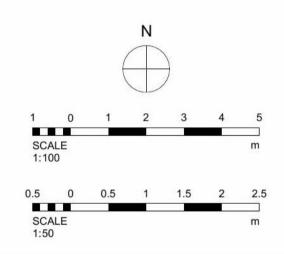
	Planning		
Project Cairnton Steadings Arbroath DD115SU			
Title Proposed Contextual Visuals			
Job No.	Rev.	Drawing No.	
243	-	PD08	
Scale	Paper	Date	
N/A	A2	June 2021	
garry <b>a d a m</b> a r c h i t e c t			
2A Orange Lane, Montrose, DD10 8ND			
01674 675 610 garry@garryadamarchitect.co.uk www.garryadamarchitect.co.uk			



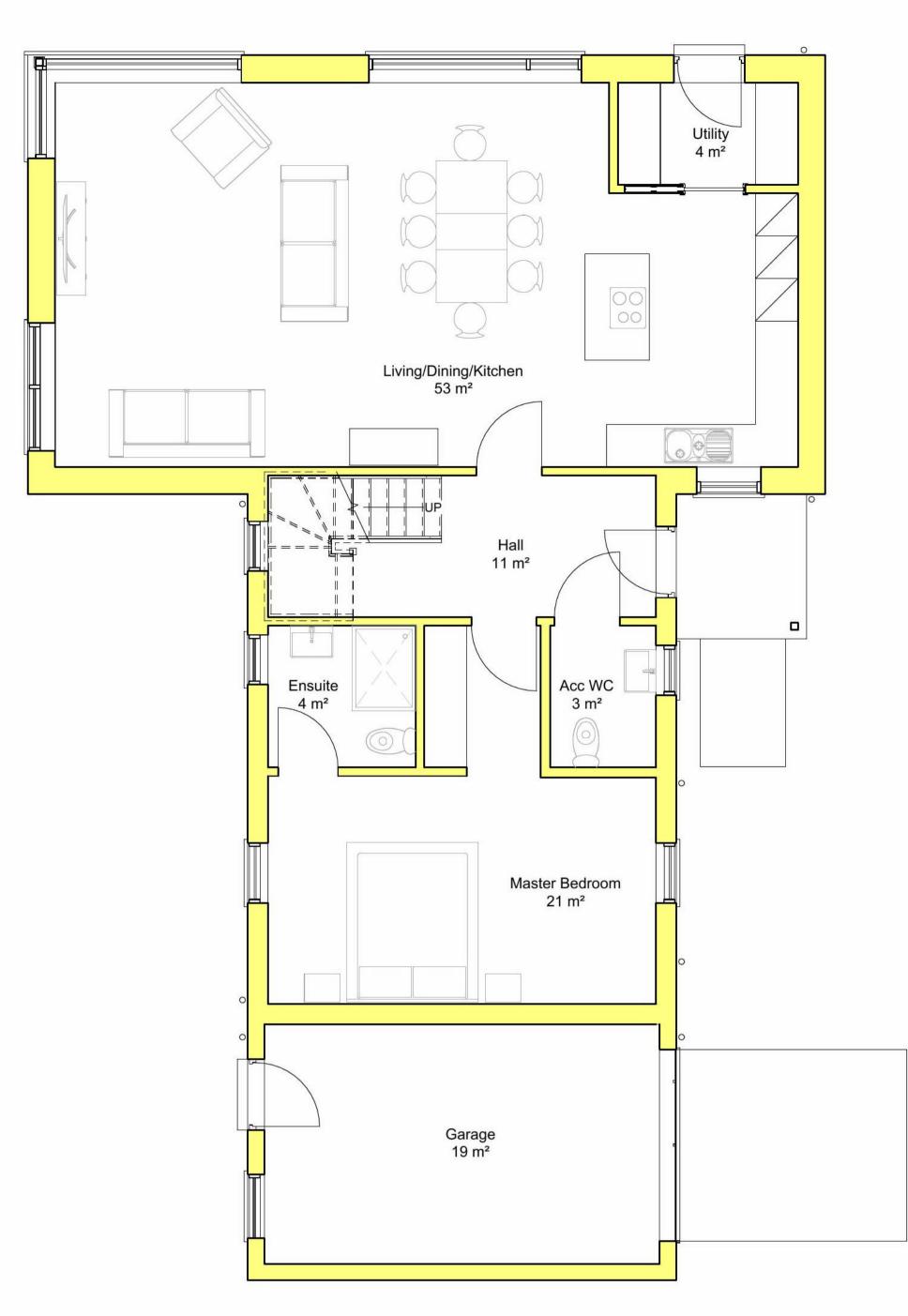








Planning				
Project Cairnton Steadings Arbroath DD115SU				
	Title Proposed House 1 Plans, Elevations & Draft 3D Visual			
Job No. 243	Rev.	Drawing No. PD03		
Scale 1:50 1:100	Paper A1	Date June 2021		
	garry <b>a d a m</b> a r c h i t e c t			
	2A Orange Lane, Montrose, DD10 8ND			
01674 675 610 garry@garryadamarchitect.co.uk www.garryadamarchitect.co.uk				





2 Proposed Ground Floor Plan 1:50





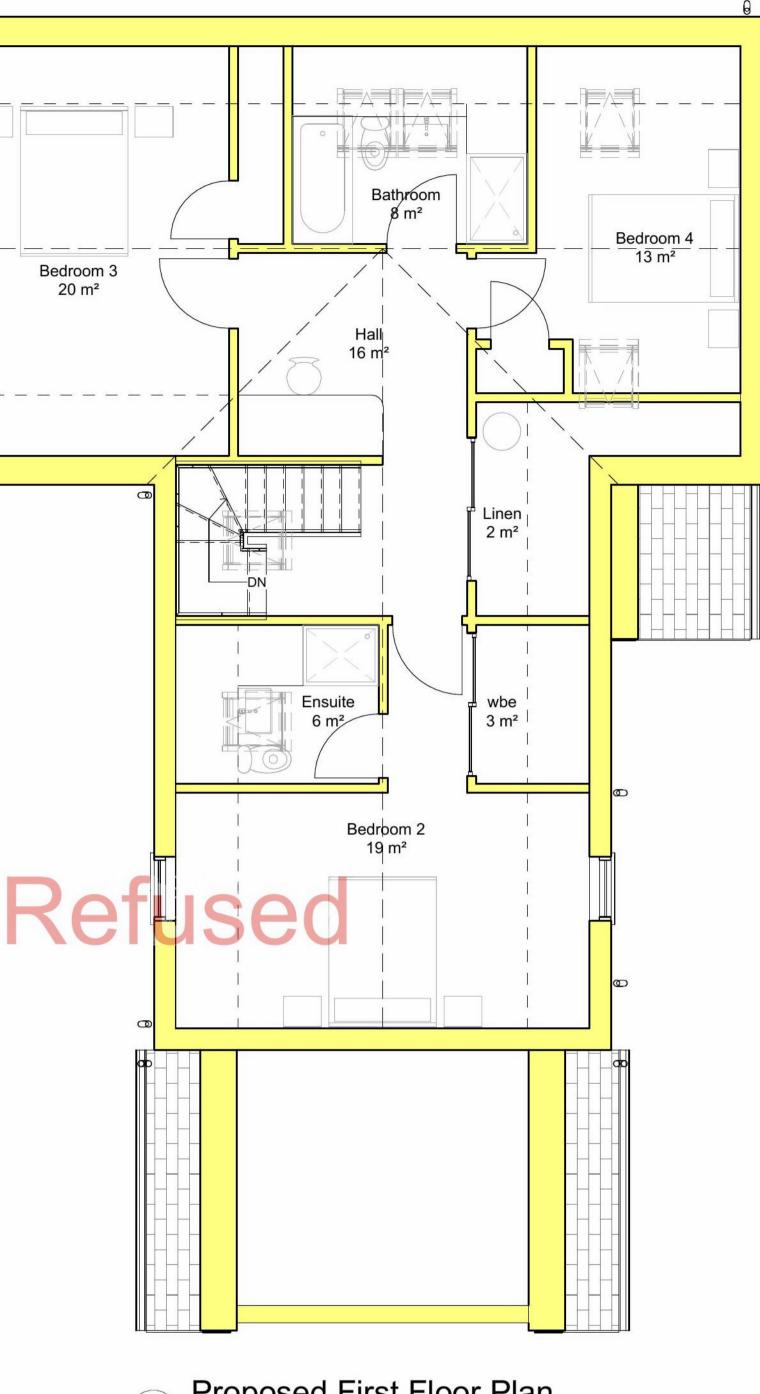


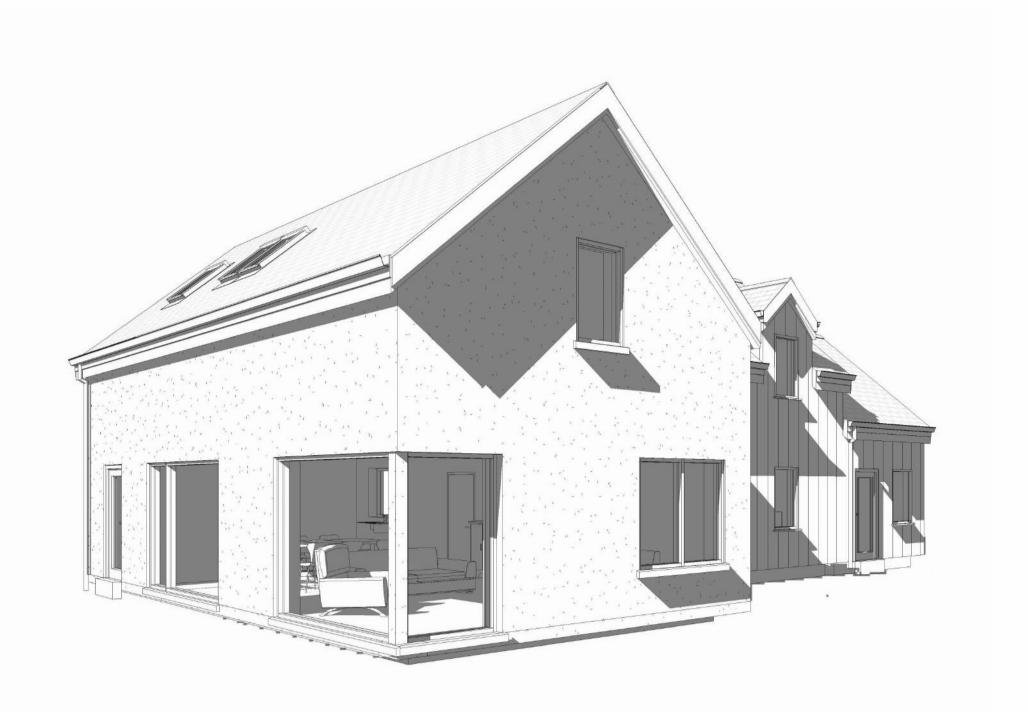
3 Proposed North Elevation





4 Proposed East Elevation





Refused



1 Proposed First Floor Plan





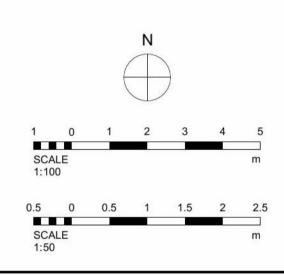


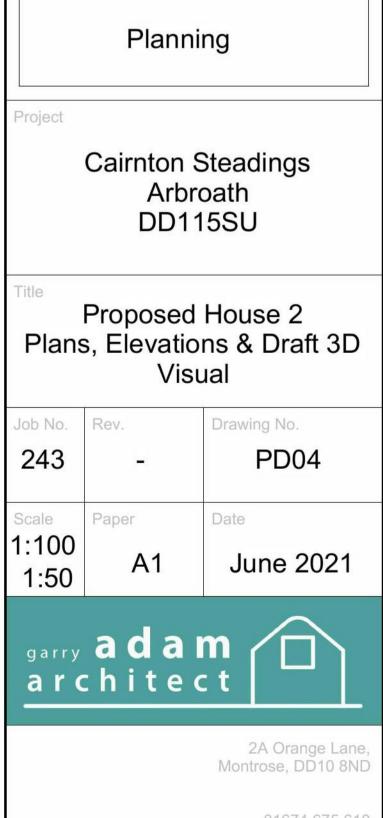
5 Proposed South Elevation



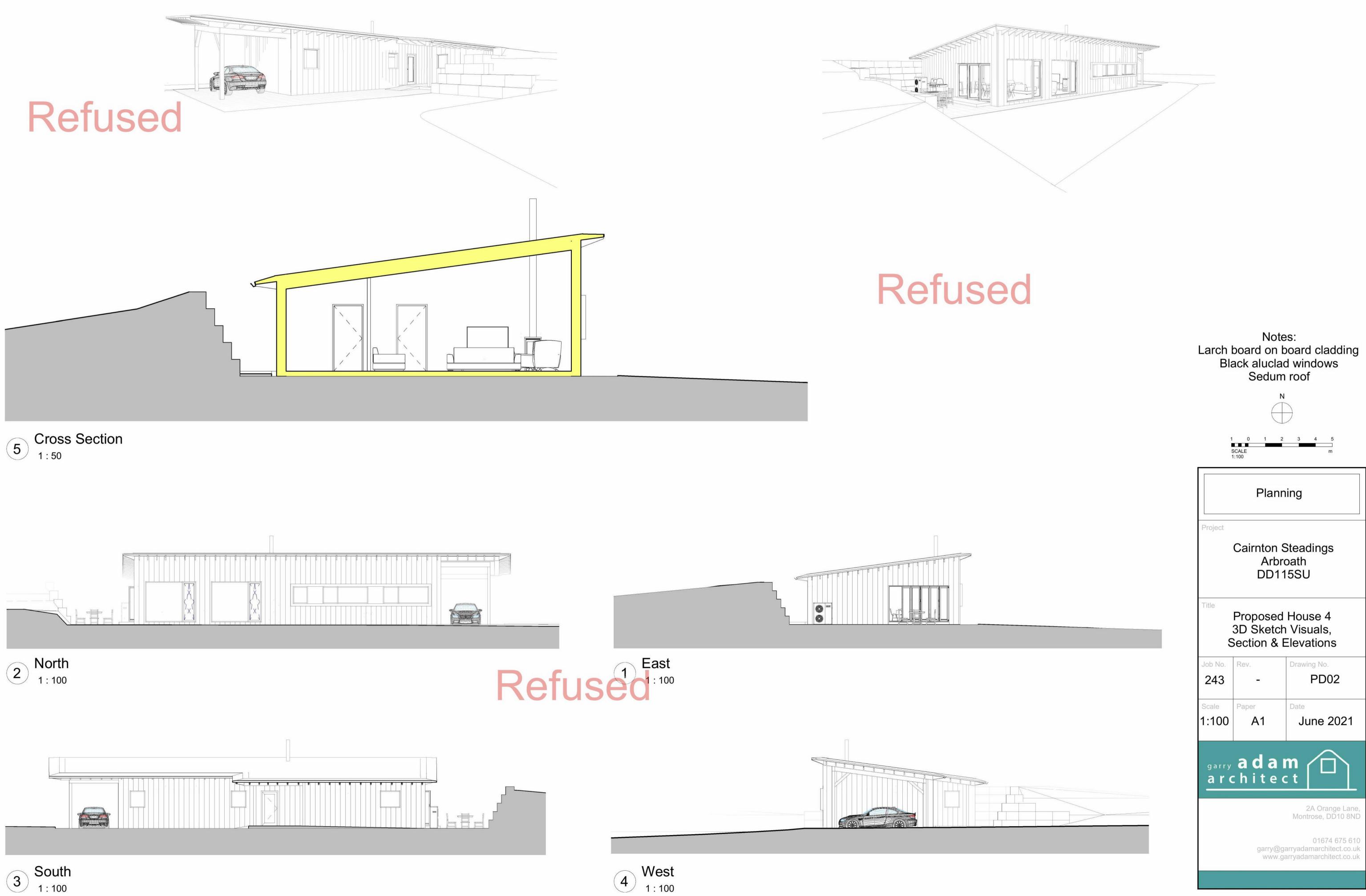


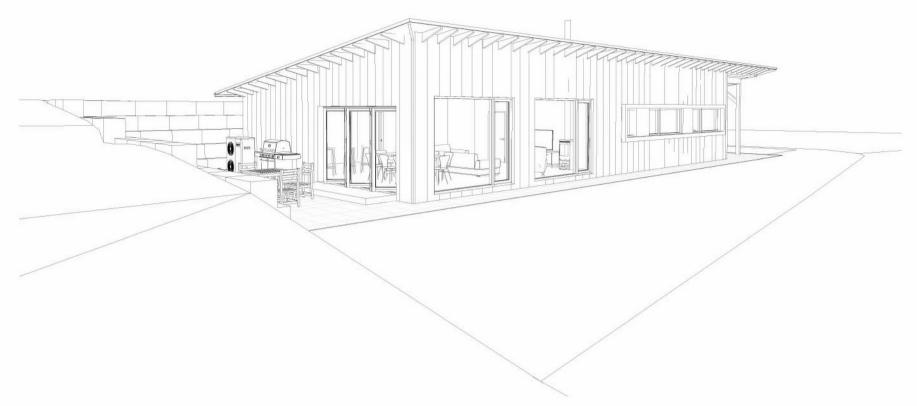
6 Proposed West Elevation





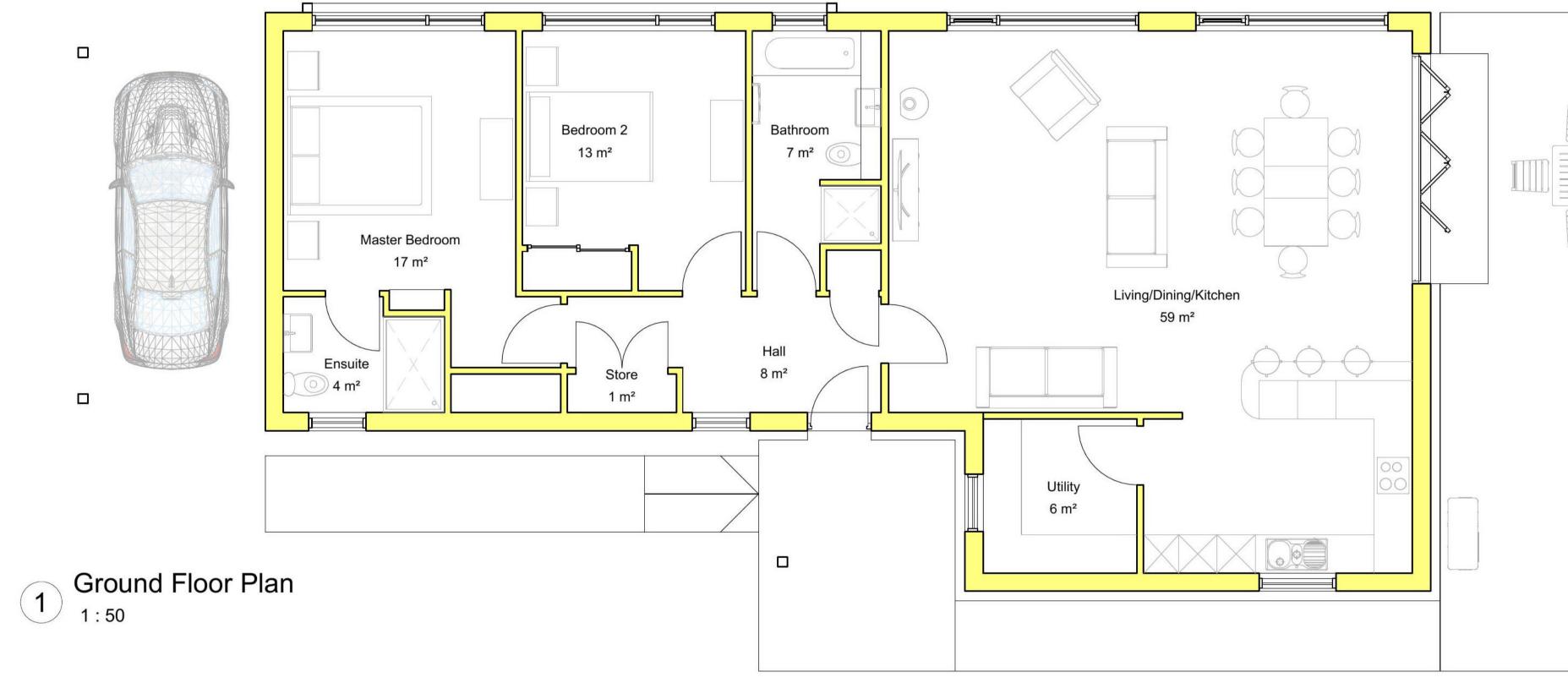
01674 675 610 garry@garryadamarchitect.co.uk www.garryadamarchitect.co.uk





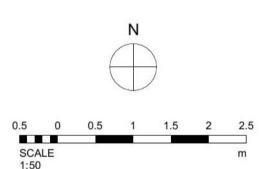


## Refused



# Refused

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	Planning			
Project Cairnton Steadings Arbroath DD115SU				
Title Proposed House 4 Ground Floor Plan				
Job No. 243	Rev.	Drawing No. PD01		
Scale 1:100	Paper A1	Date June 2021		
garry <b>a d a m</b> a r c h i t e c t				
2A Orange Lane, Montrose, DD10 8ND 01674 675 610 garry@garryadamarchitect.co.uk www.garryadamarchitect.co.uk				



#### ANGUS COUNCIL

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



#### PLANNING PERMISSION REFUSAL REFERENCE : 21/00614/FULL

To Mr Roger Goodfellow c/o About Planning Ltd Emelda Maclean Millars House 41 Gray Street Broughty Ferry Dundee DD5 3BJ

With reference to your application dated 12 August 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

### Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse at Cairnton Steading East Newton Arbroath for Mr Roger Goodfellow

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

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

- 1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the development of House 4 does not comply with any of the circumstances where new housing in the countryside is permitted; and because a house on that part of the site would create a rounding off opportunity for additional greenfield development on land to the north-west.
- 2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policy TC2 and the associated Countryside Housing Supplementary Guidance.

#### Amendments:

The application has not been subject of variation.

Dated this **25 April 2022** Jill Paterson Service Lead Planning and Sustainable Growth Angus Council Angus House Orchardbank Business Park Forfar DD8 1AN

AC8

#### 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.	Scottish Ministers)
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 Angus House Orchardbank Business Park Forfar DD8 1 AN

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



#### 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 <u>https://eplanning.scotland.gov.uk</u>.

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 <u>https://eplanning.scotland.gov.uk</u>. 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.



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#### 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 he	lp I needed to submit m	ny application/r	epresentation:-	
Strongly	/ Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	lt does not apply
Q.2	The Council kep	ot me informed	about the progress of t	he application t	hat I had an interest in:-	
Strongly	/ Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.3	The Council dec	alt promptly wi	h my queries:-			
Strongly	/ Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
			Disagree			apply
Q.4	The Council dec	alt helpfully wit	h my queries:-			
Strongly	/ Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
			Disagree			apply
Q.5	I understand the	e reasons for th	e decision made on the	e application the	at I had an interest in:-	
Strongly	/ Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.6	I feel that I was	treated fairly a	nd that my view point w	vas listened to:-		
Strongly	/ Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	lt does not apply
OVERALL	SATISFACTION:	Overc	all satisfaction with the s	ervice:		
Q.7	-	•			d taking everything int cil in processing your ap	
Very	satisfied	Fairly satisfied	d Neither Satisfie Dissatisfied		rly Dissatisfied Ve	ery Dissatisfied
[				1		
OUTCOM	E: Outco	ome of the app	blication:			
Q.8	Was the applica	ation that you h	ad an interest in:-			
Grante	d Permission/Co	nsent	Refused Permiss	ion/Consent	Withd	rawn
Q.9 V	lere you the:-	Applican	t Agent		Third Party objector wh made a representation	

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

# **Planning Supporting Statement**

Planning Application for the Erection of 1 no. Dwellinghouse, Rebuilding of Existing Steading to provide for 2 no. Dwellinghouses and Conversion of Existing Outbuilding to 1 no. Dwellinghouse at Cairnton Steading, East Newton, Arbroath, DD11 5SX





Millars House, Studio 2, 41a Gray Street, Broughty Ferry, DD5 3BF

CONTENTS		Page
1.	INTRODUCTION	3
2.	SITE DESCRIPTION	4
3.	PLANNING HISTORY	5
4.	THE PROPOSAL	7
5.	THE DEVELOPMENT PLAN	13
6.	MATERIAL CONSIDERATIONS	24
7.	CONCLUSIONS	25

# 1.0 Introduction

1.1 This Planning Supporting Statement (PSS) has been prepared, on behalf of Mr R Goodfellow (the "Applicant"), to accompany a Planning Application to Angus Council (AC) for the following proposal:

"Erection of 1 no. Dwellinghouse, Rebuilding of Existing Steading to provide for 2 no. Dwellinghouses and Conversion of Existing Outbuilding to 1 no. Dwellinghouse at Cairnton Steading, East Newton, Arbroath, DD11 5SX"

- 1.2 The Planning Application has been submitted in accordance with the requirements of Section 32 of Town and Country Planning (Scotland) Act, 1997 (as amended) (the "Act").
- 1.3 A number of Planning Applications have been granted by AC for the partial demolition of the Steading and Erection of two dwellinghouses. This Planning Application seeks to renew this part of the proposal, together with the conversion of an existing adjacent steading and the erection of a new eco-house within the curtilage of the site.
- 1.4 This Planning Appraisal has regard to Section 25 of the Act which requires the following:

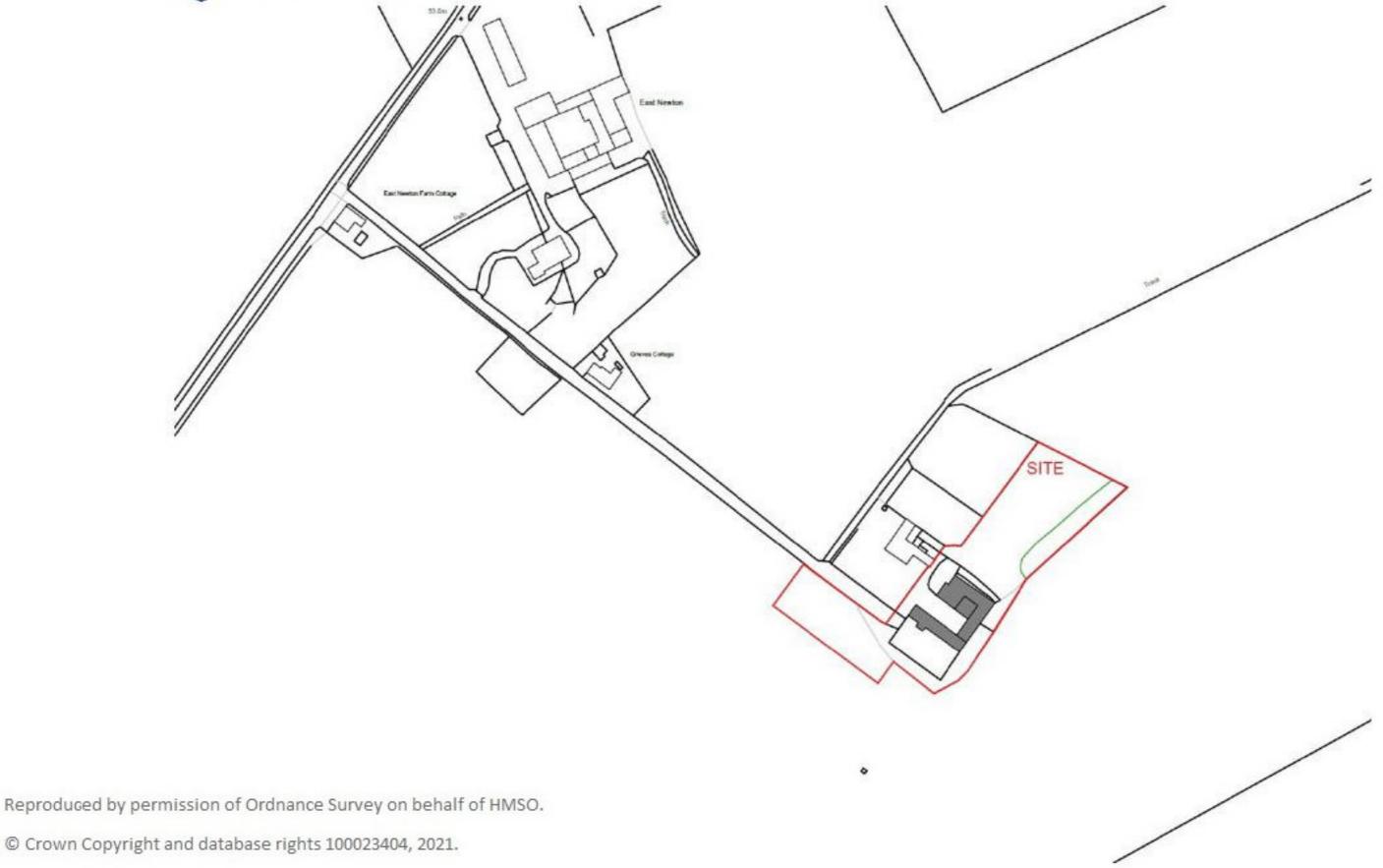
"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

1.5 Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This legislation is relevant to the consideration of the impact of the Proposal on the historical setting of Cairnton Farmhouse, to the southeast, which is a Category B listed building.

#### 2.0 **Site Description**

- 2.1 The site is located to the northeast of Arbroath in the countryside in a Category 1 Rural Settlement Unit (RSU), as defined in the Angus Local Development Plan (ALDP), adopted 2016. The site is located approximately 4.2 km to the north of Arbroath and less than 1 km to the east of the A92 Trunk Road. The site lies approximately 2.5 km to the south of Inverkeilor.
- 2.2 Figure 1: Site Location illustrates the site's location to the southeast of East Newton Farm and East Newton Cottage, which lie at the entrance to the site. Grieves cottage lies mid-way along this access road to Cairnton Steading. The steading lies to the southeast of Cairnton Farmhouse which is a Category B listed building. The farm cottage is located to the south west of the steading and physically links in with the steading and outbuilding, subject to this Application. The farm cottage is no longer in use for agricultural purposes.

# Figure 1: Site Location





2.3 The steading has Planning Permission to be redeveloped for 2 no. dwellinghouses. The outbuilding extends to the north of the farm cottage and the farm cottage benefits from an extensive garden ground and curtilage to the north.

#### 3.0 **Planning History**

- The following planning history is relevant to establishing the conversion of the 3.1 steadings to 2 no. dwellinghouses:
  - 05/01588/FUL for Conversion of Farm Steading to form Two Dwellinghouses was 0 determined as "Application Withdrawn" on 16 March 2006.
  - 06/00313/FUL for Conversion of Steading to Form Two Dwellinghouses (Re-0 Application) was determined as "approved subject to conditions" on 30 May 2006.
  - 10/01242/FULL for Demolition of Steading and Erection of Two Dwellinghouses 0 was determined as "Application Withdrawn" on 26 April 2011.
  - 11/00408/FULL for Demolition of Steading and Erection of Two Dwellinghouses 0 (Re-application) was determined as "approved subject to conditions" on 11 July 2011.
  - 14/00568/FULL for Application under S42 to extend time limit restriction of 0 condition (1) of 11/00408/FULL to demolish steading and erect 2 houses to allow a further 3 years was determined as "approved" on 11 September 2014
  - 17/00743/FULL for Application under S42 to extend time limit restriction of 0 condition (1) of 14/00568/FULL for the above was allowed a further 3 years on 23rd November 2017.

- Planning Permission Ref: 17/00743/FULL is still extant and capable of implementation. 3.2 The Coronavirus (Extension and Expiry) (Scotland) Bill (parliament.scot) was passed in Parliament on 24 June 2021 and is currently awaiting Royal Assent, with the intention of extending of planning permission expiry dates. As a result, any planning permission that was due to expire between April 2020 and 30 September 2021 will be automatically extended to 31 March 2022. Planning Permission Ref: 17/00743/FULL will therefore be automatically extended to 31st March 2022. Prior to Assent being passed, this consent (attached as Appendix 1) is still valid until 30<sup>th</sup> September 2021.
- The Report of Handling (RoH) by AC on Planning Permission Ref: 17/00743/FULL is 3.3 attached as Appendix 2 and recommended approval of the proposal based on the current Development Plan context, concluding:

"In conclusion, the broad principle of redeveloping the site for two houses is compatible with development plan policy. However, the proposal does not fully accord with the relevant Supplementary Guidance as the house plots are below the 800sqm minimum required in association with a new build property in a Category 1 RSU. Notwithstanding that, having regard to the recent planning history of the site and the otherwise acceptable nature of the proposal, the reduced plot sizes are considered acceptable. The proposal would facilitate the removal of a building that could be put to an alternative use that could impact adversely on the amenity of neighbours. That building is falling into a state of disrepair and its removal and productive reuse of the brownfield site is considered desirable. The matters raised

in representation have been taken into account and where appropriate addressed by conditions of this permission. There are no material considerations that justify refusal."

# 4.0 The Proposal

# **General Site Description**

- 4.1 The proposal relates to the following components:
  - The demolition of an existing steading, with the rebuilding of a similar building in order to form two dwellinghouses (House 1 + 2);
  - 2. The conversion of an existing outbuilding to the existing cottage (House 3);
  - The erection of a single eco-dwellinghouse in the garden ground to the north (House 4).
- 4.2 Figure 2: Proposed Site Plan illustrates the proposals for the site layout.

Figure 2: Proposed Site Plan

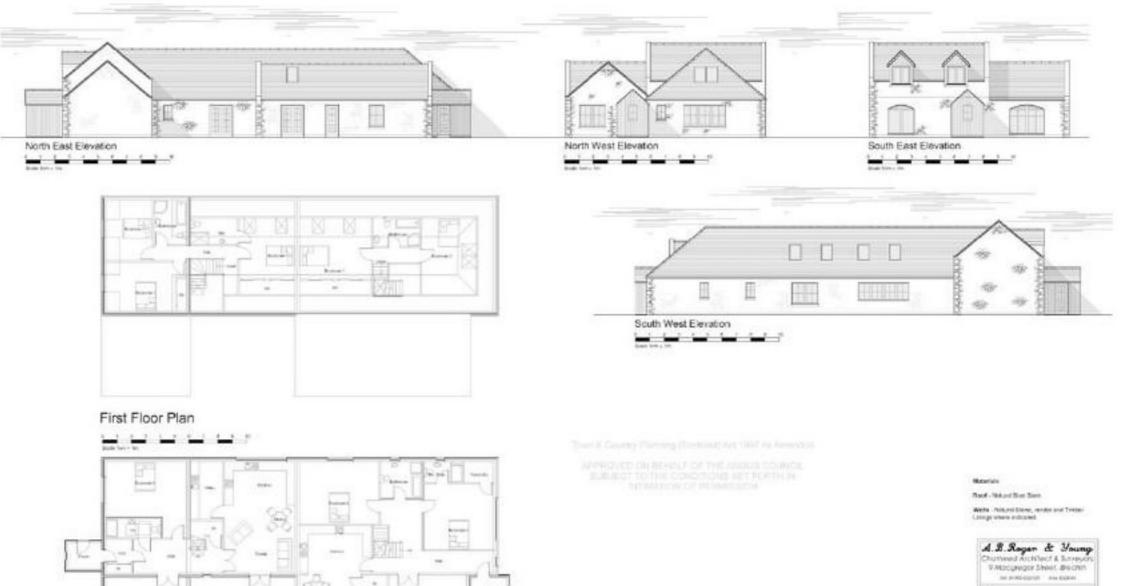


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- 1. <u>The demolition of an existing steading, with the rebuilding of a similar building</u> in order to form two dwellinghouses (Houses 1 + 2)
- 4.3 As stated, Planning Permission Ref: 17/00743/FULL is still extant and capable of implementation. Figure 3: Approved Plans and Elevations Ref: 17/00743/FULL illustrates the approval by AC for the rebuilding of the existing steadings.

Figure 3: Approved Plans and Elevations Ref: 17/00743/FULL





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town, to	(Sector 6)

- 4.4 Figure 4: Proposed Plans and Elevations House 1 illustrates the current proposals, subject to this Planning Application, for the rebuilding of the existing steadings for house 1.
- 4.5 Figure 5: Proposed Plans and Elevations House 2 illustrates the current proposals, subject to this Planning Application, for the rebuilding of the existing steadings for house 2.
- 4.6 The new proposal illustrates a separate between the proposed two new dwellings. The design concept has been developed following market research on the local demand for housing, which includes a separate division between the two approved houses, together with their aesthetic, vernacular design. The current proposal seeks to ensure deliverability of the proposal and new housing provision.

# Figure 4: Proposed Plans and Elevations - House 1

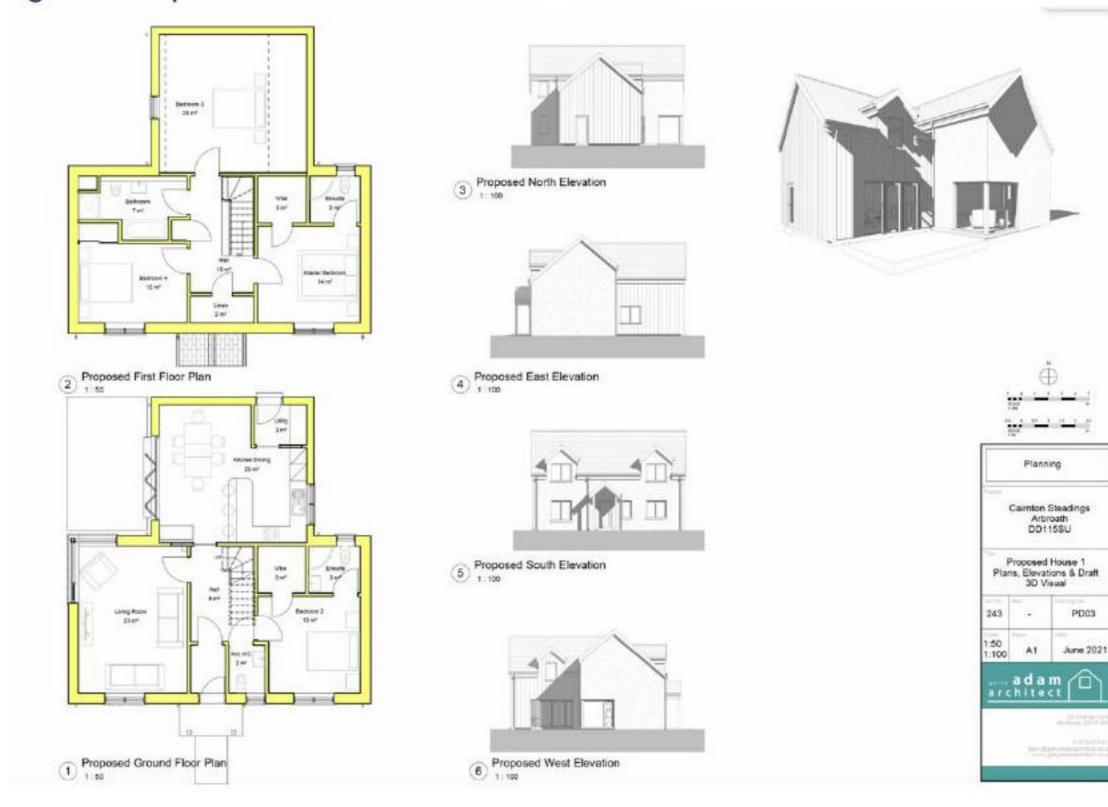


Figure 5: Proposed Plans and Elevations – House 2

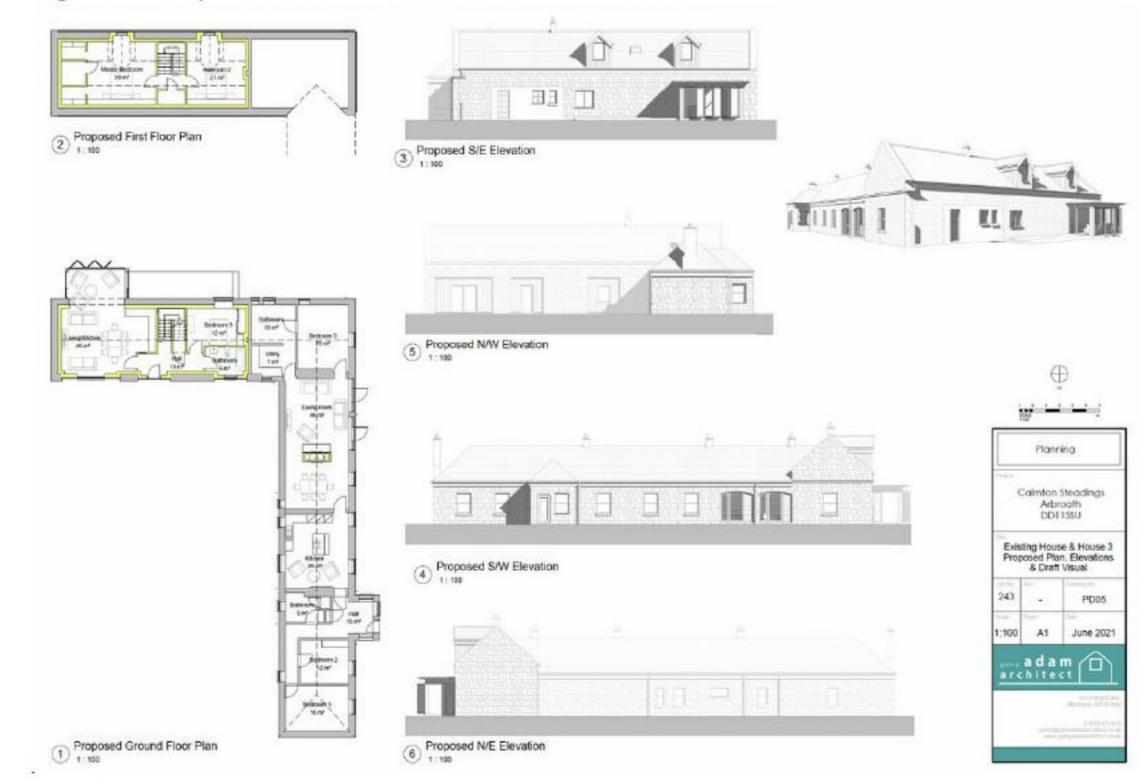




# 5 The conversion of an existing outbuilding to the existing cottage (House 3)

4.7 Figure 6: Proposed Plans and Elevations – House 3 illustrates the current proposals, subject to this Planning Application, for the conversion of the existing outbuilding attached to the existing cottage.

# Figure 6: Proposed Plans and Elevations – House 3



- 4.8 The proposal represents the conversion and extension of the existing outbuilding to form a 3 no. bedroom dwellinghouse.
  - 5 <u>The erection of a single eco-dwellinghouse in the garden ground to the north</u> (House 4)
- 4.9 Figure 7: Proposed Plans House 4 illustrates the proposal for the erection of a new eco-dwellinghouse in the garden ground to the cottage. Figure 8 Proposed Elevations + Design Concept House 4. The proposal relates to a single storey dewllinghouse accommodating 2 no. bedrooms, sculptured into the garden ground and landscape.

# Figure 7: Proposed Plans- House 4

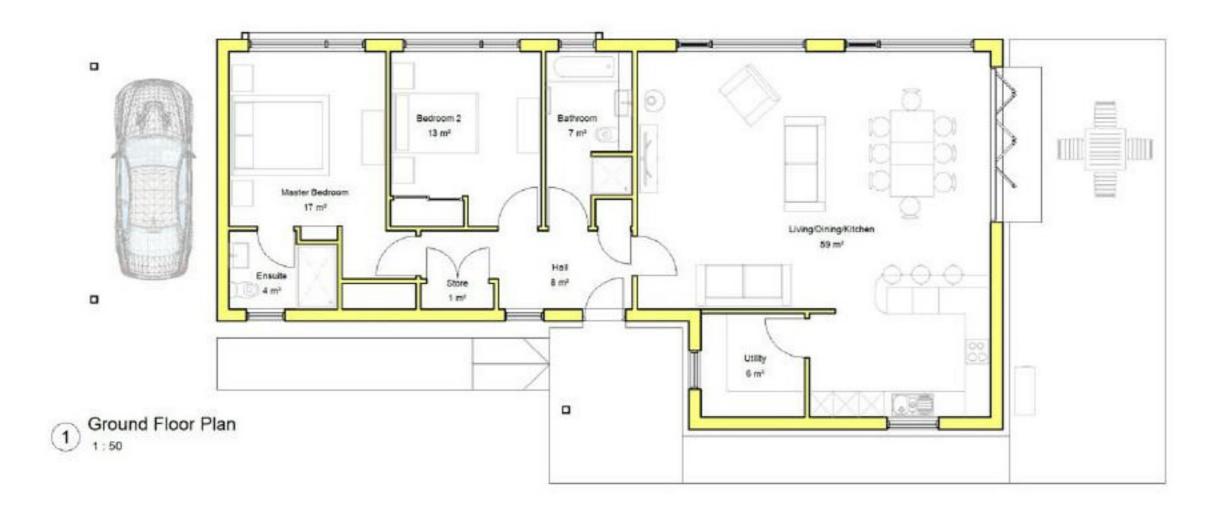
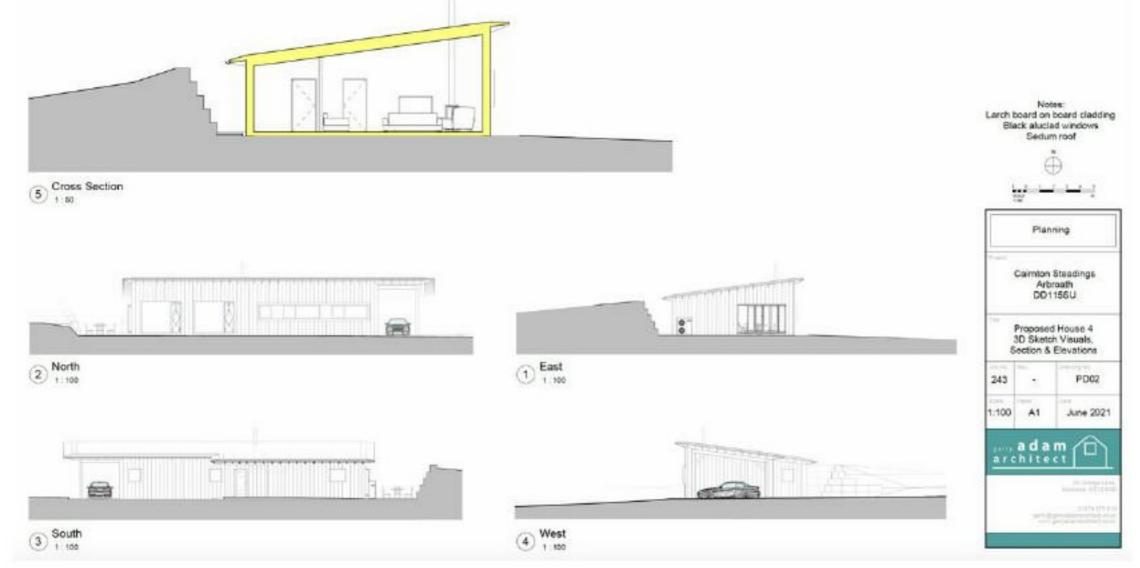


Figure 8: Proposed Elevations + Design Concept- House 4





4.10 House 4 is a low carbon house design. It takes 'fabric first' approach to reduce the energy demand for space heating, orientating the house to take advantage of natural solar gain to all the principal habitable rooms, as well as trying to take advantage of the good views towards Lunan Bay for the principal rooms. Glazing will be triple glazed. The living and dining rooms face south and east and have large areas of glazing. The U-values through the walls and roof and floor will be no greater than 0.15Wm2k to keep heat loss low through the fabric. Sustainable materials have

been proposed for the walls and roofing, the walls being Scottish Larch Cladding, and roof being a natural Sedum blacket on to a Tectofin single ply roofing system. The hot water and space heating demand are met by an Air Source Heat Pump to avoid the use of a fossil fuel based system.

# 5.0 The Development Plan

- 5.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The Development Plan comprises the TAYplan Strategic Development Plan (SDP), 2017 and the Angus Local Development Plan (LDP), 2016. Given the strategic nature of the SDP, it is not considered to have a direct implication on the proposal, with the LDP providing the relevant policy context in this case.

# Angus Local Development Plan (LDP), 2016

- 5.3 The Angus Local Plan Development Plan (ALDP), adopted 2016 identifies that the site is located in the countryside and does not benefit from any other known statutory designations.
- 5.4 Table 1: ALDP, adopted 2016 identifies the policies contained in the ALDP, which are considered to be relevant to the proposal, together with the Proposal's compliance.

# Table 1: ALDP, adopted 2016

Policy Description	Proposal Compliance
Policy DS1 Development Boundaries	Policy DS1 is supportive of development
and Priorities:	which is of a scale and nature
Outwith development boundaries	appropriate to its location and where it
proposals will be supported where they	complies with other relevant policies of
are of a scale and nature appropriate	the ALDP. It indicates that proposals
to their location and where they are in	which make better use of vacant,
accordance with relevant policies of	derelict or under-used brownfield land
the ALDP	or buildings will be supported where
In all locations, proposals that re-use or	they are in accordance with other
make better use of vacant, derelict or	policies of the plan. This proposal
under-used brownfield land or	complies in principle with Policy DS1.
buildings will be supported where they	
are in accordance with relevant	Proposed Houses 1, 2 and 3
policies of the ALDP.	
Development of greenfield sites (with	The proposal will re-use or make better
the exception of sites allocated,	use of vacant, derelict or under-used
identified or considered appropriate for	buildings in accordance with this
development by policies in the ALDP)	policy.
will only be supported where there are	

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:

- Distinct in Character and Identity 0
- Safe and Pleasant 0
- Well Connected 0
- Adaptable 0
- **Resource Efficient** 0

Supplementary guidance will set out principles the expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further

of the houses relate to conversion and rebuild of existing buildings and the furth house represents a rounding-off of development within the existing garden ground of the farm cottage. The proposed fourth house represents an architectural led bespoke/ecofriendly design which recognises the setting of the site and the proposals for houses 1-3.

scale and nature the of The development is in keeping with the character of the local landscape and pattern of development and there is no known impact on the built or natural environment.

The site is easily accessible, with no discernable impact on surrounding amenity, traffic or infrastructure.

Policy Description	Proposal Compliance
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.	A sustainable design approach has been integral to the proposal, both in terms of choice of materials and integrating low energy design within the fabric. The proposed eco-house is notable in achieving sustainability standards in terms of its design.
	The proposal complies with Policy DS3.
Policy DS4 Amenity:	The proposed houses subject to
Development will not be permitted	conversion, have been designed to
where there is an unacceptable	retain the residential amenity of the
adverse impact on the surrounding area or the environment or amenity of	existing adjoining farm cottage and Cairnton Farmhouse. The siting and
existing or future occupiers of adjoining	design of the proposed eco-house has
or nearby properties	been specifically designed to ensure
	that the amenity between the existing
	two adjacent houses and those
	proposed for conversion, is secured.
	This has been achieved in design
	terms by, for example, concealing the

house within the landscape form to ensure views from the existing and proposed converted houses over-sail this new house to the landscape beyond.

The removal of the existing redundant agricultural building and its replacement with three houses would secure the removal of a potentially non-conforming use. This was acknowledged by AC in their ROH contained in Appendix 2.

The siting of the proposed houses will ensure that the amenity and setting of Cairnton Farmhouse (a Category B Listed Building), sited to the northwest is maintained and secured.

The proposal complies with Policy DS4.

The proposed residential development is compatible with the adjoining residential uses at East Newton. The proposal provides for a satisfactory
is compatible with the adjoining residential uses at East Newton. The
residential environment and does not have an adverse impact on surrounding amenity. The proposal does not generate a requirement for affordable housing.
In terms of allowable development in the countryside, the proposal complies with Policy TC2, in that the conversion of the steadings and the outbuilding comply with the "conversion of non- residential buildings" and the regeneration of a brownfield site, leading to visual and environmental improvement."
The proposed further house would round off a group of 2 existing houses and 2 approved houses, capable of implementation. AC's supplementary planning guidance on Housing in the Countryside provides further support for this proposal as referred to below.
The proposal complies with Policy TC2.

Policy Description	Proposal Compliance
<ul> <li>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</li> <li>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.</li> </ul>	
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. Policy PV5: Protected Species Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.	The RoH by AC contained in Appendix 2 confirmed that the steading building proposed to be demolished and rebuilt is "is of a type that may provide a favourable roost location for bats. A bat survey was undertaken at the building but no evidence was found to indicate the presence of roosting bats. The proposal does not give rise to any other issues in relation to Policy PV5 and protected species."
	Extant Planning Permission Ref: 17/00743/FULL recognised the results of this survey and agreed with its results, requiring no further requirements on this issue.
Policy PV6 Development in the Landscape: Development which has an adverse effect on landscape will only be	The proposal complies with Policy PV5. The RoH by AC contained in Appendix 2 confirmed that the steading building proposed to be demolished and rebuilt would not impact on Policy PV6.

Policy Description	Proposal Compliance	
<ul> <li>permitted where:</li> <li>The site selected is capable of accommodating the proposed development;</li> <li>The siting and design integrate with the landscape context and minimise adverse</li> <li>impacts on the local landscape;</li> <li>Potential cumulative effects with any other relevant proposal are considered to be acceptable; and</li> <li>Mitigation measures and/or reinstatement are proposed where appropriate.</li> </ul>	The proposed conversion of the outbuilding would equally not impact on the intentions of this policy. The proposed new house has been specifically designed to absorb into the landscape through the design described, with the house moulded into the landscape. The scale and nature of the development is in keeping with the character of the local landscape and pattern of development and there is	
appropriate.	no impact the built or natural environment.	
	The proposal complies with Policy PV6.	
Policy PV8 Built and Cultural Heritage:	The RoH by AC contained in Appendix	
Development proposals which are	2 confirmed that the steading building	
likely to affect protected sites, their	proposed to be demolished and	

setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

# National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- The proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- Any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- Appropriate measures are provided to mitigate any identified adverse impacts.

rebuilt would not impact on Policy PV6, stating:

"In this respect the building is located in the vicinity of the listed farmhouse and directly affects the 19th Century farm building. In relation to the listed building the proposal will have no direct impact. However, it has potential to affect its setting given the proximity. In that respect the listed building is a former farm house and the adjacent farm building and cottage contribute to its setting and understanding. Whilst the existing building would be demolished and its use would change, the basic form of the building would be retained and the

relationship between the buildings would not change significantly. The replacement of the derelict building

Policy Description	Proposal Compliance	
	with an appropriately designed replacement would not significantly adversely affect the setting of the listed building. The Archaeology Service requested a condition is applied that requires a photographic survey prior to demolition or development."	
	AC have already accepted that the proposed 2 no. houses created through the replacement of the steading will not impact on Cairnton Farmhouse. The conversion of the outbuilding, set behind the steading, as viewed from the farmhouse, will equally not impact on its setting.	
	The proposed eco-friendly house is sited with the garden of the application site, within a clearly defined curtilage, separate from the farmhouse at some distance. With the proposed new house being absorbed within the landscape form, the built form of the proposed house does not protrude into the landscape or impact on the setting of Cairnton Farmhouse.	
	The proposal will not adversely affect the integrity of these designated sites. The proposal complies with Policy PV8.	
Policy PV15 Drainage Infrastructure: Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations.	The proposal complete with one yield of the public water supply and use private drainage arrangements with septic tank and soakaway for the discharge of foul water. A SUDS system would be used for surface water discharge. Detailed matters regarding these arrangements would be addressed through the building warrant approval	

Policy Description	Proposal Compliance	
	The proposal complies with Policy PV15.	
Policy PV18 : Waste Management in New Development	The Applicant will male provision for recycling of waste on a private basis and through the construction process.	
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.	The proposal complies with Policy PV18.	

- 5.5 It is considered that the proposed development complies with the requirements of the ALDP 2016.
- 5.6 The ALDP, 2016 Countryside Housing Supplementary Guidance forms part of the statutory ALDP. The following relevant Guidance is considered to support the proposal:

ALDP, 2016 Countryside Housing Supplementary Guidance (SG), 2016

- 1. <u>The demolition of an existing steading, with the rebuilding of a similar building</u> in order to form two dwellinghouses (House 1 + 2)
- 5.7 The SG confirms that "The policy supports the conversion of appropriate buildings, where (amongst other things) proposals ... The reconstruction of a non-residential building of visual, architectural or historic merit may be supported where it is demonstrated to the satisfaction of the Council that the building cannot be viably retained and converted.."
- 5.8 As stated in paragraph 3.3, the RoH by AC on Planning Permission Ref: 17/00743/FULL recommended approval of the proposed rebuilding of the steading based on the current Development Plan context, concluding:

"In conclusion, the broad principle of redeveloping the site for two houses is compatible with development plan policy. However, the proposal does not fully accord with the relevant Supplementary Guidance as the house plots are below the 800sqm minimum required in association with a new build property in a Category 1 RSU. Notwithstanding that, having regard to the recent planning history of the site and the otherwise acceptable nature of the proposal, the reduced plot sizes are considered acceptable. The proposal would facilitate the removal of a building that could be put to an alternative use that could impact adversely on the amenity of

neighbours. That building is falling into a state of disrepair and its removal and productive reuse of the brownfield site is considered desirable. The matters raised in representation have been taken into account and where appropriate addressed by conditions of this permission. There are no material considerations that justify refusal."

Under this current proposal all four houses now comply with or exceed the 800sqm minimum house plot standard, as follows:

- House 1800sqm;
- House 2 1046sqm;
- House 3 364sqm;
- o House 4 2000sqm.
- 5.9 The principle of the rebuilding of the steading for 2 no. dwellinghouses has already been approved by AC, with an extant Planning Permission capable of implementation. This proposal provides for an enhanced architectural design in accordance with the aims of the SG for environmental enhancement.
  - 2. The conversion of an existing outbuilding to the existing cottage (House 3)
- 5.10 AC supports the principle of conversion "...of appropriate buildings, where (amongst other things) proposals would retain or enhance valued architectural features". To be suitable for conversion "... a building should have characteristics that would

make a positive contribution to the character and architectural heritage of rural Angus. Such nonresidential buildings are often constructed in stone; have a simple form with few openings; and have pitched roofs, which are usually covered in slate."

5.11 The principle of conversion of the outbuilding to the existing cottage complies with the SG.

6 The erection of a single eco-dwellinghouse in the garden ground to the north (House 4).

5.12 Paragraph 3.4 of the SG applies to "New Houses in the Countryside", pertinent to this proposal the SG confirms:

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

landscape setting should be resisted as failing to round off or consolidate the group. Definitions of "sense of containment" and "building group" are contained in the Glossary.

- 5.13 The glossary defines a "building group" as "A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use. The building group will require to have a sense of containment."
- 5.14 The proposed new eco-house is sited within the garden ground to the existing redundant farm cottage, within a well contained and defined boundary/curtilage. There is an existing group of 4 no. residential buildings, comprising the Cairnton Farmhouse, the former farm cottage (part of the application site) and the two dwellinghouses permitted as part of extant Planning Permission Ref: 17/00743/FULL. The site of the proposed new house is considered to comply with the SG guidance, forming part of a building group.
- 5.15 Given the eco-environmentally credentials of the proposed house and its bespoke design the proposal is also considered to comply with the objectives of the SG relating to "Large Country Houses", which states:

"It is recognised that the terms of Policy TC2 may preclude the development of one off substantial country houses (for the avoidance of doubt this does not include large houses in large gardens) which have the potential to contribute to the future architectural and landscape heritage of Angus.

As an exception to Policy TC2 and only in exceptional circumstances Angus Council may support proposals for a new large country house where:

- The proposed house sits within a substantial area of landscaped ground or on a site with an existing landscaped setting which can be strengthened through implementation of a landscaping scheme approved as part of the overall design concept for the new country house;
- The minimum footprint of the house should be around 500sq m, excluding garaging and outbuildings;
- The proposed house makes a significant contribution to the architectural heritage of Angus.

All proposals must meet appropriate detailed criteria set out in Appendix 3 and be submitted with a design statement in accordance with Supplementary Guidance on Design and Placemaking. Other surveys or supporting information may be requested on a case by case basis."

5.16 Whilst the proposal does not relate to a substantial country house in the vernacular sense of this architectural style, the proposed house does represent a contemporary interpretation of the creating of a bespoke house designed for an Angus countryside setting, with a site-specific design, integrating sustainable design principles.

#### **Overall Design Concept**

The house designs are bespoke, specifically developed for this site. The spaces have 5.17 been carefully arranged to ensure that each house does not give rise to a loss of privacy or over-looking to its neighbour. The house designs consider the relationship between the principle living areas and their external spaces so that a comfortable sheltered outdoor space is immediately adjacent to the main kitchen dining and living areas. The design of the buildings takes cognisance of Angus rural vernacular traditions, by using steeply pitched naturally slated roofs with wetdash render and use timber cladding often found on rural farm buildings. Window proportions provide a contemporary twist by complementing traditional window proportions on bedroom areas with larger areas of glazing to public rooms. The tightly knitted form of Houses 1, 2 and 3 together with the existing cottage, is intended to preserve the original form of the C shaped steading. The massing of the group has been carefully considered to keep the house's height modest and in keeping with the scale of the surrounding buildings. House 4 is tucked into the landscape, a low lying and modest building with its sedum roof which will form a continuation of the landscape. Its 'tucked in nature' is reinforced by the natural stone filled gabian retaining wall which shelters the house from the prevailing southwesterly wind and reduces its visual impact to the neighbouring properties to a minimum.

#### 6.0 Material Considerations

- 6.1 It is considered that the following material planning considerations support the proposal:
  - Planning History; 0
  - Scottish Government (2014) Scottish Planning Policy; 0
  - AC: Supplementary Guidance. 0

# Planning History

6.2 The principle of the rebuilding of the steading for 2 no. dwellinghouses has already been approved by AC through approval of Planning Permission Ref: 17/00743/FULL. This is an extant Planning Permission capable of implementation. This proposal provides for an enhanced architectural design in accordance with the aims of the SG for environmental enhancement.

# Scottish Government (2014) Scottish Planning Policy (SPP)

6.3 Paragraph 75 of SPP identifies some key policy principles for promoting rural development including encouraging rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

- 6.4 This proposal would support rural development, through the provision of new homes and with the creation of employment opportunities associated with the construction of the houses. The proposal provides for a high quality design proposal and can be regarded as an environmental exemplar in relation to the proposed eco-friendly dwelling.

# 7.0 Conclusion

- 7.1 It is considered that the proposal accords with the provisions of the Development Plan and that there are material considerations in support of the proposal.
- 7.2 It is, therefore, respectfully requested that this Planning Application is granted, having regard to the requirements of Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended.

**APPENDIX 1** 

#### ANGUS COUNCIL

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



PLANNING PERMISSION - CONDITIONAL APPROVAL REFERENCE : 17/00743/FULL

To: Mr Roger Goodfellow c/o Emac Planning LLP Emelda Maclean Ballinard House 3 Davidson Street Broughty Ferry Dundee DD5 3AS

With reference to your application dated **26 September 2017** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

# Partial Demolition of Steading and Erection of Two Dwellinghouses at Cairnton Steading East Newton Arbroath for Mr Roger Goodfellow

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

#### The permission is subject to the following conditions, namely:-

1. That prior to the commencement of development, a full written specification of the following shall be submitted to and approved in writing by the Planning Authority: -

i) Details of all materials to be used for the external finishing of the dwelling houses. This shall include a scheme for the salvage and reuse of stone from the existing building and specific details of the location, type and colour of any render and timber cladding;

ii) Details of boundary treatments and the means of enclosure;

iii) Existing and proposed ground and finished floor levels relative to a fixed datum point and neighbouring residential property;

- iv) Existing landscape features and vegetation to be retained;
- v) The location of new trees, shrubs, hedges and grassed areas.

Thereafter all works will be undertaken in accordance with the approved specification prior to the occupation of the first completed house hereby approved.

2. That prior to the commencement of development, a scheme for the retention and maintenance of the existing stone wall that forms the southwest boundary of the site shall be submitted to and approved in writing by the Planning Authority. That scheme shall include details of the height of the wall. Thereafter the wall will be retained at the approved height for the lifetime of the development in accordance with the approved scheme.

3. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both external and internal (where it is safe to access the building), together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital files (jpeg, tiff, pdf) submitted by email, on CD or via online file sharing services, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited with the Archaeology Service for addition into the local Sites and Monuments Record.

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

- 1. In order to ensure the reuse of existing materials and appropriate materials in the interests of sustainability and the visual amenity of the area; in order that the planning authority may verify the acceptability of boundary treatments, ground and floor levels and landscaping proposals in the interests of the visual amenity of the area and the residential amenity of occupants of neighbouring property.
- 2. In order to safeguard the amenity of occupants of neighbouring property.
- 3. In order to ensure a historic record of the building.

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

1. The proposal provides for the redevelopment of a rural brownfield site for two houses in a manner that is broadly compliant with relevant development plan policy subject to the stated conditions. The house plots are below the 800sqm minimum required in relevant Supplementary Guidance for new build property in this area. However, having regard to the recent planning history of the site, the pattern of development in the area and the otherwise acceptable nature of the proposal, the reduced plot sizes are considered acceptable. The proposal would facilitate the removal of a building that could be put to an alternative use that could impact adversely on the amenity of neighbours. That building is falling into a state of disrepair and its removal and the productive reuse of the brownfield site is considered desirable. There are no material considerations that justify refusal of the application.

Dated this 23 November 2017

Kate Cowey Service Manager Angus Council Communities Planning County Buildings Market Street FORFAR DD8 3LG

#### NOTES

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

#### Amendments:

1. The drawing titled Site Plan and Location Plan and indexed on 28 September 2017 amends and supersedes the drawing of the same name indexed on 04 September 2017. The amended drawing shows a red line around the application site. The drawings titled First Floor Plan and Elevations and Foundation Plan and Section, indexed on 04 September 2017, were withdrawn at the request of the original architect as the applicant did not have permission to use the drawings.

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 Communities Planning County Buildings Market Street FORFAR DD8 3LG

# 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

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

## NOTICES

## Notification of initiation of development (NID)

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

## Notification of completion of development (NCD)

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

## Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council Communities Planning County Buildings Market Street Forfar Angus DD8 3LG

Telephone01307 473212 / 473207 / 473335E-mail:planning@angus.gov.ukWebsite: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 to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <a href="https://eplanning.scotland.gov.uk">https://eplanning.scotland.gov.uk</a>
- 2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 Country Planning (Scotland) Act 1997.

FORM 2



## 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 to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval 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 from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, 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 web site 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 17/00743/FULL for Partial Demolition of Steading and Erection of Two Dwellinghouses at Cairnton Steading East Newton Arbroath for Mr Roger Goodfellow dated 23 November 2017 and thereafter submitted to the Service Manager, Angus Council, Communities, Planning, County Buildings, Market Street, Forfar, DD8 3LG.

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 17/00743/FULL for Partial Demolition of Steading and Erection of Two Dwellinghouses at Cairnton Steading East Newton Arbroath for Mr Roger Goodfellow dated 23 November 2017 and thereafter submitted to the Service Manager, Angus Council, Communities, Planning, County Buildings, Market Street, Forfar, DD8 3LG.

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

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

## **SCHEDULE 7**

Development at Cairnton Steading East Newton Arbroath

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Roger Goodfellow** on **23 November 2017**.

Application reference 17/00743/FULL

The development comprises Partial Demolition of Steading and Erection of Two Dwellinghouses

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 Communities Planning County Buildings Market Street Forfar DD8 3LG

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

## AC9

## 17/00743/FULL

COMMUNITIE	Please your m		agree or disagr	ee with the following st handling of the plannin	
Q.1 I was given the o	advice and he	Ip I needed to submit	my application/r	epresentation:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	lt does not apply
Q.2 The Council kep	ot me informed	about the progress of	the application t	hat I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.3 The Council dec	ilt promptly wit	th my queries:-			
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.4 The Council dec	alt helpfully with	h my queries:-			
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.5 I understand the	e reasons for th	e decision made on th	e application the	at I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.6 I feel that I was t	treated fairly a	nd that my view point	was listened to:-		
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
OVERALL SATISFACTION:	Overc	all satisfaction with the	service:		
-	-			d taking everything inte cil in processing your ap	
Very satisfied	Fairly satisfied	d Neither Satisfie Dissatisfie		rly Dissatisfied Ve	ery Dissatisfied
			]		
OUTCOME: Outco	ome of the app	blication:			
Q.8 Was the applica	ition that you h	nad an interest in:-			
Granted Permission/Cor	nsent	Refused Permis	sion/Consent	Withdr	rawn
Q.9 Were you the:-	Applican	t 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. Proposed Houses at Cairnton Steading, East Newton

**APPENDIX 2** 

### Angus Council

Application Number:	17/00743/FULL
Description of Development:	Partial Demolition of Steading and Erection of Two Dwellinghouses
Site Address:	Cairnton Steading East Newton Arbroath
Grid Ref:	367026 : 746786
Applicant Name:	Mr Roger Goodfellow

### Report of Handling

#### Site Description

The site comprises a derelict steading building, approximately 2.5 kilometres to the south of Inverkeilor. The site measures approximately 0.12ha. The existing steading lies to the south east of Cairnton Farmhouse which is a Category B listed two storey traditional farmhouse. An existing former farm cottage lies directly to the south west of the steading and is physically adjoining.

#### Proposal

The applicant proposes to demolish an existing steading and rebuild a similar building in order to form two dwellinghouses. The proposal, approved by planning permission 11/00408/FULL, would see the new building being moved around five metres north to allow a reasonable separation between the new dwellings and the cottage to the south west. The south west wall of the existing steading would be retained in situ as a boundary. A further three years to commence development was allowed through the granting of planning permission 14/00568/FULL under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend the time limit specified in Condition 1 of planning permission 11/00408/FULL.

The drawing titled Site Plan and Location Plan and indexed on 28 September 2017 amends and supersedes the drawing of the same name indexed on 04 September 2017. The amended drawing shows a red line around the application site.

The drawings titled First Floor Plan and Elevations and Foundation Plan and Section, indexed on 04 September 2017, were withdrawn at the request of the original architect as the applicant did not have permission to use the drawings.

#### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 6 October 2017

A site notice was posted on 7 October 2017.

#### **Planning History**

05/01588/FUL for Conversion of Farm Steading to form Two Dwellinghouses was determined as "Application Withdrawn" on 16 March 2006.

06/00313/FUL for Conversion of Steading to Form Two Dwellinghouses (Re-Application) was determined as "approved subject to conditions" on 30 May 2006.

10/01242/FULL for Demolition of Steading and Erection of Two Dwellinghouses was determined as "Application Withdrawn" on 26 April 2011.

11/00408/FULL for Demolition of Steading and Erection of Two Dwellinghouses (Re-application) was determined as "approved subject to conditions" on 11 July 2011.

14/00568/FULL for Application under S42 to extend time limit restriction of condition (1) of 11/00408/FULL to demolish steading and erect 2 houses to allow a further 3 years was determined as "approved" on 11 September 2014.

#### Applicant's Case

The Planning Statement is an overreaching document describing the site, the proposal, the site history and assessing the proposal in the context of the development plan. The statement concludes that whilst there is a new local plan since the previous grant of planning permission, the objectives relating to development in the countryside remain largely unchanged, the supplementary guidance and planning history are material considerations and it is requested the application is supported and planning permission granted.

The Planning Statement includes a Bat Survey which indicates there are no bat roosts in the building surveyed and no signs of any bat roost activity were recorded in the most recent or previous surveys. The survey states it is safe to proceed with construction/demolition work. No mitigation is suggested.

The Contamination Report provides the results of a walk over inspection and states there is no evidence of contaminant or contamination. This is supported by an Agricultural Questionnaire completed by the agent on the applicant's behalf, which states there is no known evidence of asbestos or other contamination, fuel or other hazardous material at the site.

#### Consultations

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

Angus Council - Roads - Offered no objection to the proposal.

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

**Aberdeenshire Council Archaeology Service** - Offered no objection provided a photographic survey is submitted prior to development.

Angus Council Environmental Health - Offered no objection to the proposal.

#### Representations

2 letters of representation were received. The main points of concern were as follows:

o Seeking the retention of the wall at the western boundary is ensured through the use of a Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, in order to protect the amenity of neighbouring property;

o Adverse impact on vehicular access to the site and insufficient parking provision;

o Boundaries are not clearly indicated in plans;

o It is unclear from plans what sections of the steading would be retained.

Public comment was made that the postcode of the application site was incorrect. Whilst this is noted, the location of the application site is clearly indicated in submitted plans and the matter is not material to the determination of the current proposal.

#### 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 PV5 : Protected Species Policy PV6 : Development in the Landscape Policy PV8 : Built and Cultural Heritage 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.

Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy DS1 is supportive of development which is of a scale and nature appropriate to its location and where it complies with other relevant policies of the ALDP. It indicates that proposals which make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with other policies of the plan.

Policy TC2 deals with all residential development proposals and requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. In countryside locations Policy TC2 offers support to proposals in a number of circumstances which includes the conversion of non-residential buildings and redevelopment of redundant rural brownfield sites in a manner which delivers significant visual and environmental improvement through the removal of derelict buildings. Proposals also need to comply with the Countryside Housing Supplementary Guidance (SG), including Appendix 3.

In this case planning permission has previously been granted for the demolition of the building and its replacement (11/00408/FULL). That application was accompanied by structural information which indicated that the condition of the building did not lend itself to conversion. That information was accepted at that time and the condition of the building has not improved in the intervening period. On this basis it is accepted that the building cannot be viably retained and converted. The policy allows for reconstruction in such circumstances and whilst the proposed replacement building is not an identical reproduction of the existing, the proposal would also enable the regeneration and redevelopment of a redundant rural brownfield site through the removal of a derelict agricultural building.

The site is adjacent to residential property and the erection of two houses does not raise issues in terms of land use compatibility. Whilst the two house plots would be below the 800sqm plot size minimum for a new house in a Category 1 Rural Settlement Unit specified in Appendix 3 of the Countryside Housing Supplementary Guidance, they are commensurate with the plot size that was to be provided through conversion of the building and they provide sufficient space to accommodate car parking and private amenity space. They also correspond with the plot sizes previously approved in association with the demolition and reconstruction of the building and bear some affinity to other plot sizes in the wider area. The plots are large enough to provide a good residential environment and they do not open up other areas for development. In these circumstances the plot sizes are considered acceptable. The overall development would provide a satisfactory environment for the new houses.

The development has potential to impact on the built and natural environment. The building to be

demolished is of a type that may provide a favourable roost location for bats. A bat survey was undertaken at the building but no evidence was found to indicate the presence of roosting bats. The proposal does not give rise to any other issues in relation to Policy PV5 and protected species. Policy PV8 seeks to protect and enhance built and cultural heritage interests. In this respect the building is located in the vicinity of the listed farmhouse and directly affects the 19th Century farm building. In relation to the listed building the proposal will have no direct impact. However, it has potential to affect its setting given the proximity. In that respect the listed building is a former farm house and the adjacent farm building and cottage contribute to its setting and understanding. Whilst the existing building would be demolished and its use would change, the basic form of the building would be retained and the relationship between the buildings would not change significantly. The replacement of the derelict building with an appropriately designed replacement would not significantly adversely affect the setting of the listed building. The Archaeology Service requested a condition is applied that requires a photographic survey prior to demolition or development.

The proposed houses would have a basic form similar to the existing building that occupies the site. They would be of a scale and form appropriate to the rural area and reflective of the agricultural context within which they would sit. Specific details of materials, including a scheme for reuse of salvaged stone from the demolition to accord with Policy PV18, are required by condition. The proposal design does do not give rise to significant issues in terms of policies DS3, PV6 and the SG, and overall impacts on the built and natural environment are acceptable.

In terms of surrounding amenity, Policy DS4 is relevant. The removal of the existing agricultural building and its replacement with houses would secure the removal of a potentially non-conforming use. The new houses would occupy a similar footprint to the existing building and its overall form should not give rise to any significant impacts on the amenity of neighbours. Windows in the southwest facing elevation of the proposed houses would be in the region of 15m from windows in the opposing elevation of the existing cottage. That distance is broadly compliant with the guidance provided in Advice Note 14. However, in a rural situation it is considered appropriate to require some screening between those facing windows. The applicant has proposed retention of a section of the existing stone wall and a third party has suggested that the retention of that wall should be appropriately secured. A condition of this permission requires a scheme for the retention of that wall. There would be ample space for provision of waste and recycling facilities and this is shown on the proposed plan. The formation of two houses would result in vehicular movement but the lawful use of the existing building for agricultural purposes would similarly generate some activity and movement. In the circumstances of this case any additional movement over and above that which might reasonably be expected with an agricultural building in gainful use would not give rise to significant or unacceptable amenity impacts. The Roads Service has reviewed the proposal and offered no objection in relation to parking provision or access. In relation to potential contamination, the Environmental Health Service offered no objection to the proposal having reviewed submitted information. The proposal does not give rise to significant or unacceptable impacts on the amenity of occupants of neighbouring property subject to the stated conditions and does not give rise to any other significant issues in terms of Policy DS4.

The proposal for two houses does not give rise to any significant issues in terms of access, and as indicated above the Roads service has offered no objection to the application. The application indicates the proposal would connect to the public water supply and use private drainage arrangements with septic tank and soakaway for the discharge of foul water. A SUDS system would be used for surface water discharge. Detailed matters regarding these arrangements would be addressed through the building warrant approval process. The proposal does not give rise to any other significant impacts on infrastructure.

The proposal does not give rise to any significant issues in terms of other development plan policy.

In terms of other material considerations it is relevant to note that planning permission for a similar scheme was granted in 2011 (planning permission 11/00408/FULL refers) and extended through an application for planning permission under section 42 of the Act in 2014 (planning permission 14/00568/FULL refers) that allowed further three years to commence development. These permissions have expired and the development plan framework has been updated in the period since the grant of these permissions but the basic support for this form of development is retained. The previous grant of planning permission for a very similar form of development within a similar policy framework lends support

to the grant of a further planning permission.

It is also relevant to have regard to the public comment that has been lodged in relation to the application and the relevant planning matters raised have been taken into account in the determination of this application. The comments indicate they are not in objection to the proposal but do raise matters relating to traffic impact, provision of parking and the retention of boundaries. These matters are addressed above and, in relation to the comment querying the description of development as "partial demolition", this relates to the proposed retention of the south west boundary wall only - the remainder of the steading would be demolished through this proposal. No matters are raised in the representations that justify refusal of the application.

In conclusion, the broad principle of redeveloping the site for two houses is compatible with development plan policy. However, the proposal does not fully accord with the relevant Supplementary Guidance as the house plots are below the 800sqm minimum required in association with a new build property in a Category 1 RSU. Notwithstanding that, having regard to the recent planning history of the site and the otherwise acceptable nature of the proposal, the reduced plot sizes are considered acceptable. The proposal would facilitate the removal of a building that could be put to an alternative use that could impact adversely on the amenity of neighbours. That building is falling into a state of disrepair and its removal and productive reuse of the brownfield site is considered desirable. The matters raised in representation have been taken into account and where appropriate addressed by conditions of this permission. There are no material considerations that justify refusal.

#### **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.

#### **Equalities Implications**

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

#### Decision

The application is approved subject to conditions

#### Reason(s) for Decision:

The proposal provides for the redevelopment of a rural brownfield site for two houses in a manner that is broadly compliant with relevant development plan policy subject to the stated conditions. The house plots are below the 800sqm minimum required in relevant Supplementary Guidance for new build property in this area. However, having regard to the recent planning history of the site, the pattern of development in the area and the otherwise acceptable nature of the proposal, the reduced plot sizes are considered acceptable. The proposal would facilitate the removal of a building that could be put to an alternative use that could impact adversely on the amenity of neighbours. That building is falling into a state of disrepair and its removal and the productive reuse of the brownfield site is considered desirable. There are no material considerations that justify refusal of the application.

#### Conditions:

 That prior to the commencement of development, a full written specification of the following shall be submitted to and approved in writing by the Planning Authority: 
 i) Details of all materials to be used for the external finishing of the dwelling houses. This shall

 include a scheme for the salvage and reuse of stone from the existing building and specific details of the location, type and colour of any render and timber cladding;

ii) Details of boundary treatments and the means of enclosure;

iii) Existing and proposed ground and finished floor levels relative to a fixed datum point and neighbouring residential property;

iv) Existing landscape features and vegetation to be retained;

v) The location of new trees, shrubs, hedges and grassed areas.

Thereafter all works will be undertaken in accordance with the approved specification prior to the occupation of the first completed house hereby approved.

Reason: In order to ensure the reuse of existing materials and appropriate materials in the interests of sustainability and the visual amenity of the area; in order that the planning authority may verify the acceptability of boundary treatments, ground and floor levels and landscaping proposals in the interests of the visual amenity of the area and the residential amenity of occupants of neighbouring property.

2. That prior to the commencement of development, a scheme for the retention and maintenance of the existing stone wall that forms the southwest boundary of the site shall be submitted to and approved in writing by the Planning Authority. That scheme shall include details of the height of the wall. Thereafter the wall will be retained at the approved height for the lifetime of the development in accordance with the approved scheme.

Reason: In order to safeguard the amenity of occupants of neighbouring property.

3. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both external and internal (where it is safe to access the building), together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital files (jpeg, tiff, pdf) submitted by email, on CD or via online file sharing services, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited with the Archaeology Service for addition into the local Sites and Monuments Record.

Reason: In order to ensure a historic record of the building.

#### Notes:

Case Officer:Fraser MacKenzieDate:13 November 2017

#### 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 *t* 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 PV5 : Protected Species

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

#### **European Protected Species**

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

#### o there is no satisfactory alternative; and

o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and

o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

#### Other Protected Species

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

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

#### Policy PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

o the site selected is capable of accommodating the proposed development;

o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;

o potential cumulative effects with any other relevant proposal are considered to be acceptable; and

o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

#### Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate

#### regulatory regime.

#### National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

• the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;

• any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and

appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

• supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or

the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

#### 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.



AC10

**Bat Survey Report** 

Cairnton Farm Steading Arbroath DD11 5SU

August 2017 & August 2021

11 Victoria Street, Newport on Tay, Fife. DD6 8DJ T 07737 844494 | E glmortimer@hotmail.com

## AC10

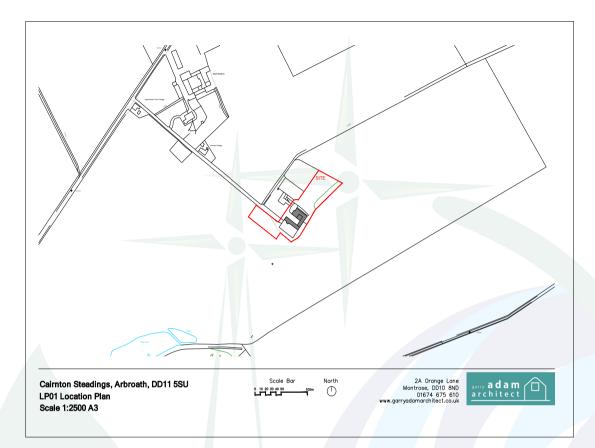


Figure 1. Site location and steading outlined in red.



### Introduction

**1.1** Licensed bat worker Dr Garry Mortimer was commissioned to carry out bat surveys for the proposed demolition/renovation of a steading at Cairnton Farm Steadings, Arbroath, DD11 5SU (Figure 1) in August 2017. Due to time constraints and an amended proposal a follow up survey was undertaken in August 2021. This survey is as required by Council in regards to a potential planning application.

## 1.2 Aims and Objectives

To determine if any protected bat species are considered to use the buildings for roosting.

### 1.3 Bats Legal Status

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

- To deliberately or recklessly capture, injure or kill bats
- To deliberately or recklessly harass a bat or group of bats
- To deliberately or recklessly disturb a bat wherever they occur in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young
- To deliberately or recklessly disturb a bat while it is hibernating or migrating
- To deliberately or recklessly disturb a bat in a manner that is, or is likely to significantly affect the local distribution or abundance of the species to which it belongs
- To deliberately or recklessly disturb a bat while it is rearing or otherwise caring for its young
- To deliberately or recklessly disturb a bat while it is occupying a structure or



place which it used for shelter or protection

- To deliberately or recklessly obstruct access to a breeding site or resting place of a bat, or otherwise deny the animal use of the breeding site or resting place (note that this protection exists even when the bat is not in occupation)
- To damage or destroy a breeding site or resting place (Note this is a strict liability offence and the prosecution do not have to prove deliberate or reckless intent, merely that the roost was damaged or destroyed)
- To possess or control or transport any live or dead bat which has been taken from the wild or anything derived from a bat or any such part of a bat
- In addition to the above offences it is an offence to knowingly cause or permit such offences to be committed.



### Site Description

**1.4** The steading was surveyed in 2017 and in 2021 the buildings are in virtually the same condition. The proposed development site is a stone/brick single storey derelict farm steading, with in particular the roof in a state of disrepair. The slated roof has collapsed in places and slates are nailed on to wooden batons. No roof or loft cavities are present. A single gable end is also present at the rear with corrugated sheeting. The walls are a mixture of stone and brick sections that are in a sound condition. Part of the site is grass field with some mature deciduous trees present (Figures 2-6).



Figure 2. Front view of steading.





Figure 3. Front entrance.



Figure 4. Corrugated sheet construction at rear.



## AC10



Figure 5. Slates on batons with numerous holes.



Figure 6. Brick and stonewalls in good condition.



## 1.5 Standards and Guidance Followed for Bat Surveys

In July and August 2017 and August 2021 a roost inspection bat survey on the building and a dusk bat detector survey was carried out in accordance with guidance from the BCT.

## 1.6 Building Inspections

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

### Results

**1.7** No faecal droppings, staining or any other signs of bat roost occupancy were observed around the outside or inside of the building.

## **Discussion of Bat Roost Survey Results**

**1.8** The bat roost survey was undertaken to assess whether there were roosting bats present at the designated building at Cairnton and whether the building was considered suitable for bats for roosting.

**1.9** No bat droppings or other potential signs of bats were recorded either outside or inside of the building. The outside of the building had very limited potential bat access points as the brick and stone work is in good condition both inside and outside. No physical signs e.g. urine stains, droppings or grease marks were noted.

**1.10** Due to the total absence of droppings and signs of bats it can be considered highly unlikely that maternity roosts are present. Following the BCT Guidance the building was assessed as having low potential for roosting bats and a dusk emergence bat detector survey was carried out on 04/08/17 and on 28/08/2021 in good conditions.



### **Dusk Emergence Surveys**

**1.11** Two bat surveyors in suitable conditions carried out a dusk bat emergence survey on 04/08/17 and 28/08/2021.

August 4<sup>th</sup> 2017 Dusk - Start 20.40 – End 22.10; Sunset 21.15; Weather: 8/8 Oktas cloud cover; Wind: Force 1 W, Temperature: 14° Celsius. Visibility 10 KM>1KM after dusk.

August 28<sup>th</sup> 2021 Dusk - Start 19.50 – End 21.40; Sunset 20.20; Weather: 8/8 Oktas cloud cover; Wind: Force 1-2 E, Temperature: 16<sup>o</sup> Celsius. Visibility 10 KM>1KM after dusk.

**1.12** BATBOX Duet Heterodyne / Frequency Division bat detectors and MP3 recording devices were used to enable bat detection and record any bat echolocations for subsequent analysis using Batsound software. Handheld GPS units were used to determine positions and radio receivers were used to communicate between surveyors. Information recorded included species, time seen, location, flight direction, habitat associations & behaviour.

### **Results Bat Detector Surveys**

**1.13** The surveys concentrated on whether bats were roosting in the building that is to be demolished. No bats were recorded leaving or entering any potential roosts in this building.

### **Discussion of Survey Results**

**1.14** The bat surveys in 2017 & 2021 were undertaken to assess whether there were roosting bats present at Cairnton and whether the building to be demolished was considered suitable for bats for roosting.



**1.15** No bat droppings or other potential roost signs of bats were recorded either inside or outside any of the building. This indicates very strongly that no maternity roosts are present.

**1.16** Dusk bat detector surveys recorded no bats present on site roosting in the buildings to be demolished. No bats were seen leaving or entering any roosts in the building being surveyed.

### 1.17 Previous Bat Surveys

In 2010 a bat survey and dusk emergence by Isobel Davidson found no bats roosting in the steading. Another survey in 2014 (unknown) comprising 3 dusk emergence surveys in August also recorded no bats roosting in the steading.

**1.18** Mature deciduous trees are present on site and these have bat roost potential. If these trees were to be felled then bat surveys on the trees would be required. If they are staying then no surveys are required, as they are a distance from the buildings.

### Assessment

**1.19** In my professional opinion there are no bat roosts in the building surveyed that is to be demolished/renovated and no signs of any bat roost activity were recorded in either building or detector surveys in 2010, 2014, 2017 and 2021. It is safe to proceed with construction/demolition work.



## AC10

### DISCLAIMER

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

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

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

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

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

> Document Prepared By Dr Garry Mortimer GLM Ecology



## Photographic Schedule: Cairnton Steadings July 2021

aerial view of steading from east



aerial view of steading from north

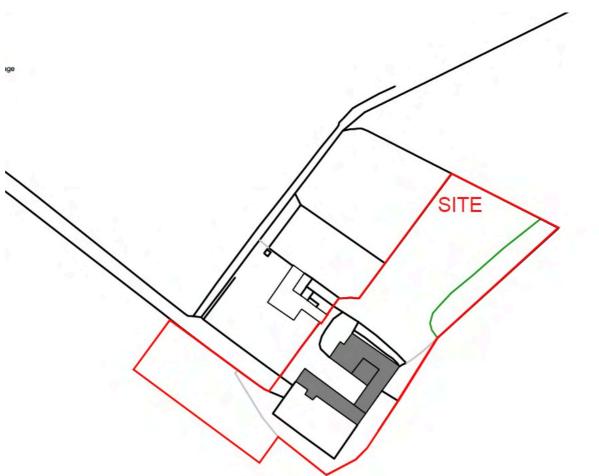


view from southern boundary to north



view from southern boundary to east





view of northern block from south



view of northern block from north



view of access drive to main road



view of outbuilding to east



## AC11

view from southern boundary to south



## view from southern boundary to east



view from southern boundary to west



## **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

# APPLICATION FOR REVIEW – CAIRNTON STEADING, EAST NEWTON, ARBROATH

## **APPLICATION NO 21/00614/FULL**

## **APPLICANT'S SUBMISSION**

Page No

ITEM 1 Notice of Review

**ITEM 2** Appeal Statement (including Appendices)

Angus					
Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk					
Applications cannot be va	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	100566983-001				
	ne unique reference for your online form on ease quote this reference if you need to co		prity will allocate an Application Number when ority 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)					
Agent Details					
Please enter Agent detail	s				
Company/Organisation:	About Planning Ltd				
Ref. Number:	You must enter a Building Name or Number, or both: *				
First Name: *	Emelda	Building Name:	Millars House		
Last Name: *	Maclean	Building Number:	41		
Telephone Number: *		Address 1 (Street): *	Gray Street		
Extension Number:		Address 2:	Broughty Ferry		
Mobile Number:		Town/City: *	Dundee		
Fax Number:		Country: *	Scotland		
		Postcode: *	DD5 3BJ		
Email Address: *	emelda@about-planning.co.uk				
Is the applicant an individ	lual or an organisation/corporate entity? *				
Individual Drganisation/Corporate entity					

Please enter Applicant	1.4.9.		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Roger	Building Number:	2
Last Name: *	Goodfellow	Address 1 (Street): *	Antiquary Gardens
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Arbroath
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD11 2LA
Fax Number:			
Email Address: *			
Site Address	s Details		
Planning Authority:	Angus Council		
· ····································			
	ne site (including postcode who	ere available):	
	Lene site (including postcode whe	ere available):	
Full postal address of th Address 1:	Lene site (including postcode whe	ere available):	
Full postal address of th Address 1: Address 2:	ne site (including postcode whe	ere available):	
Full postal address of th	Lene site (including postcode who	ere available):	
Full postal address of th Address 1: Address 2: Address 3:	ne site (including postcode whe	ere available):	
Full postal address of th Address 1: Address 2: Address 3: Address 4:	ne site (including postcode whe	ere available):	
Full postal address of th Address 1: Address 2: Address 3: Address 4: Address 5:	L	ere available):	
Full postal address of th Address 1: Address 2: Address 3: Address 4: Address 5: Town/City/Settlement: Post Code:	he site (including postcode whe		
Full postal address of th Address 1: Address 2: Address 3: Address 4: Address 5: Town/City/Settlement: Post Code: Please identify/describe			

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse at Cairnton Steading, East Newton, Arbroath for Mr Roger Goodfellow (Planning Application Ref: 21/00614/FULL)
Type of Application
What type of application did you submit to the planning authority? *
<ul> <li>Application for planning permission (including householder application but excluding application to work minerals).</li> <li>Application for planning permission in principle.</li> <li>Further application.</li> <li>Application for approval of matters specified in conditions.</li> </ul>
What does your review relate to? *
<ul> <li>Refusal Notice.</li> <li>Grant of permission with Conditions imposed.</li> <li>No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</li> </ul>
Statement of reasons for seeking review
You must state in full, why you are a 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.
See Supporting Review Statement attached
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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 to rely on in support of your review. You can attach these documents electronically later in the			d intend	
Supporting Statement, The Planning Application Submission, The Report of Handling and Decision Notice of Angus Council				
Application Details				
Please provide the application reference no. given to you by your planning authority for your previous application.	21/00614/FULL			
What date was the application submitted to the planning authority? *	12/08/2021			
What date was the decision issued by the planning authority? *	25/04/2022			
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 parties only, without any further procedures? For example, written submission, hearing sessed on the second seco		yourself and	other	
Please indicate what procedure (or combination of procedures) you think is most appropriate select more than one option if you wish the review to be a combination of procedures.	e for the handling of your	<sup>-</sup> review. You	ı may	
Please select a further procedure *		_		
By means of inspection of the land to which the review relates				
Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)				
We would appreciate a site visit being undertaken by Members of the LRB. This application for review relates specifically to the characteristics of the site. We believe that a site visit may not have been undertaken by the Planning Officer and this may have affected the decision taken.				
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	inion:		
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? *	X	Yes 🗌 No	)	
If there are reasons why you think the local Review Body would be unable to undertake an u explain here. (Max 500 characters)	naccompanied site insp	ection, pleas	e	
There are some derelict steading buildings on site & therefore an accompanied site visit w	ould be preferable.			

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?. *	X Yes 🗌 No	
Have you provided the date a review? *	and reference number of the application which is the subject of this	X Yes No	
	n behalf of the applicant, have you provided details of your name hether any notice or correspondence required in connection with the or the applicant? *	X Yes No N/A	
	ent setting out your reasons for requiring a review and by what f procedures) you wish the review to be conducted? *	X 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.			
	ocuments, material and evidence which you intend to rely on nich are now the subject of this review *	X 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 – Notic	e of Review		
I/We the applicant/agent cert	tify that this is an application for review on the grounds stated.		
Declaration Name:	Ms Emelda Maclean		
Declaration Date:	24/05/2022		

# Application for Local Review: Planning Supporting Statement

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, AMENDED

Angus Council Ref: 21/00614/FULL Application Description: Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse Address: Cairnton Steading East Newton Arbroath Appellant: Mr Roger Goodfellow Date: May 2022



# CONTENTS

- 1.0 INTRODUCTION
- 2.0 ADMINISTRATIVE MATTERS + SITE VISIT
- 3.0 SITE CONTEXT + PLANNING HISTORY
- 4.0 THE PROPOSAL
- 5.0 THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS
- 6.0 CONCLUSION

# DOCUMENTS

- DOCUMENT 1 Decision Notice Ref: 21/00614/FULL
- DOCUMENT 2 Report of Handling
- DOCUMENT 3 Photographic Schedule submitted to AC 15.09.21



# Summary Submission on Behalf of the Appellant

Section 25 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 affords the following status to development plans:

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

The Appellant supports the Planning Officer's assessment that proposed houses no. 1, 2 & 3 are acceptable.

The Appellant supports the Planning Officer's assessment that the details of the proposed eco-house (proposed house no. 4)) are acceptable.



The figure below, summarises the proposals relevant to the site's characteristics.

The Appellant disagrees with the Planning Officer's assessment that the principle of the siting of the proposed eco-house (house no. 4)) is unacceptable.

In summary, the Appellant considers that:

- The principle of the siting of the proposed eco-house (house no. 4) is acceptable and accords with both Policies DSI: Development Boundaries and Priorities Policy and Policy TC2: Residential Development of the Angus Local Development Plan (ALDP), 2016.
- The siting of the proposed eco-house (house no. 4) accords with Countryside Housing Supplementary Guidance (SG), 2016.

The above Policy compliance is supported by the site's historic and existing characteristics. The site's curtilage has historically been defined as part of the curtilage of Cairnton Cottage.

The proposed 4<sup>th</sup> house, should be supported as it accords with the above Development Plan policies and SG. In terms of other material considerations, there are no consultee or neighbour objections to the proposal.

The Appellant acknowledges that the site's characteristics have not been able to be assessed properly, due to C-19, with the inability of the Planning Officer to visit the site.

The Appellant considers this has resulted in an inability to '**properly**' assess proposed 4<sup>th</sup> house against the relevant ALDP policies & Development in the Countryside Housing Supplementary Guidance (2016).

Noting that the refusal of the proposed 4<sup>th</sup> house relates to the site's characteristics (which have not been viewed on site by the Planning Officer), we would respectfully request the following:

- A site visit by Members of the LRB;
- Consideration of the site characteristics provided in this Statement, which support compliance with the Development Plan and other material considerations.

# **1.0 INTRODUCTION**

1.1 This statement has been prepared by About Planning Ltd on behalf of Mr Roger Goodfellow (the "Appellant') and supports an Application for a Local Review (ALR) against the refusal by Angus Council (AC) of Planning Application Ref: 21/00614/FULL (the "Application"). The Application, was submitted under the Town and Country Planning (Scotland) Act 1997, as amended and was validated by FC on 12<sup>th</sup> August 2021 and given the following description:

"Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse at Cairnton Steading East Newton Arbroath".

- 1.2 The submitted Application will be provided to the LRB by AC and is also available on-line: <u>https://planning.angus.gov.uk/online-</u> <u>applications/applicationDetails.do?activeTab=documents&keyVal=QXB0VOCFM7B00</u>. The Application submission can be provided, if requested by the LRB and not provided by AC.
- 1.3 The Application was determined by Officers of the Council under delegated powers and Planning Permission was refused on 25<sup>th</sup> April 2022. The decision notice is attached as Document 1 and states that the application has been refused for the following reasons:
  - 1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the development of House 4 does not comply with any of the circumstances where new housing in the countryside is permitted; and because a house on that part of the site would create a rounding off opportunity for additional greenfield development on land to the north-west.
  - 2. The application is contrary to Policy DSI of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2 and the associated Countryside Housing Supplementary Guidance.
- 1.4 Whilst the Local Review Body (LRB) may determine this ALR 'de novo' i.e. anew and from the beginning, it is clear that the reason for refusal relates solely to the 4<sup>th</sup> house referred to. This statement therefore concentrates on this sole reason for refusal which relates to house no 4.
- 1.5 By way of clarification, the Appellant support's the Planning Officer's assessment and support for houses 1, 2 and 3, and the Appellant would refer the LRB to the Officer's Report of Handling (Document 2), which confirms their acceptability in planning terms.
- 1.6 This statement focuses only therefore on whether house no 4. is acceptable having regard to the requirements of Section 25 of the Act. In effect, the Appellant considers that

house no. 4 accords with the Development Plan and is supported by other material considerations.

1.7 It is therefore respectfully requested that this ALR is supported by the LRB and Planning Permission granted for the reasons provided in this statement, having regard also to the following context.



# 2.0 ADMINISTRATIVE MATTERS + SITE VISIT

- 2.1 The Planning Officer did not visit the Application site in the determination and assessment of this Application.
- 2.2 In order to assist the Planning Officer in identifying the site's characteristics a photographic schedule was submitted to AC on 15<sup>th</sup> September 2021. It is noted that this submission has not been made available on-line, however it does form part of the Applicant's submission and is attached as Document 3.
- 2.3 Having regard to the above, the submitted forms for this ALR, identify concern that the Planning Officer was unable to visit the site. The Appellant considers that the characteristics of the site pertaining to the proposed 4<sup>th</sup> house are critical to the assessment of this part of the proposal.
- 2.4 The Applicant would therefore welcome a site visit by the LRB, prior to their determination of the proposal relating to the 4<sup>th</sup> house. This would greatly assist in understanding the characteristics of the site and the identification of the site's curtilage, which are relevant to this ALR.

# 3.0 SITE CONTEXT + PLANNING HISTORY

# Site Location

3.1 Figure 1: Site Location illustrates that the site is located approximately 4.2 km to the northeast of Arbroath. The A92 Trunk Road lies less than 1 km to the east of the site.

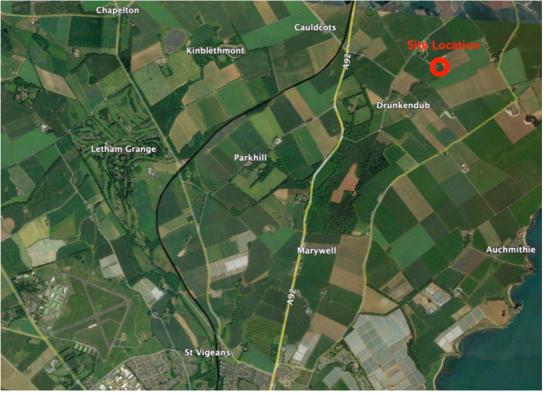
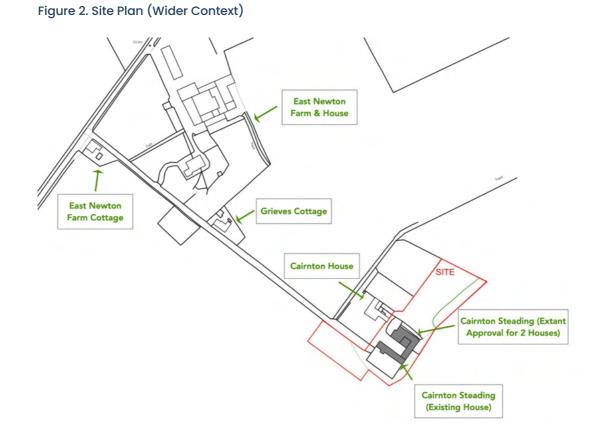


Figure 1: Site Location

- 3.2 The site is located in the countryside in a Category 1 Rural Settlement Unit (RSU), as defined in the Angus Local Development Plan (ALDP), 2016.
- 3.3 Figure 2: Site Plan (Wider Context) illustrates the local context of the site. The site lies to the southeast of East Newton Farm and East Newton Cottage, which are located at the entrance to the site off the minor road. Grieves Cottage lies mid-way along the access road to Cairnton Steading (the Application site).
- 3.4 Cairnton Farmhouse (a Category B listed building) shares a common boundary with the Application site as illustrated, with the northern curtilages of both properties running inline.



# The Site

- 3.5 Figure 3: Site Plan (Immediate Context) illustrates the characteristics of the site.
- 3.6 The Application site comprises Cairnton Cottage, which is an existing dwellinghouse, with an outbuilding running north on its east elevation. It is proposed to convert this outbuilding to a house (proposed house no.3). There are some former outbuildings to the north which are in a state of disrepair and which already have an extant Planning Approval (Ref: 17/00743/FULL) for replacement with two houses (proposed houses no.1 & 2). The planning history of the site is referred to below.
- 3.7 Figure 3 illustrates that both Cairnton Steading, and Cairnton Farmhouse share a mutual north -south boundary. The northern boundaries to both properties are also in-line and define their domestic curtilage, from the agricultural land beyond.
- 3.8 This immediate site context and the established curtilages are relevant to the consideration of proposed house no. 4.



# Figure 3: Site Plan (Immediate Context)

# **Planning History**

- 3.9 As stated, the derelict buildings to the north of Cairnton Cottage have an extant Planning Approval (Ref: 17/00743/FULL) for replacement with two houses (house no.1 & .2). Figure 4: Planning History identifies the location of this Approval. The following planning history for the continued renewal of consent for two houses in this location, illustrates the historic acceptability of this part of the proposal:
  - 05/01588/FUL for Conversion of Farm Steading to form Two Dwellinghouses was determined as "Application Withdrawn" on 16 March 2006.
  - 06/00313/FUL for Conversion of Steading to Form Two Dwellinghouses (Re-Application) was determined as "approved subject to conditions" on 30 May 2006.
  - 10/01242/FULL for Demolition of Steading and Erection of Two Dwellinghouses was determined as "Application Withdrawn" on 26 April 2011.
  - I1/00408/FULL for Demolition of Steading and Erection of Two Dwellinghouses (Re-application) was determined as "approved subject to conditions" on II July 2011.

- 14/00568/FULL for Application under S42 to extend time limit restriction of condition (1) of 11/00408/FULL to demolish steading and erect 2 houses to allow a further 3 years was determined as "approved" on 11 September 2014
- 17/00743/FULL for Application under S42 to extend time limit restriction of condition (1) of 14/00568/FULL for the above was allowed a further 3 years on 23<sup>rd</sup> November 2017.
- 3.10 As a result of the <u>Town and Country Planning (Miscellaneous Temporary Modifications)</u> (Scotland) Regulations 2022 (The Coronavirus Regulations 2022) and <u>The Planning</u> (Scotland) Act 2019 (Commencement No. 6 and Transitional Provision) Amendment Regulations 2022 Planning Permission Re:17/00743/FULL is extended until 31<sup>st</sup> March 2023.



Figure 4: Planning History



# 4.0 THE PROPOSAL

# **General Site Description**

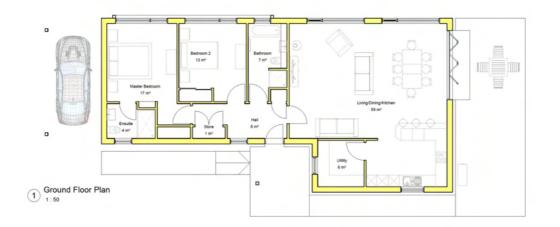
- 4.1 The proposal relates to the following components:
  - 1. The demolition of an existing steading, with the rebuilding of a similar building in order to form two dwellinghouses (house no. 1 + 2);
  - 2. The conversion of an existing outbuilding to the existing cottage (house no.3);
  - 3. The erection of a single eco-dwellinghouse in the garden ground to the north (house no.4).
- 4.2 Figure 5: Proposed Site Plan illustrates the proposals for the site layout.

# Figure 5: Proposed Site Plan



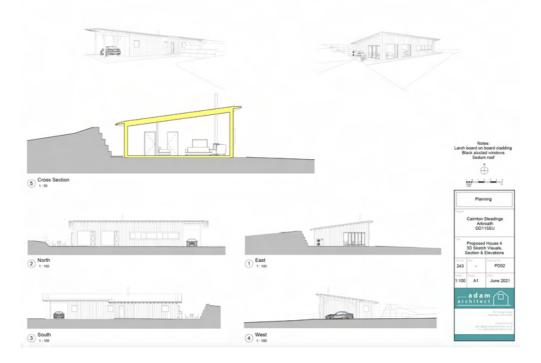
4.3 As stated, the Report of Handling, attached as Document 2, confirms the acceptability of houses no. 1, and 3. and the Appellant would refer the LRB to this Report in support of this part of the proposal.

4.4 Figure 6: Proposed Plans: House 4 illustrates the proposal for the erection of a single story eco-dwellinghouse in the garden ground to Cairnton Cottage. Figure 7: Proposed Elevations + Design Concept identifies that the proposed house will be sculptured into the garden ground and landscape.



# Figure 6: Proposed Plans- House 4





4.5 Proposed house no. 4 is a low carbon house design. It takes 'fabric first' approach to reduce the energy demand for space heating, orientating the house to take advantage of natural solar gain to all the principal habitable rooms. Glazing will be triple glazed. The U-values

through the walls and roof and floor will be no greater than 0.15Wm2k to keep heat loss low through the fabric. Sustainable materials have been proposed for the walls and roofing, the walls being Scottish Larch Cladding, and roof being a natural Sedum blacket on to a Tectofin single ply roofing system. The hot water and space heating demand are met by an Air Source Heat Pump to avoid the use of a fossil fuel based system.

- 4.6 Figure 8: Contextual Illustration identifies that the Proposed 4<sup>th</sup> house has been designed to be subservient to the established traditional and proposed traditional conversions/new build at and around Cairnton Cottage (and relating to proposed houses no.1, 2 and 3). The siting and scale of the proposed eco-house has had regard to the existing and proposed built relationship, together with the existing landform.
- 4.7 It is therefore proposed to embed proposed house no. 4 within the contours of this part of the site, in order to ensure that this house relates, but remains subservient to the existing cluster of buildings. Figure 8: Contextual Illustration identifies the design concept, when viewed from the access to Cairnton Cottage. This architecture also references contemporary farm/outbuildings within the countryside approved locally within the context of traditional vernacular buildings.



# Figure 8: Contextual Illustration

# **5.0 DEVELOPMENT PLAN + MATERIAL CONSIDERATIONS**

# **Decision-making Requirements**

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 identifies that the following status should be afforded to development plans "where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."
- 5.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building (LB) or its setting special regard shall be paid to the desirability of preserving the building or its setting. This legal requirement relates to the effect of the Proposal on Cairnton House (Category B Listed Building). The RoH by the Planning Officer confirms that there is not an impact on the setting of the LB as a result of this proposal.
- 5.3 The applicant disagrees with the following two reasons provided in the Planning Officer's delegated refusal:
  - 1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the development of House 4 does not comply with any of the circumstances where new housing in the countryside is permitted; and because a house on that part of the site would create a rounding off opportunity for additional greenfield development on land to the north-west.
  - 2. The application is contrary to Policy DSI of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely Policy TC2 and the associated Countryside Housing Supplementary Guidance.
- 5.4 The reasons for refusal relate solely to proposed house no.4. The Report of Handling (Document 2) clarifies that there is no objection to proposed houses no. 1, 2 and 3 which are considered to comply with the Development Plan and Supplementary Guidance.

# The Development Plan: Proposed House no. 4

- 5.5 The Appellant agrees with the Planning Officer that the relevant policy context is provided by the ALDP, 2016 and that the following policies apply:
  - Policy DSI : Development Boundaries and Priorities Policy
  - o DS3 : Design Quality and Placemaking
  - o Policy DS4 : Amenity
  - o Policy TC2 : Residential Development

- Policy TC3 : Affordable Housing
- Policy PV5 : Protected Species
- $\circ$   $\,$  Policy PV6 : Development in the Landscape  $\,$
- Policy PV7 : Woodland, Trees and Hedges
- o Policy PV8 : Built and Cultural Heritage
- Policy PV15 : Drainage Infrastructure
- o Policy PV18 : Waste Management in New Development Policy
- o PV20 : Soils and Geodiversity
- 5.6 The full text of the above policies is contained in Appendix 1 of the RoH. It is clear from the RoH that the Planning Officer has no objection to the detailed elements of proposed house no.4. The Appellant agrees with the Planning Officer that the Proposal accords with Policies DS3, DS4, TC3, PV5, PV6, PV7, PV58 PV15, PV18 and PV20.
- 5.7 The pertinent issues in this ALR to relate to Policies DSI and TC2 of the ALDP and Criterion (a) of Appendix 3 of the Countryside Housing Supplementary Guidance (SG), 2016. The Appellant disagrees with the Planning Officer's assessment in their RoH that proposed house no.4 is unacceptable in principle and is contrary to Policies DSI and TC2 of the ALDP and Criterion (a) of Appendix 3 of the SG, for the following reasons.

# Policy DS1 : Development Boundaries and Priorities Policy

5.8 The relevant part of Policy DSI states:

"...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.... 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...."

- 5.9 The Planning Officer concluded that "As a consequence of the failure to comply with Policy TC2, the proposal is contrary to Policy DS1. The proposal is contrary to the development plan." The Officer has no objection to the scale and detail of the proposal and therefore proposed House no. 4 accords with this part of DS1. The Planning Officer's RoH expresses the view that the proposal fails to comply with the criteria contained in Policy TC2 for the development of greenfield sites.
- 5.10 The Appellant disagrees and considers the Proposal does comply with Policy TC2 and therefore as a result with Policy DS1, for the following reasons.

# Policy TC2: Residential Development

5.11 The relevant part of Policy TC2 states:

"All proposals for new residential development, including the conversion of nonresidential buildings 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.

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

- Retention, renovation or acceptable replacement of existing houses;
- Conversion of non-residential buildings;
- 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;
- Single new houses where development would:
  - Round off an established building group of 3 or more existing dwellings; or
  - Meet an essential worker requirement for the management of land or other rural business.
  - 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
  - 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."
- 5.12 The Appellant considers that the principle of proposed house no.4 complies with Policy TC2's support for single new houses where the development rounds off an established building group of 3 or more existing dwellings. Cairnton House, Cairnton Steading and the two approved houses on the site of the outbuilding, comprise a group of 4 dwellings. The Appellant therefore considers that the development of house no.4 within the defined curtilage of Cairnton Cottage, on land which comprises its garden, is therefore supported by Policy TC2 and a result Policy DS1.
- 5.13 The Planning Officer considers that:

"The area to the north-east of the existing buildings where house 4 is proposed is not a developed area and provides a landscaped backdrop for the existing group containing mature planting. Locating a dwelling in this area is clearly a visual and physical extension of the building group further to the north-east and it cannot reasonably be considered to round off the group in a situation where it visually and physically extends the group. A house in this area would also create a rounding off opportunity for an additional house in the area of ground immediately north-west the house proposed on plot 4."

# 5.14 The Appellants disagrees with this assessment, for the following reasons:

- 1. The site of the proposed house does not have to be previously 'developed' (as suggested by the planning Officer) to accord with Policy. Clearly, Policies DSI and TC2 allow the development of 'greenfield' land, subject to the criteria specified.
- 2. The land does not form a function as a landscaped setting for the remaining houses. The two houses approved on the site of the derelict outbuildings will be screened by fences, to secure their own curtilage, thereby rendering the land as 'left-over' (the site of the 4<sup>th</sup> house) effectively screening this land from these approved houses, negating the ability of the site of proposed house no.4 to ever meaningfully provide for a landscape setting to these houses.
- 3. The site of proposed house no. 4 bears no relationship with either Cairnton Cottage or the outbuilding subject to conversion, since they sit behind the two houses already approved and do not currently benefit from views of the part of the site subject to house no.4. The site of proposed house no.4 does not currently or in the future provide for a landscape setting as suggested in the RoH.
- 4. There is only one tree within the site and it is proposed that this is retained, together with the trees on the edge. The proposed house has been sited to ensure that no trees are removed. The reference to mature planting in the RoH and the inferred/suggested effect on the existing planting is not therefore relevant.
- 5. The site of the proposed house is clearly garden ground associated with Cairnton Steading. The Appellant's grandfather bought the farm 80 years ago and considered removing the stone boundary wall enclosing part of the land in order to integrate the garden into the farm. This did not happen and the land has remained as part of the established curtilage and garden to Cairnton Cottage for <u>well over 80 years</u>.
- 6. It is also relevant that the curtilage is well defined, and corresponds with the northern garden of Cairnton House adjacent. Both garden grounds, define and divide their residential curtilage from the agricultural land beyond.
- 7. Proposed house no. 4 would not extend beyond the domestic curtilage of Cairnton Steading, and would sit comfortably, both in terms of design and landscape/visual impact within this existing residential curtilage.
- 8. The proposed house is modest in scale and has been designed to sit within the sites contours and as evidenced from Figure 8: Contextual Illustration. The proposed house design appears visually and physical subservient to the existing buildings within the curtilage of Cairnton Cottage.

5.16 The Appellant considers that these characteristics are evidenced in Figure 3: Site Plan (Immediate Context), provided again below, and also by the photographic schedule provided as Document 3.



Figure 3: Site Plan (Immediate Context)

- 5.17 Again, the Appellant would express concern that as the site has not been visited by the Planning Officer, this has not resulted in a full and proper assessment of the characteristics of the site, which clearly forms part of the curtilage of Cairnton Steading forming informal garden. The land does not, however, for the reasons stated form part of a landscape setting.
- 5.18 The Appellant considers that the site's characteristics support the proposed 4<sup>th</sup> house, and that the proposal accords with Policy TC2 and as a result with Policy DS1. As the proposal accords with the Development Plan it should therefore be supported.
- 5.19 Policy TC2 also states that "This is a material consideration. *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.*"

# **Material Considerations**

- 5.20 Material Considerations include consultee responses, neighbour comments and the Countryside Housing Supplementary Guidance, 2016. There are no objections to the proposal by statutory consultees and no neighbours have responded to the Application.
- 5.21 The Planning Officer's RoH identifies that the key material consideration, pertinent to this proposal, is the Countryside Housing Supplementary Guidance, 2016.

# Countryside Housing Supplementary Guidance (SG), 2016

- 5.22 The Planning Officer's RoH states that "The proposal also fails to comply with criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria contained within the supplementary guidance because house 4 would create a rounding off opportunity for additional greenfield development to the immediate north-west."
- 5.23 Paragraph 3.4 of the SG applies to "New Houses in the Countryside" states:

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

Definition of a Sense of Containment: The glossary defines "A sense of containment" as being "contributed to by existing physical boundaries such as landform, buildings, roads, trees, watercourses, or long established means of enclosure such as stone walls. Fences will not normally be regarded as providing a suitable boundary for the purposes of this definition unless they can be demonstrated to define long established boundaries as evidenced by historic OS Maps. Any boundaries artificially created to provide a sense of containment will not be acceptable. "

<u>Definition of a Building Group:</u> The glossary defines a "building group" as "A group of at least 3 closely related existing dwellings or buildings capable of conversion for residential use. The building group will require to have a sense of containment."

- 5.24 The Appellant disagrees with the Planning Officer's assessment/interpretation of the SG and considers that the proposed 4<sup>th</sup> house complies with the SG's requirements for the following reasons:
  - 1. The proposed new eco-house relates to an established group as defined by Angus Council i.e. there are already 4 houses existing or approved within the group.
  - 2. The proposed 4<sup>th</sup> house is *"generally located close to other buildings in the group"* as required by the SG and for the reasons referred to in paragraph 5.14 the proposal accords with the SG's advice, in that it *"does not detract from the overall sense of containment and cohesion of the group within its wider landscape setting."*
  - 3. Figure 9: Ordnance Survey of the Site: 1859 clearly identifies long established and *"physical boundaries"* ratifying the curtilage of this site, historically. Noting also that there are still, today, the remnants of historic stone walls defining the site.
  - 4. The current site has retained this historical curtilage and sense of containment, as clearly illustrated in Figure 3: Site Plan (Immediate Context).



# Figure 9: Ordnance Survey of the Site: 1859

[source National Library of Scotland: Forfarshire XL16 (St Vigeans) Survey date: 1859, Publication date: 1862]

5.25 The site of the proposed 4<sup>th</sup> house complies with AC's SG definitions of both a site with a "Sense of Containment" and a site within a "building group". For the reasons provided in paragraph 5.24, the proposed house complies with the criteria and definitions provided. Penultimately the proposal, for the reasons provided, does not have "... a significant

*detrimental impact on the character of the group, or its landscape setting"* and does as required *"....round off or consolidate the group."* 

- 5.26 The site of the proposed new 4<sup>th</sup> house is considered to comply with the SG guidance, forming part of a building group and providing a sense of containment within an historical and established residential curtilage associated with Cairnton Cottage and outbuildings.
- 5.27 Finally, the Planning Officer's RoH stated that "The proposal is generally compatible with the Appendix 3 criteria with the exception of the criterion indicating that proposals should not create opportunities for additional greenfield development (criterion (a)), which is a consequence of the proposed house 4 ".
- 5.28 Appendix 3(a): Detailed Countryside Housing Criteria of the SG states that "Development proposals should "not create a gap or rounding off opportunity for additional greenfield development".
- 5.29 The proposed siting of the 4<sup>th</sup> house negates any future opportunity for new development within the curtilage of Cairnton Cottage. Any future planning application for development to the rear of Cairnton House, would be considered under the merits of such a proposal, having regard to its Listed status and its setting. It is established planning law that the granting of consent on one site, does not set a precedent for development on another site, since each proposal and site requires to be considered on its own merits.
- 5.30 The Applicant disagrees with the Planning Officer's interpretation of the SG having regard to the 4<sup>th</sup> proposed house, for the reasons stated, and considers that the proposal complies with the SG.

# 6.0 CONCLUSIONS

- 6.1 Proposed houses no. 1 and 2. currently benefit from an extant consent and proposed house no. 3 relates to a conversion of an existing outbuilding attached to Cairnton Cottage. The policy context in support of this part of the proposal is clear and the RoH by the Planning Officer clarifies proposed houses no. 1, 2 and 3 are supported by the Development Plan.
- 6.2 The ALR has therefore concentrated on the reasons for refusal relating to proposed 4<sup>th</sup> house. The Planning Officer's RoH confirms that there is no objection to the detail, siting or design of this house. The Appellant disagrees, however, with the Planning Officer's assessment on the acceptability of the principle of development for the reasons provided.
- 6.3 The Appellant, considers that the assessment of the Planning Officer on the site's characteristics, pertinent to the consideration of this ALR, may have been impeded by the lack of ability to visit the site. The Appellant would, therefore, be grateful if Members of the LRB would visit the site, prior to determination of the ALR.
- 6.4 In conclusion, the Appellant considers the proposal accords with the Development Plan and is supported by other material considerations. Having regard to S25 of the Town and Country Planning (Scotland) Act 1997, as amended, we respectfully request that this ALR is supported and Planning Permission granted.

# DOCUMENT 1



# ANGUS COUNCIL

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



# PLANNING PERMISSION REFUSAL REFERENCE : 21/00614/FULL

To Mr Roger Goodfellow c/o About Planning Ltd Emelda Maclean Millars House 41 Gray Street Broughty Ferry Dundee DD5 3BJ

With reference to your application dated 12 August 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

# Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse at Cairnton Steading East Newton Arbroath for Mr Roger Goodfellow

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

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

- 1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the development of House 4 does not comply with any of the circumstances where new housing in the countryside is permitted; and because a house on that part of the site would create a rounding off opportunity for additional greenfield development on land to the north-west.
- 2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policy TC2 and the associated Countryside Housing Supplementary Guidance.

# Amendments:

The application has not been subject of variation.

Dated this **25 April 2022** Jill Paterson Service Lead Planning and Sustainable Growth Angus Council Angus House Orchardbank Business Park Forfar DD8 1AN

# Planning Decisions – Guidance Note

# Please retain – this guidance forms part of your Decision Notice

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

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

# DURATION

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

# PLANNING DECISIONS

# **Decision Types and Appeal/Review Routes**

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

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

# NOTICES

# Notification of initiation of development (NID)

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

# Notification of completion of development (NCD)

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

# Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council Angus House Orchardbank Business Park Forfar DD8 1AN

Telephone01307 492076 / 492533E-mail:planning@angus.gov.ukWebsite: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 <u>https://eplanning.scotland.gov.uk</u>.

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 <u>https://eplanning.scotland.gov.uk</u>. 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.

# 21/00614/FULL

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# 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	needed to submit my application/representation:
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Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.2 The Council k	ept me informed	d about the progress of	the application t	hat I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.3 The Council d	ealt promptly w	ith my queries:-			
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	lt does not apply
Q.4 The Council d	ealt helpfully wi	th my queries:-			
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.5 I understand t	he reasons for t	he decision made on th	e application the	at I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.6 I feel that I wa	is treated fairly o	and that my view point v	was listened to:-		
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
OVERALL SATISFACTION	I: Over	all satisfaction with the s	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 satisfie			rly Dissatisfied Ve	ry Dissatisfied
		Dissatisfie	d		
OUTCOME: Outcome of the application:					
Q.8 Was the application that you had an interest in:-					
Granted Permission/C	Consent	Refused Permiss	sion/Consent	Withdre	awn
Q.9 Were you the:-	Applicar	nt 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.

# DOCUMENT 2



# Angus Council

Application Number:	21/00614/FULL
Description of Development:	Erection of three dwellinghouses and conversion of residential outbuilding to a single dwellinghouse
Site Address:	Cairnton Steading East Newton Arbroath
Grid Ref:	367017 : 746803
Applicant Name:	Mr Roger Goodfellow

# **Report of Handling**

# Proposal

Planning permission is sought for the creation of four new dwellings, three of which would be new build construction and one via conversion of an outbuilding.

The site identified measures around 7600sqm and is bound by the B listed Cairnton Farmhouse to the northwest and agricultural land on all other boundaries.

Houses 1 and 2 involve the demolition of the northeast section of the steading building and erection of two new dwellinghouses in their place. House 1 provides for the development of a two storey detached four bedroom house on a plot of approximately 780sqm. House 2 provides for the development of a two storey four bedroom house on a plot of approximately 1000sqm. House 3 is proposed within a section of the steading that is currently used as an outbuilding and adjoins the existing dwelling at Cairnton Cottage. The converted outbuilding would form a house providing three bedrooms and would occupy a plot of approximately 370sqm.

House 4 is located to the eastern edge of the site and would provide for the erection of a single storey two-bedroom house with a mono pitched roof. That house would be located on undifferentiated greenfield land on a 1900sqm area in the northeast section of the site.

Access to the houses would be via the existing vehicular access to the west where it joins the C45 public road at a distance of approximately 350 metres from the site. The application form indicates that private drainage arrangements are proposed along with sustainable drainage for surface water and connection to the public water supply.

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 24 December 2021 for the following reasons:

• Affecting Setting of Listed Building

The application was advertised in the Dundee Courier on 20 August 2021 for the following reasons:

Neighbouring Land with No Premises

A site notice was posted for Setting of Listed Building on 27 January 2022.

# **Planning History**

06/00313/FUL for Conversion of Steading to Form Two Dwellinghouses (Re-Application) was determined as "approved subject to conditions" on 30 May 2006.

11/00408/FULL for Demolition of Steading and Erection of Two Dwellinghouses (Re-application) was determined as "approved subject to conditions" on 11 July 2011.

14/00568/FULL for Application under S42 to extend time limit restriction of condition (1) of 11/00408/FULL to demolish steading and erect 2 houses to allow a further 3 years. was determined as "approved" on 11 September 2014.

17/00743/FULL for Partial Demolition of Steading and Erection of Two Dwellinghouses was determined as "approved subject to conditions" on 23 November 2017.

# Applicant's Case

Supporting information in the form of a planning statement, bat survey and a photographic survey has been submitted and is summarised as follows:

# Supporting statement

- Provides an overview of the site and the planning history and provides photographs of the site and surrounding land
- Identifies that permission has been granted for the demolition of the steading and erection of two dwellinghouses;
- The proposal seeks to renew the permission for the two houses approved in addition to the conversion of an additional adjacent steading and erection of a new eco-house;
- Notes the position of B listed Cairnton Farmhouse to the southeast;
- Identifies the position of the site in a Category 1 RSU 2.5km to the south of Inverkeilor;
- Provides commentary on the planning history of the site and highlights that application 17/00743/FULL for the development of the steading for two houses remains extant;
- The proposal relates to the development of demolition of a steading in order to form 2 dwellinghouse (Houses 1 + 2), the conversion of an outbuilding (House 3), and erection of a single storey dwellinghouse described as an eco-house (House 4);
- Outlines the proposal in the context of the planning policy including identifying that Houses 1 and 2 would redevelop brownfield land, House 4 would be developed in existing garden ground and round off a group, the proposal does not give rise to any issues in relation to protected species, would not impact on the landscape or setting of Cairnton House;
- Concludes that the proposal accords with the provisions of the development plan and that there are material considerations in support of the proposal.

#### Bat Survey

No bat droppings or other potential signs of bats were recorded;

The building was assessed as having low potential for roosting bats;

In the professional opinion of the surveyor there are no bat roosts or bat roost activity and it is safe to proceed with construction/demolition work.

#### Consultations

**Aberdeenshire Council Archaeology Service** - Has not objected to the application subject to a condition requiring a photographic survey.

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

Roads (Traffic) - Offered no objection to the proposal.

Scottish Water - Offered no objection to the proposal.

**Environmental Health** - This Service is satisfied that this site does not pose a significant risk of harm to the proposed use from land contamination and offered no objection.

#### Representations

There were no letters of representation.

# **Development Plan Policies**

#### Angus Local Development Plan 2016

- Policy DS1 : Development Boundaries and Priorities
- Policy DS3 : Design Quality and Placemaking
- Policy DS4 : Amenity
- Policy TC2 : Residential Development
- Policy TC3 : Affordable Housing
- Policy PV5 : Protected Species
- Policy PV6 : Development in the Landscape
- Policy PV7 : Woodland, Trees and Hedges
- Policy PV8 : Built and Cultural Heritage
- Policy PV15 : Drainage Infrastructure
- Policy PV18 : Waste Management in New Development
- Policy PV20 : Soils and Geodiversity

# 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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The site is located within a Category 1 Rural Settlement Unit (RSU1). The local development plan indicates that Category 1 RSU's are non-remote areas with stable or increasing populations or where there are no services or facilities in need of support. It indicates that in these areas new housing development outwith settlements should be restricted. The plan provides opportunities for residential development in category 1 areas where development involves brownfield land through the conversion of non-domestic buildings in appropriate circumstances; and where development involves the redevelopment of a rural brownfield site which would deliver a significant visual or environmental improvement through the removal of derelict buildings. It provides more limited opportunities for new housing where proposals involve the development of greenfield land.

There are two distinct elements to the proposal, the three dwellings which would be delivered on brownfield land (3 units – houses 1 to 3) and the single house proposed on greenfield land (1 unit – house 4).

The brownfield elements resulting in two new dwellings in the position of the demolished buildings (described as houses 1 and 2 on the proposed site plan) are broadly similar to development which has been granted planning permission previously and would result in the removal of derelict buildings. The dwelling formed by conversion of the stone building to the south east (described as house 3) is also compatible with policy and guidance and would retain the features which give that building its character. The local development plan prioritises the development of brownfield land over greenfield land and these elements of the proposal attract in principle support from the housing approach set out in Policy TC2 and the associated supplementary guidance on countryside housing.

The single new house proposed to the north-east of the site is located on greenfield land. The development of a house in this location does not comply with any of the circumstances which allow for new housing in the countryside on greenfield land. The site does not form a gap site, it does not involve redevelopment of degraded brownfield land, and the house is not for an essential worker supported by evidence of need.

The applicant contends that the site rounds off the building group, but that argument is not coherent. The existing building group is contained in a discreet cluster comprising the listed building to the north (Cairnton House), the existing cottage (Cairnton Cottage) and the redundant steading. This group is visually contained and the buildings have a close proximity to each other. The area to the north-east of the existing buildings where house 4 is proposed is not a developed area and provides a landscaped backdrop for the existing group containing mature planting. Locating a dwelling in this area is clearly a visual and physical extension of the building group further to the north-east and it cannot reasonably be considered to round off the group in a situation where it visually and physically extends the group. A house in this area would also create a rounding off opportunity for an additional house in the area of ground immediately north-west the house proposed on plot 4.

The applicant also contends that the proposal is considered to comply with the objectives of the Countryside Housing Supplementary Guidance approach to large country houses. The supplementary guidance indicates that the terms of Policy TC2 may preclude the development of one off substantial country houses which have the potential to contribute to the future architectural and landscape heritage of Angus. In exceptional circumstances Angus Council may support proposals for a new large country house where certain criteria are met but that criteria includes a requirement for the minimum footprint of the house to be around 500 sqm, excluding garaging and outbuildings. The proposal house 4 is modest 2 bedroom house which falls significantly below that size threshold, and the proposal house 4 is not a large country house style of property. The large country house approach set out in the supplementary guidance provides no support for the proposal.

While the brownfield elements of the proposal (houses 1 to 3) attract support from the local development plan, the house proposed on greenfield land to the north-east of the group (house 4) does not comply with any of the circumstances which allow a new house in the countryside set out in Policy TC2 and the associated Countryside Housing Supplementary Guidance.

The proposal also fails to comply with criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria contained within the supplementary guidance because house 4 would create a rounding off opportunity for additional greenfield development to the immediate north-west. The proposal is contrary to Policy TC2 and the associated supplementary guidance.

For completeness, an assessment of remaining policy considerations is provided below.

Policy TC2 requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. There are also a number of criteria in Appendix 3 of the Countryside Housing Supplementary Guidance which are not referred to above.

The proposal does not raise any significant issues against the remaining tests of Policy TC2. Residential use would be a compatible land use having regard to neighbouring uses. The proposed housing would provide a satisfactory residential environment with adequate garden ground, space for the parking of vehicles and bin and recycling storage space available. The houses would have a reasonable separation

distance from each other and from neighbouring dwellings and would not unacceptably impact on amenity. The development would not unacceptably impact on the natural or built environment. The bat survey suggests that there are no bats present in the buildings and the development would not result in an unacceptable impact on the setting of the adjacent listed building. The archaeology service offered no objection to the proposal subject to a condition requiring a photographic survey. The roads service has no objection to the proposed access arrangements and improvements to the private track could be sought by panning condition were the proposal otherwise acceptable. The proposed drainage arrangements are acceptable and there is no reason to consider the proposal would unacceptably impact on existing infrastructure.

The proposal is generally compatible with the Appendix 3 criteria with the exception of the criterion indicating that proposals should not create opportunities for additional greenfield development (criterion (a)), which is a consequence of the proposed house 4. The proposed house designs are generally acceptable and they would be of an appropriate form or appearance for a rural area. The mono pitched roof serving house 4 is not a particularly rural feature but in this case that style of roof helps to reduce the mass of the house and consequently reduces the impact it has on the setting of the adjacent listed building. The application form indicates that the site measures 0.76HA. Policy TC3 and criterion (g) of the Appendix 3 criteria require affordable housing for sites which exceed 0.5HA. That matter could be regulated by planning condition were the proposal otherwise acceptable.

The proposal complies with some aspects of the development plan but significantly the proposed house 4 does not comply with any of the circumstances which allow new housing in the countryside. That house would create a rounding off opportunity for additional greenfield development to the north-west contrary to the detailed development criteria contain in appendix 3. Policy DS1 requires proposal in the countryside to accord with relevant policies of the local development plan. As a consequence of the failure to comply with Policy TC2, the proposal is contrary to Policy DS1. The proposal is contrary to the development plan.

In terms of material considerations, Paragraph 33 of Scottish Planning Policy 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 5-years old but the ALDP has recently become more than 5-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 application.

In conclusion, while the brownfield elements of the proposal (houses 1 to 3) attract support from the local development plan, the house proposed on greenfield land to the north-east of the group (house 4) does not comply with any of the circumstances which allow a new house in the countryside set out in Policy TC2 and the associated Countryside Housing Supplementary Guidance. House 4 also fails to comply with criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria contained within the supplementary guidance because it would create a rounding off opportunity for additional greenfield development to the immediate north-west. The proposal is contrary to the development plan and there are no material considerations which justify approval of planning permission.

# Human Rights Implications

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

# Decision

The application is refused

# Reason(s) for Decision:

1. The application is contrary to Policy TC2 of the Angus Local Development Plan 2016 and the associated Countryside Housing Supplementary Guidance because the development of House 4 does not comply with any of the circumstances where new housing in the countryside is permitted; and because a house on that part of the site would create a rounding off opportunity for additional greenfield development on land to the north-west.

2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with relevant policies of the ALDP, namely policy TC2 and the associated Countryside Housing Supplementary Guidance.

#### Notes:

Case Officer: Damian Brennan Date: 13 April 2022

#### 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 PV5 : Protected Species

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

# European Protected Species

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

#### o there is no satisfactory alternative; and

o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and

o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

# Other Protected Species

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

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

Policy PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

o the site selected is capable of accommodating the proposed development;

o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;

o potential cumulative effects with any other relevant proposal are considered to be acceptable; and

o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

# 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 PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

• the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;

• any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and

appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

• supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or

• the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

# 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.

#### Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or

o constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

# TAYplan Strategic Development plan

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

# DOCUMENT 3





# Photographic Schedule: Cairnton Steadings July 2021

aerial view of steading from east

view from southern boundary to north

view from southern boundary to east

view from southern boundary to south









view from southern boundary to east





view of northern block from south



aerial view of steading from north