

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 20 DECEMBER 2022**

**PANMURE HOTEL, TAY STREET, MONIFIETH**

**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 two dwellinghouses and associated works, application No 20/00888/FULL, at Panmure Hotel, Tay Street, Monifieth.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

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

**2. ALIGNMENT TO THE ANGUS COUNCIL PLAN**

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

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

**3. CURRENT POSITION**

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

**4. FINANCIAL IMPLICATIONS**

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

**5. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment is not required.

**6. CONSULTATION**

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

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

List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

Appendix 3 – Further Lodged Representations

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

**APPLICATION NUMBER – 20/00888/FULL**

**APPLICANT- MR G ROBERTSON**

**PROPOSAL & ADDRESS – ERECTION OF TWO DWELLINGHOUSES AND ASSOCIATED WORKS AT PANMURE HOTEL TAY STREET MONIFIETH**

**CONTENTS**

AC1	Report of Handling	
	<b>Policy Tests (Angus Local Development Plan 2016)</b>	
	<p>Policy DS1, DS3, DS4, DS5, TC2, TC3, PV2, PV5, PV7, PV12 &amp; PV15</p> <p>Angus Local Development Plan (2016)</p> <p><a href="https://www.angus.gov.uk/media/angus_local_development_plan_adop...">https://www.angus.gov.uk/media/angus_local_development_plan_adop... n_adop...ted_september_2016</a></p> <p>Local Development Plan – Proposals Map</p> <p><a href="https://www.angus.gov.uk/sites/default/files/2021-09/Proposals%20Map.pdf">https://www.angus.gov.uk/sites/default/files/2021-09/Proposals%20Map.pdf</a></p> <p>Angus Council's Developer Contributions and Affordable Housing Supplementary Guidance (2018):</p> <p><a href="https://www.angus.gov.uk/media/developer_contributions_and_affordable_housing_supplementary_guidance">https://www.angus.gov.uk/media/developer_contributions_and_affordable_housing_supplementary_guidance</a></p> <p>Policy 2 Tayplan:</p> <p><a href="https://www.tayplan-sdpa.gov.uk/strategic_development_plan">https://www.tayplan-sdpa.gov.uk/strategic_development_plan</a></p> <p>Design and Placemaking SG:</p> <p><a href="https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance">https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance</a></p>	

	<b>Consultation Responses</b>	
<b>AC2</b>	Scottish Water – 20.01.21 & 03.07.21	
<b>AC3</b>	Roads Traffic – 19.01.21, 25.01.21 & 27.04.22	
<b>AC4</b>	Sepa – 07.05.21	
<b>AC5</b>	Archaeology – 25.01.21 & 07.07.21	
<b>AC6</b>	Parks & Burial Grounds – 28.01.21 & 13.07.21	
<b>AC7</b>	Roads Flooding – 01.02.21 & 28.04.21	
<b>AC8</b>	Housing – 02.02.21	
	<b>Letters of Representations</b>	
<b>AC9</b>	James P Armstrong – 21.01.21 & 08.07.21	
<b>AC10</b>	William Baxter – 23.01.21 & 04.07.21	
<b>AC11</b>	Brune Rayner – 25.01.21 & 04.07.21	
<b>AC12</b>	Derek Sim – 25.01.21 & 04.07.21	
<b>AC13</b>	Patricia Slane – 25.01.21 & 04.07.21	
<b>AC14</b>	Scott Blyth – 25.01.21 & 07.07.21	
<b>AC15</b>	Ian Chalmers – 30.01.21 & 10.07.21	
<b>AC16</b>	Gavin Tomlinson – 01.02.21	
<b>AC17</b>	John Jamieson – 02.02.21	
<b>AC18</b>	Lindsay Duncan – 02.02.21 & 19.07.21	
<b>AC19</b>	Lesley Lawson – 04.02.21	
<b>AC20</b>	David Denholm – 06.02.21	
<b>AC21</b>	About Planning Ltd – 07.02.21 & 09.07.21	
<b>AC22</b>	S Campbell - 06.07.21	
<b>AC23</b>	Kathleen Sim - 07.07.21	

	<b>Application Drawings</b>	
<b>AC24</b>	Refused Location Plan	
<b>AC25</b>	Refused Drawings	
	<b>Further Information Relevant to Assessment</b>	
<b>AC26</b>	Refused Decision Notice	
<b>AC27</b>	Site Photos	
<b>AC28</b>	Application 17/00974/FULL & 22/00142/FULL referred to in handling report – please refer to link and search on application number :-  <a href="https://planning.angus.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application">https://planning.angus.gov.uk/online-applications/search.do?action=simple&amp;searchType=Application</a>	
	<b>Supporting Information</b>	
<b>AC29</b>	Tree Survey Schedule	
<b>AC30</b>	Tree Survey and Constraints Plan	
<b>AC31</b>	Arboricultural Tree Survey Report	
<b>AC32</b>	FRA Letter Report	

## Angus Council

<b>Application Number:</b>	<a href="#">20/00888/FULL</a>
<b>Description of Development:</b>	Erection of two dwellinghouses and associated works
<b>Site Address:</b>	Panmure Hotel Tay Street Monifieth Dundee DD5 4AX
<b>Grid Ref:</b>	350030 : 732431
<b>Applicant Name:</b>	Mr G Robertson

## Report of Handling

### Site Description

The application site measures approximately 790sqm and is located within the grounds of the former Panmure Hotel, which has now been converted into 9 flats. The application site is located adjacent to the west boundary of the former hotel building on a grassed area which was approved as amenity space for the flats. There are mature trees along the northern and western site boundary which are subject to a tree preservation order. The application site is bound to the north and west by residential properties across the public roads and to the east and south by the grounds of the flatted development.

### Proposal

The proposal seeks planning permission for the erection 2no. dwellings on the site. The proposed houses would be detached 1.5 storey properties (with upper floor accommodation in the roof space) and these would be 7.1m in height to the ridge. The materials proposed would be an off white render on the walls, a concrete tiled roof and white UPVC windows and doors. The information indicates that the gardens would be enclosed by 1.8m high timber fences. The dwellings would use the existing vehicular access to the flats off Tay Street and the dwellings would front onto Tay Street, with parking to the rear. The application form indicates that the houses would connect to the public foul drainage network and public water supply. The information submitted does not make it clear how surface water would be managed.

### Amendments

Amended Proposed Site Plan (drawing number 5686\_P\_304 Rev E), Amended Proposed Floor Plans (drawing number 5686\_P\_305 Rev A); Amended Proposed Elevations Plan (drawing number 5686\_P\_306); Amended Proposed Context Elevations Plan (drawing number 5686\_P\_307 Rev B); Amended Proposed Extended Site Plan (drawing number 5686\_P\_308 Rev A); submitted on 23/06/21 supersedes the drawings previously submitted. These drawings changed/clarified aspects of the layout including an alteration of the building positions, clarification that vehicular parking would be provided to the east of the proposed dwellings and confirming that the existing vehicular access to the former Panmure Hotel building on Tay Street would be utilised to access the proposed housing, and identifying boundary treatments.

### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 22 January 2021 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

## Planning History

[17/00974/FULL](#) for Conversion of Existing Hotel to Form Nine Flats and Associated Alterations was determined as "approved subject to conditions" on 21 February 2018. This planning permission identified the area which is currently proposed for development as amenity space to serve the 9 flats formed in the former Panmure Hotel.

[18/00964/FULL](#) for Erection of Two Dwellinghouses and Associated Works was "Withdrawn" on 13 February 2019. That application proposed two detached dwellings in a similar location to those proposed in the current application.

[22/00122/FULL](#) for Conversion of existing store to dwellinghouse with alterations to 2B Princes Street was "approved subject to conditions" on 04 July 2022.

Angus Council Tree Preservation Order 2021 No.2 was confirmed by Angus Council Development Standards Committee on 15 June 2021. This tree preservation area applies to the grounds of the former Panmure Hotel and includes the trees within the current application site. [Report 206/21](#) refers to the prominent mixed mature broadleaved trees along the boundaries of the site with both Tay Street and Princes Street.

## Applicant's Case

Letter From Millard Consulting Engineers dated the 05/11/19:

- Describes that a preliminary flood risk assessment was completed and this has been undertaken through the inspection of available mapping, liaison with SEPA and the consideration of available flood risk information. A topographical survey has not been provided for the site, and hydraulic modelling has not been undertaken as part of this assessment;
- Describes the site and context and states the site is flat with a gradual slope towards Tay Street;
- As well as the River Tay which is located some 250m south east of the site, the Monifieth Burn is located in close proximity. As it passes the site the Monifieth Burn is culverted. The outfall location is approximately 90m south of the entrance to Riverview Caravan Park which is situated between the Tay Estuary and the railway;
- Upstream of the culvert, the Monifieth Burn has an open course generally, however there are several structures along its course facilitating access routes. From the inspection of Ordnance Survey mapping, a tributary channel joins the Monifieth Burn approximately 270m upstream of Ramsay Street. This tributary appears to run an open course for approximately 65m upstream of the Monifieth Burn, however would appear to be culverted upstream of this point.
- Describes the regulatory framework and refers to SEPA's "Flood Risk and Land Use Vulnerability Guidance";
- Notes the guidance places dwellinghouses within the "highly vulnerable" category and that hotels are also within the "highly vulnerable" category;
- States that following the SEPA guidance, flood risk would need to be assessed across the site area for a 1 in 200 year flood event.
- The SEPA flood map shows the roads adjacent to the site being at risk of surface water flooding during a 1 in 200 year flood event, while the fluvial flood risk is shown surrounding the site. It appears the SEPA flood map shows a limited proportion of the site flooded by the fluvial 1 in 200 year flood extent.
- Notes in 2019 JBA Consulting completed a flood risk assessment on the Monifieth Burn in the vicinity of the site for Angus Council;
- Notes that although the JBA report shows the majority of the site flood free, there is no flood free route of access/egress to and from the site during a 1 in 200 year flood event, including climate change. Vehicular access to the site would not be possible during a 1 in 200 year plus climate change flood event, with flood depths on Tay Street and Princes Street predicted to be too deep to allow access. Vehicles could get as close as Golf Avenue, where a pathway link exists to the site. The walkway from Golf Avenue to the site is shown to be flooded along part of its length, however flood depths are predicted to be between 0m and 0.25m deep, and hence it is expected that access along this route should be possible;
- When taking the former Panmure Hotel site in its entirety, the change of use from a hotel to housing does not constitute a change in vulnerability of use;
- Proposed mitigation suggests that the proposed houses should be constructed outwith the 1 in 200

year, plus climate change, flood extent, with finished floor levels no less than 0.6m above the adjacent predicted Q200 + climate change flood level. No land raising should be undertaken within the 1 in 200 year flood extent defined by JBA Consulting;

- Recommended that a Flood Action Plan be prepared to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn;
- Concluded that the site is developable with regards to flood risk, providing the mitigation measures recommended are applied. The proposed development does not result in an increase in the vulnerability of site use, while it is suggested that the proposed occupancy numbers on site should be acceptable when compared to occupancy numbers for the previous hotel development.
- To finalise the detailed design and enable finished floor levels to be confirmed, the predicted Q200 + climate change flood levels adjacent to the site should be obtained from Angus Council and JBA Consulting.

Tree Survey & Arboricultural Report for Trees at Former Panmure Hotel, Monifieth Dated November 2020:

- Indicates that the site survey relates to the small single storey garage. One mature tree to the east of the former hotel has been surveyed, along with three further trees to the south east of the former hotel. The report states that the trees have been assessed in the current context according to their suitability for retention in relation to BS 5837:2012 'Trees in relation to design, demolition and construction-recommendations' and in relation to development proposals for the site. The tree is a mature Whitebeam, of large size for species. It is sited at the edge of the car park of the former Hotel and adjacent a tarmac lane and is currently partially fenced off. The above and below ground tree constraints have been plotted on the Tree Survey and Constraints plan, which accompanies this report at appendix 3. These include root protection areas (RPA), and crown spread. Outline tree protection measures are prescribed in relation to retained trees.

The tree survey does not include detailed information relating to existing trees within the application site and appears to relate to a different development proposal.

## Consultations

**Scottish Environment Protection Agency** - objects in principle to the application on the basis that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. SEPA notes the comments offered by the roads department and agrees in full with these.

SEPA has indicated that in the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases.

**Roads (flooding)** - objects to the application. Notes that the location of the proposed development lies partially within the medium probability of the fluvial (Monifieth Burn) and very close to the medium probability of the surface water flood envelope as given on SEPA's indicative flood map. In addition, in the recent study by JBA, the area of the proposed development is shown to be partially within the 0.5% AP (200 year) event with 35% uplift to account for climate change of the Fluvial Flood Map for the Monifieth Burn. The site is therefore likely to be at risk of flooding during an event of this return period. Roads notes that it is not clear how it is proposed to deal with the surface water from the proposed development, given that Scottish Water will not accept any surface water connections into their combined sewer system in the area.

In respect of the flood risk information submitted by the applicant, roads notes that the report acknowledges the risk to flooding and states that *the change in use from hotel to residential does not constitute an increase in vulnerability of use, but it must be ensured that the proposed development is acceptable with respect to flood risk*. However, roads has indicated that the erection of the two dwellinghouses and associated works are proposed in the vacant part of the site. A Flood Action Plan is proposed to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn as there will be issues with vehicular access to the site during a 1 in 200 year plus climate change flood event.

Roads reviewed the amended plans submitted on the 23/06/21 and indicated that their response remains the same.



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

**People Directorate - Education** - There was no response from this consultee at the time of report preparation.

**Aberdeenshire Council Archaeology Service** - No archaeological mitigation is required.

**Service Manager Housing** - No objection. Note that the total number of residential properties in the wider site would increase as a result of development, taking the total number of houses within the former hotel curtilage to greater than 10. As a result, affordable housing requires to be delivered at a rate of 25% of the cumulative site total.

**Parks & Burial Grounds** - No objections. Notes the development lies on the site for the conversion of the former Panmure Hotel to 9 units (17/00974/FULL refers). This brings the total to 11 units on the site and subsequently the open space provision should be calculated collectively.

In accordance with Policy PV2 of the Local Plan a minimum provision of 2.43 hectares of open space per 1000 head of population is required, for a development of 11 units this equates to 668 square metres of usable open space (60.75 square metres per dwelling). The narrow grass area along a line of car parking cannot be classed as either usable or safe open space. It should therefore not be considered as open space serving the development. States that as the development is covered by the Blue Seaway play area a contribution towards formal play space will not be required. However a contribution towards public park/amenity open space in Monifieth should therefore be provided, which for 11 units on the overall site would amount to £5,698.

**Roads (Traffic)** - No objections subject to conditions requiring visibility splays and maintenance of these splays.

**Scottish Water** - No objections but indicate that they will not accept a surface water connection to the public sewer.

## **Representations**

24 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 24 objected to the proposal and 0 supported the proposal.

The main points of concern are summarised as follows:

- Development not in keeping with character and pattern of development
- Impact on trees which are protected by TPO and lack of information relating to trees within the site
- Noise and disruption during construction works
- Traffic, access and parking issues
- Amenity Impacts (loss of privacy, outlook, light and overshadowing)
- Adverse impact on built heritage
- Lack of information to identify impacts resulting from the development
- Impacts on natural environment and wildlife
- Proposal is contrary to planning policy
- Loss of garden ground associated with adjacent flatted development (as approved as part of application 17/00974/FULL)
- Flood risk and lack of surface water drainage details
- Loss of open space
- Requirement for affordable housing provision
- No details of recycling and waste management facilities
- Consultees previously indicated a lack of support for the application

## **Development Plan Policies**

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

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy DS5 : Developer Contributions  
Policy TC2 : Residential Development  
Policy TC3 : Affordable Housing  
Policy PV2 : Open Space within Settlements  
Policy PV5 : Protected Species  
Policy PV7 : Woodland, Trees and Hedges  
Policy PV12 : Managing Flood Risk  
Policy PV15 : Drainage Infrastructure

## **TAYplan Strategic Development Plan**

### Policy 2 – Shaping Better Quality Places

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

### **Assessment**

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

Policy DS1 in the Angus Local Development Plan (ALDP) states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

They key issues in this case relate to:-

1. Whether the proposal would be consistent with the character and pattern of development in the surrounding area;
2. Whether the proposed houses could be constructed without unacceptably impacting on the amenity of existing housing, including the impact on flats within the former Panmure Hotel building;
3. The impact of the proposal on trees which are subject to a Tree Preservation Order, and whether adequate information has been submitted to illustrate that impact and the potential for associated impacts on protected species; and
4. Whether the proposed houses would be subject to an acceptable level of flood risk, having regard to the advice provided by consultees.

### **Compatibility with the character and pattern of development**

Policy TC2 indicates that proposals for new residential developments in development boundaries will be supported where the proposal is consistent with the character and pattern of development in the surrounding area. Policy DS3 indicates that 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. It promotes development which is distinct in character and identity, and supports development which retains and sensitively integrates important townscape and landscape features. The [Design and Placemaking Supplementary Guidance](#) indicates that development proposals should *retain, enhance and integrate existing important features which provide a place with a particular identity such as hillocks, buildings, paths, woodland, trees, hedgerows, walls and water bodies*; and *incorporate views of locally important features and landmarks to reinforce a sense of place*.

The application site is located in an older part of Monifieth close to its links area. Princess Street is dominated by sandstone villas with boundary walls and hedging on its north side and larger buildings including golf clubs and the former Panmure Hotel on its south side. Tay Street provides one of the main routes between the town centre and the links area, and provides access to the golf courses. The former Panmure Hotel building is a large sandstone property set within grounds which contain mature trees and

stone boundary walls. The trees and boundary walls and the space around the building on its west and south sides provide an important component of the attractive setting of the building, which is a locally important landmark on a main route to the links area. The former hotel building, the space around the building and the mature trees and stone boundary walls contribute positively to the sense of place in this part of Monifieth.

The application proposes two detached houses to the west of the former hotel building. The location of the proposed houses would require the removal of mature trees and the siting of the houses and the associated loss of mature trees would significantly disrupt views towards the building from Tay Street. The proposal would have an adverse effect on a prominent view of a locally important landmark building, contrary to the Design and Placemaking Supplementary Guidance.

The design of the proposed houses is also inconsistent with the character and pattern of development in the surrounding area. This is partly due to the choice of external materials and the large expanses of timber fencing proposed. However, any housing in the location proposed is likely to adversely impact on the setting of the former hotel building and the sense of place in this part of Monifieth. The proposal is contrary to policies TC2 and DS3 and the associated supplementary guidance as it proposes development which is not consistent with the character and pattern of development in the surrounding area, obstructing a prominent view of a locally important landmark building, and the development would adversely impact on the sense of place in this part of Monifieth.

### **Impact on the amenity of existing housing**

Policy TC2 indicates that proposals for new residential development must not result in an unacceptable impact on surrounding amenity. Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

The application proposes the development of housing on an area which was approved as amenity space/garden ground serving the nine flats approved through application 17/00974/FULL for conversion of the hotel. The proposal would result in the loss of the main useable amenity space which was approved to serve the 9 flats in the former hotel, adversely impacting on the residential environment of those properties. The proposal would also result in a 1.8m high timber fence surrounding the garden ground of the proposed houses around 7m from the main lounge window serving the north westerly most ground floor flat inside the former hotel (47 Tay Street), which has a large bay window facing west. At 7m from the main living room window serving the flat, the 1.8m high timber fence would have an overbearing and oppressive impact on the outlook of that property. The proposal would result in an unacceptable impact on the residential environment of existing housing within the former hotel through loss of its main useable amenity space and through the installation of fencing close to its main living room window. The proposal is therefore contrary to policies TC2 and DS4.

### **Impact on trees and protected species**

Policy TC2 indicates that proposals for new residential development must not result in an unacceptable impact on the natural environment. Policy PV5 requires consideration of potential impacts on protected species, including European Protected Species. Policy PV7 relates to trees and indicates that trees which contribute to landscape and townscape setting may be protected through a Tree Preservation Order. It indicates that trees that contribute to amenity will be protected and indicates that development proposals should retain trees, and undertake tree surveys where appropriate.

The existing trees within the site are protected by a Tree Preservation Order (TPO). The plans submitted show the proposed houses extremely close to the position of existing trees within the site and the trees would require to be removed to accommodate houses in the proposed location. The tree survey submitted does not provide any survey information relating to trees within the application site. The trees within the site were recently deemed worthy of protection through TPO and, as noted earlier in this report, are considered to be important features in terms of their contribution to the townscape and sense of place of the area, and to the setting of the former hotel building which is a local landmark. No information has been submitted relating to the condition of these trees nor to show that the trees could co-exist with the proposed houses and their removal would have an adverse impact on the area. The proposal is therefore contrary to Policy

PV7.

No information has been submitted in relation to the potential for the trees to contain bat roosts. It cannot therefore be concluded that the removal of trees would not adversely impact on protected species. On that basis, the proposal has not demonstrated compliance with Policy PV5.

### **Flood risk**

The remaining key issue relates to flood risk. The site lies within an area which is identified on SEPA Flood Maps as being at medium risk of river flooding; and parts of the site are also identified as being at medium risk of surface water flooding. The site is currently vacant garden ground and contains no building(s).

Paragraph 256 of Scottish Planning Policy indicates that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. It indicates that piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

Policy 2 of TAYplan indicates that in order to deliver better quality development and places which respond to climate change, development proposals should be resilient and future-ready with a presumption against development in areas vulnerable to flood risk. It indicates that development proposals should assess the probability of risk from all sources of flooding. Policy PV12 *Managing Flood Risk* indicates that to reduce potential risk from flooding there will be a general presumption against built development proposals on the functional floodplain; which involve land raising on the functional flood plain; or which would materially increase the probability of flooding to existing or planned development. It indicates that development in areas known or suspected to be at the upper end of low to medium risk or medium to high risk may be required to undertake a flood risk assessment which should demonstrate (amongst other things) that flood risk can be managed both within and outwith the site; and access and egress to the site can be provided that is free of flood risk.

Information was submitted in support of the application in the form of a preliminary flood risk assessment which indicates that the site is developable providing the mitigation measures recommended are applied, including a control on the finished floor level of the proposed houses and requiring a Flood Action Plan to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn.

SEPA has reviewed the information submitted by the applicant and has objected in principle to the proposal on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy. Angus Council's Roads Service note the location of the proposed development lies partially within the medium probability of the fluvial flood envelope (Monifieth Burn) and very close to the medium probability of the surface water flood envelope as given on SEPA's indicative flood map. They note that in the recent study by JBA, the area of the proposed development is shown to be partially within the 0.5% annual probably (1 in 200 year) event with 35% uplift to account for climate change of the Fluvial Flood Map for the Monifieth Burn and comment that the development is likely to be at risk of flooding during an event of this return period.

The information submitted by the applicant acknowledges the risk to flooding and states that '*the change in use from hotel to residential does not constitute an increase in vulnerability of use, but it must be ensured that the proposed development is acceptable with respect to flood risk*'. However, the housing is proposed on a vacant part of the site and the proposed requirement for a Flood Action Plan acknowledges that there will be issues in providing access and egress to the site which is free of flood risk during a 1 in 200 year plus climate change flood event. Both SEPA and the council's roads - flooding service object to the proposal on the grounds of flood risk. The application proposes development on the functional floodplain and has not demonstrated that access and egress to the site can be provided that is free of flood risk. The proposal is accordingly contrary to Policy 2 of TAYplan and Policy PV12 of the local development plan.

### **Other development plan considerations**

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

In terms of the residential environment to be provided, the plot sizes would be comparable with others in the area. Adequate space would be provided for vehicle parking and bin and recycling storage. A reasonable quantity of private garden ground would be provided. While that garden ground serving the houses would be overlooked by property within the former hotel at a distance which is less than the minimum set out in council guidance, this relationship is similar to the relationship between other property and garden ground in the area surrounding the site and is not unacceptable on that basis.

The site is located within an area of local archaeological interest associated with the former use of the site as a hotel dating back to the 19<sup>th</sup> century. The archaeology service has been consulted on the proposal and has indicated that no archaeological mitigation is required. The proposal would not result in any unacceptable direct impacts on cultural heritage.

In terms of impacts on access and infrastructure, while roads have expressed concerns relating to potential issues accessing and egressing the site during a flooding event, they have no objection to the proposal in respect of the level of parking proposed or the capacity of the local road network to accommodate development. The proposed water supply and foul drainage arrangements are acceptable, but it is unclear what the arrangements for surface water management would be. Were the proposal otherwise acceptable, that matter could be dealt with via a planning condition requiring sustainable management of surface water within the site.

Policy TC2 requires new residential development to include provision for affordable housing in accordance with Policy TC3. Policy TC3 indicates that Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha. Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares, the SG indicates that the affordable housing requirement will be applied based on the overall capacity of the site.

Policy DS5 indicates that developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure. Policy PV2 relates to open space provision within settlements and requires developments of 10 or more residential units to provide and/or enhance open space at a level of 2.43HA per 1000 head of population. It indicates that *in circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.*

Angus Council's [Developer Contributions and Affordable Housing Supplementary Guidance](#) (2018) provides guidance on the approach to developer contributions from residential development. It indicates:

*Contributions will not usually be sought for residential development of less than 10 units, however where the site is for less than 10 units but exceeds 0.5ha then contributions will be sought. Should phased developments' cumulative impact result in development which exceeds this level, or where a site forms part of a larger parcel of land with capacity for 10 units or more then contributions may be sought.*

The site is located within the grounds of the former Panmure Hotel which has been converted to 9 flats. That development remained below the threshold to provide affordable housing, open space and other developer contributions. However, the proposed two houses (as well as the converted garage building to the north east of the hotel approved through application 22/00122/FULL) would result in the total number of units in the grounds of the former hotel exceeding 10, triggering the requirement for affordable housing, open space and education contributions towards Monifieth High School on the basis of the overall capacity of the site. This matter could be dealt with by planning condition were the proposal otherwise acceptable.

While the proposal accords with some aspects of development plan policy, it fails to comply with policies designed to ensure that development is consistent with the character and pattern of development in the surrounding area; that development does not unacceptably impact on the amenity of existing housing, that development does not adversely affect important trees and protected species; and that development is not subject to an acceptable level of flood risk. Accordingly, it is considered that the application proposes development which is not of an appropriate scale and nature and it is therefore contrary to Policy DS1.

## Material considerations

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

The majority of the comments raised have been addressed earlier in this report, where it is concluded that the proposed development is not consistent with the character and pattern of development in the surrounding area, and would obstruct a prominent view of a locally important landmark building adversely impacting on the sense of place in this part of Monifieth. Concerns relating to the loss of trees that are protected by TPO are noted. The tree survey submitted does not provide relevant information relating to trees within the application site. It has also not been demonstrated that the development would not result in unacceptable impacts on protected species in those trees.

The roads service is satisfied in respect of the proposed parking arrangements and the capacity of the local road network to accommodate development, but has cautioned about the ability to achieve access and egress to the site which is free from flood risk. Amenity issues associated with the loss of garden ground for flats in the converted hotel, and due to the proximity of proposed timber fencing to the main living room windows of an existing property are identified earlier in the report. Other amenity impacts are not unacceptable, and impacts associated with the construction process are not uncommon in existing built up areas and are of a temporary nature.

The proposal would not unacceptably impact on cultural heritage including surrounding listed buildings; but it has not been demonstrated that it would not unacceptably impact on the natural environment including impacts on trees and potential impacts on protected species which may use those trees to roost. Lack of information/clarity regarding the proposed accesses to the houses has been resolved through the submission of amended plans. Issues relating to rights of access are a civil matter.

Scottish Water has indicated that there is capacity in the public network for water supply and foul drainage. Appropriate arrangements for the management of surface water could be secured via planning condition. There is adequate space within the proposed plots for bin and recycling storage.

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. While it is acknowledged that there would be some economic and social benefit in the delivery of new housing, the development of residential property on a site which is subject to flood risk is not considered to contribute to sustainable development. Adverse impacts associated with new residential development which is subject to an unacceptable level of flood risk would significantly outweigh the benefits of the proposal when assessed against wider policies in the SPP.

The proposal is contrary to policies of the development plan. It is subject to an in-principle objection from SEPA on the grounds of flood risk. There are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

## Human Rights Implications

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

## Decision

The application is refused

### Reason(s) for Decision:

1. The proposal is contrary to Policy 2 of TAYplan and Policy PV12 of the Angus Local Development Plan (2016) because the proposed residential development would be subject to an unacceptable level of flood risk due to its location on an undeveloped piece of land within the functional flood plain.
2. The proposal is contrary to policy DS3 and TC2 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance (2018) because the development is not consistent with the character and pattern of development in the surrounding area, would obstruct a prominent view of a locally important landmark building, and would adversely impact on the sense of place in this part of Monifieth.
3. The proposal is contrary to policies PV7 and PV5 of the Angus Local Development Plan (2016) because the development would result in the loss of trees that contribute to the townscape and amenity of the area, and insufficient information has been submitted to demonstrate that the loss of these trees would not impact on protected species.
4. The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) as it would result in an unacceptable impact on the residential environment of adjacent housing within the former hotel through the loss of its main useable amenity space; and because the development would adversely impact on the amenity of 47 Tay Street as a result of the close proximity of proposed boundary treatments to its main living room windows.
5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because it proposes development which is not of an appropriate scale and nature and is not in accordance with relevant policies of the local development plan, namely policies DS3, DS4, TC2, PV5, PV7 and PV12.

### Notes:

Case Officer: James Wright  
Date: 26 July 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 DS5 : Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- o Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- o Education;
- o Community Facilities;
- o Waste Management Infrastructure; and
- o Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

## 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 PV7 : Woodland, Trees and Hedges

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

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

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

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

#### Policy PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- o that flood risk can be adequately managed both within and outwith the site;
- o that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- o access and egress to the site can be provided that is free of flood risk; and
- o where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In

areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

#### Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

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

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

#### Policy TC3 : Affordable Housing

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites, including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- o local housing needs (set out in the current Housing Needs and Demand Assessment);
- o physical characteristics of the site;
- o development viability; and
- o availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

#### Policy PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the

Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource; or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided\*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

\*In line with the Six Acre Standard (National Playing Fields Association)

## **TAYplan Strategic Development plan**

### **Policy 2 SHAPING BETTER QUALITY PLACES**

To deliver better quality development and places which respond to climate change, Local Development Plans, design frameworks masterplans/briefs and development proposals should be:

**A. Place-led** to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets\*, natural processes, the multiple roles of infrastructure and networks, and local design context.

**B. Active and healthy by design** by ensuring that:

- i. the principles of lifetime communities (p. 17) are designed-in;
- ii. new development is integrated with existing community infrastructure and provides new community infrastructure/facilities where appropriate;
- iii. collaborative working with other delivery bodies concentrates and co-locates new buildings, facilities and infrastructure; and,
- iv. transport and land use are integrated to:
  - a. reduce the need to travel and improve accessibility by foot, cycle and public transport and related facilities;
  - b. make the best use of existing infrastructure to achieve an active travel environment combining different land uses with green space; and,
  - c. support land use and transport integration by transport assessments/ appraisals and travel plans where appropriate, including necessary on and off-site infrastructure.

**C. Resilient and future-ready** by ensuring that adaptability and resilience to a changing climate are built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels;
- ii. assessing the probability of risk from all sources of flooding;

- iii. the implementation of mitigation and management measures, where appropriate, to reduce flood risk; such as those envisaged by Scottish Planning Policy, Flood Risk Management Strategies and Local Flood Risk Management Plans when published;
- iv. managing and enhancing the water systems within a development site to reduce surface water runoff including through use of sustainable drainage systems and storage;
- v. protecting and utilising the natural water and carbon storage capacity of soils, such as peat lands, and woodland/other vegetation;
- vi. Identifying, retaining and enhancing existing green networks and providing additional networks of green infrastructure (including planting in advance of development), whilst making the best use of their multiple roles; and,
- vii. design-in and utilise natural and manmade ventilation and shading, green spaces/networks, and green roofs and walls.

**D. Efficient resource consumption** by ensuring that:

- i. waste management solutions are incorporated into development;
- ii. high resource efficiency is incorporated within development through:
  - a. the orientation and design of buildings and the choice of materials to support passive standards; and,
  - b. the use of or designing in the capability for low/zero carbon heat and power generating technologies and storage to reduce carbon emissions and energy consumption; and,
  - c. the connection to heat networks or designing-in of heat network capability.

Footnotes

*\*Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic battlefields, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).*



Wednesday, 20 January 2021

Local Planner  
Planning Service  
Angus Council  
Forfar  
DD8 1AN

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

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

Dear Sir/Madam

**SITE: Panmure Hotel, Tay Street Monifieth, Dundee, DD5 4AX**  
**PLANNING REF: 20/00888/FULL**  
**OUR REF: DSCAS-0030615-5DX**  
**PROPOSAL: Erection of two dwellinghouses and associated works**

**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 CLATTO Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

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

---

**Please Note**

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

## 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](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## Next Steps:

### ▶ All Proposed Developments

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

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

### ▶ Non Domestic/Commercial Property:

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

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

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

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

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto: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."*



Saturday, 03 July 2021

Local Planner  
Planning Service  
Angus Council  
Forfar  
DD8 1AN

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

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

Dear Sir/Madam

**SITE: Panmure Hotel, Tay Street, Monifieth Dundee, DD5 4AX**  
**PLANNING REF: 20/00888/FULL**  
**OUR REF: DSCAS-0043619-NMZ**  
**PROPOSAL: Erection of two dwellinghouses and associated works**

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 CLATTO Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### Waste Water Capacity Assessment

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

### Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission



has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

## 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](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## Next Steps:



To find out more about connecting your  
 SW Public  
 Published the water and waste water supply visit:



### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## ▶ All Proposed Developments

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

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

## ▶ Non Domestic/Commercial Property:

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

## ▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and 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](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)



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

Yours sincerely,

**Planning Application Team**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto: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."*



To find out more about connecting your  
SW Public  
Published the water and waste water supply visit:



**So, how are we doing?**

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## ANGUS COUNCIL

### PLACE PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

20/00888/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

19	01	21
----	----	----

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

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX



# Memorandum

Infrastructure  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 25 JANUARY 2021

SUBJECT: **PLANNING APPLICATION REF. NO. 20/00888/FULL – PROPOSED ERECTION OF TWO DWELLING HOUSES WITHIN THE GROUNDS OF THE FORMER PANMURE HOTEL, TAY STREET, MONIFIETH**

---

I refer to the above planning application which is similar to a previously withdrawn planning application Ref. No. 18/00964/FULL.

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

The site is located on a corner plot to the north-east side of Tay Street and the south-east side of Princes Street. The proposal involves the construction of two houses with three bedrooms on the front lawn of the former hotel.

## Access

There is an existing access to the hotel which is located on Tay Street and this access was proposed to be utilised for the previous application reference number 18/00964/FULL. Unlike the previous application, submitted drawing no. 5686\_P\_304A does not show where the proposed access(es) are intended to be formed. Clarification on the point would be helpful.

## Parking

The hotel application (17/00974/FULL) proposed to convert the hotel into nine flats with two bedrooms each and 18 parking spaces which met the council's parking standards.



In order to maintain the free flow of traffic on the existing public road, car parking should be provided for the two houses at a rate of two spaces per dwelling, as indicated on the application form.

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

- 1 That, prior to the commencement of development, a visibility splay shall be provided at the junction of Princes Street with Tay Street giving a minimum sight distance of 43 metres in a south-easterly direction at a point 2.4 metres from the nearside channel line of Tay Street.  
*Reason: to enable drivers of vehicles leaving Princes Street to have a clear view over a length of road sufficient to allow safe exit.*
- 2 That, prior to the commencement of development, visibility splays shall be provided at the junction of proposed access(es) with Tay Street giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of Tay Street.  
*Reason: to enable drivers of vehicles leaving the site (plots) to have a clear view over a length of road sufficient to allow safe exit.*
- 3 That, within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 875 millimetres above the adjacent footway level.  
*Reason: to enable drivers of vehicles leaving Princes Street or the site (plots) to maintain a clear view over a length of road sufficient to allow safe exit.*
- 4 That, any access(es)/driveways shall be designed so as to prevent the discharge of surface water onto the public road.  
*Reason: to prevent the flow of surface water from the site onto the public road in the interests of road safety.*
- 5 That, an advisory, informative note be added to the decision notice to inform the applicant that any new footway crossing must be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the council's website for the purpose.

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



**From:**Adrian G Gwynne  
**Sent:**27 Apr 2022 09:23:19 +0100  
**To:**James Wright  
**Subject:**RE: 20/00888/FULL

James

We would still require conditions 1&3 from my memo dated 25 January 2001 for application 20/00888/FULL

Adrian

**From:** James Wright <WrightJ@angus.gov.uk>  
**Sent:** 26 April 2022 10:49  
**To:** Adrian G Gwynne <GwynneAG@angus.gov.uk>  
**Subject:** FW: 20/00888/FULL

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

**Covid:** As restrictions ease, the emphasis will continue to be on personal responsibility, good practice and informed judgement. [Get the latest information on Coronavirus in Scotland.](#)

Follow us on Twitter

Visit our Facebook page

Think green- please do not print this email

**From:** BarnesA <[BarnesA@angus.gov.uk](mailto:BarnesA@angus.gov.uk)>  
**Sent:** 25 January 2021 14:13  
**To:** WrightJ <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)>  
**Cc:** GwynneAG <[GwynneAG@angus.gov.uk](mailto:GwynneAG@angus.gov.uk)>  
**Subject:** 20/00888/FULL

Regards

Andrew Barnes | Team Leader - Traffic | Angus Council | Tel: 01307 491770 | Email:  
[barnesa@angus.gov.uk](mailto:barnesa@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

Follow us on Twitter

Visit our Facebook page

For information on COVID-19 goto [www.NHSInform.scot](http://www.NHSInform.scot)

Think green – please do not print this email

**Subject:**20/00888/FULL SEPA response

**From:** Milne, Alasdair <alasdair.milne@SEPA.org.uk>

**Sent:** 07 May 2021 13:25

**To:** James Wright <WrightJ@angus.gov.uk>

**Subject:** 20/00888/FULL SEPA response

OFFICIAL – BUSINESS

James,

**Erection of two dwellinghouses and associated works**

**Panmure Hotel, Tay Street, Monifieth, DD5 4AX**

**20/00888/FULL**

I refer to the application detailed above.

We **object in principle** to this application on the basis that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

We note the comments offered by the Roads department (email from Georgia Kirsti-Mathieson to James Wright dated 1 February 2021) and we agree in full with these.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

I trust this email is sufficient for your purposes – please do not hesitate to contact me if you require any further information.

Regards

Alasdair

Alasdair Milne

Senior Planning Officer

Scottish Environment Protection Agency

Strathallan House

Castle Business Park

Stirling

FK9 4TZ

Telephone 01786 452537

Mobile – (NUMBER REDACTED)

[www.sepa.org.uk](http://www.sepa.org.uk)

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

**CaneyV**

---

**From:** Claire Herbert <claire.herbert@aberdeenshire.gov.uk>  
**Sent:** 25 January 2021 14:51  
**To:** PLNProcessing  
**Cc:** WrightJ  
**Subject:** Planning consultation 20/00888/FULL - Archaeology response

**Planning Reference:** 20/00888/FULL  
**Case Officer Name:** James Wright  
**Proposal:** Erection of two dwellinghouses and associated works  
**Site Address:** Panmure Hotel Tay Street Monifieth Dundee  
**Site Post Code:** DD5 4AX  
**Grid Reference:** NO 5003 3243

Thank you for consulting us on the above application. I can advise that in this particular instance, no archaeological mitigation is required.

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

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

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

*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 [comments](#).

Please note office working hours: Monday - Friday, 9am - 5pm

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



Instagram

[@abshire\\_archaeology](#)



Twitter

[@AbshireArch\\_CH](#)



YouTube

[Aberdeenshire Council Archaeology Service](#)

---

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

---

**From:** [Claire Herbert](#)  
**To:** [PLNProcessing](#)  
**Cc:** [James Wright](#)  
**Subject:** Consultation 20/00888/FULL - archaeology response  
**Date:** 07 July 2021 18:17:01

---

**Planning Reference:** 20/00888/FULL  
**Case Officer Name:** James Wright  
**Proposal:** Erection of two dwellinghouses and associated works  
**Site Address:** Panmure Hotel Tay Street Monifieth Dundee  
**Site Post Code:** DD5 4AX  
**Grid Reference:** NO 5003 3243

Thank you for consulting us on the above application. I can advise that in this particular instance no archaeological mitigation is required.

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

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

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

*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 [comments](#).

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

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



Instagram

[@abshire\\_archaeology](#)



Twitter

[@AbshireArch\\_CH](#)



YouTube

[Aberdeenshire Council Archaeology Service](#)

---

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

---

## PARKS AND CEMETARIES – CONSULTATION ON PLANNING APPLICATION

PLANNING APPLICATION REF:

20/00888/FULL

PLANNING OFFICER:-

JAMES WRIGHT (EXT: [REDACTED])

DESCRIPTION OF DEVELOPMENT:

Erection of Two Dwellinghouses and Associated Works for Mr G Robertson at Panmure Hotel, Tay Street, Monifieth

[Details of the application can be viewed by selecting the following hyperlink:-](#)

<http://planning.angus.gov.uk/online-applications>

REASON FOR CONSULTATION:

Policy PV2: Open Space Protection and Provision within Settlements of the Angus Local Development Plan requires that development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and / or enhance open space and make provision for its future maintenance. The policy requires that a minimum of 2.43 hectares of open space per 1000 head of population be provided. Based on an average of 2.5 persons per household, developers require to provide 60.75sqm open space per residential unit.

Note: There is a planning permission on the site for the conversion of the hotel to 9 units (17/00974/FULL refers).

ON SITE PROVISION OR FINANCIAL CONTRIBUTION:

Policy PV2 acknowledges that the specific requirements of any development will be assessed on a site by site basis and the above standard may be relaxed taking into account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required. The Developer Contributions and Affordable Housing Supplementary Guidance identifies the formula for calculating the financial contribution for off-site provision for public parks and amenity space.

### PART A – WHERE OPEN SPACE IS BEING PROVIDED ON SITE

Is the amount of open space proposed satisfactory? (delete as appropriate):-

YES / NO

Is the type of open space provided on site satisfactory? (delete as appropriate):-

YES / NO

If either question has been answered NO please state how this can be addressed:

### PART B – WHERE NO OPEN SPACE PROVISION IS BEING MADE ON SITE

What type of open space contribution is required:

The development of two dwelling houses lies on the site for the conversion of the former Panmure Hotel to 9 units (17/00974/FULL refers). This brings the total to 11 units on the site and subsequently their open space provision should be calculated collectively.

In accordance with Policy PV2 of the Local Plan a minimum provision of 2.43 hectares of open space per 1000 head of population is required, for a development of 11 units this equates to 668 square

metres of usable open space (60.75 square metres per dwelling). It appears that the open space provided does not meet the minimum provision either in terms of size or usability.

As the development is covered by the Blue Seaway play area a contribution towards formal play space will not be required.

**~~PUBLIC PARK & AMENITY OPEN SPACE / FORMAL & INFORMATION PLAY SPACE / ALLOTMENTS / CORE PATHS~~** (delete as appropriate)

What would the total level of financial contribution be from the development?

A contribution towards public park/ amenity open space in Monifieth should therefore be provided, which for 11 units on the overall site would amount to £5,698.

Where would the financial contribution be spent and what improvements would be made as a result of a contribution?

## **PART C – MAINTENANCE ARRANGEMENTS**

Are the open space maintenance arrangements proposed satisfactory? (delete as appropriate)

**YES / NO / NO DETAILS PROVIDED**

Comments on maintenance arrangements:

n/a

Please indicate contact officer & details (this person would be advised by P&T when funds received and would be asked to evidence where money has been spent and when which may be reported to committee):-

**Officer:** Jutta Scharnberger  
**Job Title:** Landscape Services Manager  
**Extension:** XXXXXXXXXX  
**E mail:** [SharnbergerJ@angus.gov.uk](mailto:SharnbergerJ@angus.gov.uk)

**If you wish to discuss this consultation request, please contact the planning officer named above.**

**From:**Jutta Scharnberger  
**Sent:**13 Jul 2021 14:28:01 +0100  
**To:**James Wright  
**Subject:**FW: Planning Application Consultation 20/00888/FULL  
**Attachments:**210701 FULL-PROPOSED\_EXTENDED\_SITE\_PLAN-3196786.pdf

Dear James,

Enclosed amended drawing is showing an area as part of the application coloured in lilac, which I assume is put forward intended as open space for the development. This area has already been part of the approved amenity space / garden areas for the earlier planning application for flats.

I also have concerns that the narrow space along a line of car parking could not be classed as either usable or safe open space. This area should therefore not be considered as open space serving the development.

Regards  
Jutta

Jutta Scharnberger | Team Leader Landscape Services | Angus Council | Environmental Services - Parks  
| Tel: 01307 492457|scharnbergerj@angus.gov.uk |www.angus.gov.uk

Remember FACTS: Face coverings, Avoid crowded places, Clean hands regularly, Two metre distance,  
Self isolate and test if you have symptoms

Follow us on Twitter  
Visit our Facebook page  
Think green – please do not print this email

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>  
Sent: 01 July 2021 07:37  
To: Jutta Scharnberger <ScharnbergerJ@angus.gov.uk>  
Subject: Planning Application Consultation 20/00888/FULL

Please see attached document.

**From:**Kirtsj-MathiesonG  
**Sent:**Mon, 1 Feb 2021 19:49:09 +0000  
**To:**WrightJ  
**Cc:**CorriganJ  
**Subject:**Planning Permission: 20/00888/FULL

James

**Planning Permission: 20/00888/FULL**

**Erection of two dwellinghouses and associated works**

**Panmure Hotel Tay Street Monifieth Dundee DD5 4AX**

Further to your consultation request, I have now considered the above planning application and have the following observations with regard to flood risk:

**Observations**

1. The planning application is for the erection of two dwellinghouses and associated works at Panmure Hotel, Tay Street, Monifieth, Dundee, DD5 4AX.
2. The location of the proposed development lies partially within the medium probability of the fluvial (Monifieth Burn) and very close to the medium probability of the surface water flood envelope as given on SEPA's indicative flood map. In addition, in the recent study by JBA the area of the proposed development is shown to be partially within the 0.5% AP (200 year) event with 35% uplift to account for climate change of the Fluvial Flood Map for the Monifieth Burn. It is therefore likely to be at risk of flooding during an event of this return period.
3. In a similar planning application i.e. to erect residential accommodation in vacant land likely to be at risk of flooding, application no. 20/00642/FULL, SEPA as statutory flood risk consultee to the planning authority, stated that that they would object to the planning application on flood risk grounds because the proposal would increase the vulnerability on site. This is based on SEPA's assessment of the flooding requirements of Scottish Planning Policy.

4. It is not clear how it is proposed to deal with the surface water from the proposed development given that Scottish Water will not accept any surface water connections into their combined sewer system in the area.
  
5. A Preliminary Flood Risk Assessment has been submitted by Millard Consulting, dated 05 November 2019, as part of this planning application. The report acknowledges the risk to flooding and states that 'the change in use from hotel to residential does not constitute an increase in vulnerability of use, but it must be ensured that the proposed development is acceptable with respect to flood risk'. However, it should be noted that the erection of the two dwellinghouses and associated works are proposed in the vacant part of the site. And, in addition, a Flood Action Plan is proposed to be prepared to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn as there will be issues with vehicular access to the site during a 1 in 200 year plus climate change flood event.

## Requirements

6. Based on the above, I am unable to support the proposed development. Should you have any further queries please contact me.

Regards

Georgia

Georgia Kirtsi-Mathieson, Design Engineer, Engineering & Design Services, Roads Division, Place – Technical & Property, Angus Council, Angus House, Sylvie Way, Forfar DD8 1AN

**From:**Georgia Kirtsi-Mathieson  
**Sent:**28 Apr 2022 12:44:58 +0100  
**To:**James Wright  
**Subject:**Planning Permission: 20/00888/FULL

Hi James

Further to our telephone conversation earlier, I can confirm that the revised proposed site plan drawing does not address my concerns of my previous email dated 01 February 2021.

Based on the above and as previously stated, I am unable to support the proposed development.

Should you have any further queries please contact me.

Regards

Georgia

Georgia Kirtsi-Mathieson | Design Engineer - Flood Risk and Structures | Angus Council | 01307 492140 | [kirtsi-mathiesong@angus.gov.uk](mailto:kirtsi-mathiesong@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

 [Follow us on Twitter](#)

 [Visit our Facebook page](#)

For information on COVID-19 goto [www.NHSInform.scot](http://www.NHSInform.scot)

Think green – please do not print this email

## HOUSING DIVISION - CONSULTATION ON PLANNING APPLICATION

## QUANTIFYING IMPLICATIONS OF DEVELOPMENT PROPOSAL IN CONTEXT OF ANGUS LOCAL DEVELOPMENT PLAN POLICY TC3 – AFFORDABLE HOUSING.

PLANNING APPLICATION REF:  
20/00888/FULL

PLANNING OFFICER:- James Wright (Ext:  
2629)

## DECSRIPTION OF DEVELOPMENT:

Details of the application can be viewed by selecting the following hyperlink:-

Erection of Two Dwellinghouses and Associated Works for Mr G Robertson at Panmure Hotel, Tay Street, Monifieth

<http://planning.angus.gov.uk/online-applications>

An application for a housing development has been submitted for consideration by Angus Council and your comments are invited on the application. Angus LDP Policy TC3 Affordable Housing seeks to secure the delivery of 25% affordable housing on all residential sites of 10 or more units, or the site area is equal to or exceeds 0.5ha. This pro forma should be used to identify the relevant considerations relating to affordable housing and what the site specific requirements are in the context of the Local Housing Strategy (LHS) and Housing Needs and Demand Assessment (HNDA).

## REASON FOR CONSULTATION (mark with 'X'):

x	10 or more units proposed  Note: There is a planning permission on the site for the conversion of the hotel to 9 units (17/00974/FULL refers).
	site area exceeds 0.5ha
	site developed in phases cumulatively exceeding above thresholds
	Developer has submitted viability information and requested a reduced or removed AH contribution

Please provide the below information answering the questions listed:

## Part A: Background Information

1. Date: 28.01.2021
2. Housing Ref: S001 / 20
3. Planning Ref: 20/00888/FULL
4. Proposal: Erection of Two Dwellinghouses and Associated Works for Mr G Robertson at Panmure Hotel, Tay Street, Monifieth
5. Housing Market Area: South
6. Percentage Affordable Housing Provision Required: 25% as set out in Proposed



ALDP Policy TC3: Affordable Housing.

7. Total number of units of affordable housing required: 2.75

## **Part B: Serviced Land**

1. Number of serviced plots required for transfer to social landlord:

**Notes: see additional notes**

## **Part C: Social Rented Housing**

1. Number of units of social rented housing required:

2. Mix of property types and sizes required:

**Notes: see additional notes**

## **Part D: Affordable Housing for Sale**

1. Number of units of affordable housing for sale required:

2. Mix of property types and sizes required:

3. Maximum selling price of individual units:  
(As a minimum this should be the price of a 51% equity stake)

4. Delivery mechanism:

5. Units to be transferred by developer to Registered Social Landlord: Not essential requirement.

**Notes: see additional notes**

## **Part E: Commuted Payments**

1. Total number of units of affordable housing required:

2. Benchmark land value:

3. Commuted payment required: see additional notes

## **Additional Notes/Comments:**

The type of housing meets the current requirements for affordable housing. There are no one bed properties, which are in highest demand for social housing, however there appears to be scope for accessible properties and more generally the units proposed would be suitable for an affordable housing for sale product.

The type and size that the 2 units could take will be subject to further discussion in due course. Housing demand can change. Please contact the named housing officer below to discuss.

The form the 2 units could take is either of or a combination of the following:

- Social rented housing. The types of properties required are based on need. Increasing the availability of social rented housing is a priority at this time particularly 1-bedroom properties which account for 68% of the demand in Monifieth through the common housing register. However, we may identify the need for other types of properties at a later stage in the process. Delivery of social rented housing could be in partnership with Angus Council or a Registered Social Landlord;
- Affordable Housing for Sale. This could be either as a discounted sale or shared equity unit. If discounted sale option a reduction should be applied to the market sale price which makes an individual unit affordable to people on a modest income. If shared equity option the maximum price of an equity stake of between 51% and 80% of an individual unit shall not exceed an amount which is affordable to people on a modest income. (Currently a modest income level for a single income household is set at a maximum of £29,900 x 3.5 lending multiplier and a joint income household is set at a maximum of £45,703 x 3 lending multiplier. These are subject to change according to market conditions and household incomes at the time);
- Mid-Market Rent. Where the landlord is a Social Housing Provider the unit shall be let in accordance with their allocation policy. Where the landlord is the developer the rent payable in respect of an individual unit must not exceed the relevant Housing Benefit Local Housing Allowance level at the time first let. Thereafter, rents may increase annually provided they do not exceed the median point of the relevant private sector market rent level;
- Serviced plots;
- Unserviced land;
- Commuted sum. At this time the commuted sum per unit for this HMA is £28,000. The amount payable will be based on the commuted sum value at the time of payment being made. The values are updated annually. Updates can be found at

[https://www.angus.gov.uk/housing/information\\_for\\_developers/commuted\\_sums](https://www.angus.gov.uk/housing/information_for_developers/commuted_sums)

We are open to provision of the required units of affordable housing for sale via privately-funded schemes which do not require RSL involvement/funding, subject to agreement on the detail of these schemes. Please contact the named officer below if you would like to discuss these schemes or if assistance is needed to approach any housing associations.

To address both current and future need, at least 20% of new affordable housing supply (all tenures) will be delivered to meet particular needs, with at least half (i.e. 10% of new supply) to full wheelchair standard. This target is an overall target and individual sites may deliver more or less than 20%. Specialist housing delivered to contribute towards this target may include amenity, supported housing and other models as appropriate.

In line with action 14 of the Scottish Government's 'Fairer Scotland Action Plan' homes delivered through the Affordable Housing Supply Programme should, wherever possible, include ducting to help future-proof access to internet and broadband services.

Please indicate contact officer & details (this person would be advised by P&T when funds received and would be asked to evidence where money has been spent and

when which may be reported to committee):-

Officer: Jamie Ross

Job Title: Housing Policy Officer

Extension: [REDACTED]

Should you wish to discuss this consultation request please contact the  
named Planning Officer.

# **Comments for Planning Application 20/00888/FULL**

## **Application Summary**

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

## **Customer Details**

Name: Mr James P Armstrong

Address: 38 Tay Street Monifieth Dundee DD5 4BG

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to make an objection to the proposed erection of two dwelling houses and associated works..

I feel this would make an impact to the adjacent property and would be totally out of place to the surrounding area.

Also this site will be overdeveloped and cause the loss of the magnificent Scots pine tree and other trees on the property.

We had just, put up with two years of building works on the old Panmure Hotel, which was done, to compliment the existing building.

However building two modern houses in front of it, would be incompatible.

Also the noise and disruption and the loss of parking would be a real nuisance to the opposite properties.

# **Comments for Planning Application 20/00888/FULL**

## **Application Summary**

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

## **Customer Details**

Name: James Armstrong

Address: 38 Tay street Monifieth Dundee Angus Dd54bg

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the proposal of two dwelling houses squashed in front of the old panmure hotel,this will destroy the character of the site ,why bother to refurbish the building to a high standard then stick two modern buildings in front of it.I also object to losing my privacy as we will be overlooked and that we have a fence,to look at. The disruption,of having more building works ,noise and dust.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr William Baxter

Address: 36 Tay Street Monifieth dd5 4bg Monifieth DD5 4BG

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to planning application 20/00888/full on the grounds of the parking restrictions for carers and deliveries as many elderly residents have carers and with being busy with golf traffic the carers struggle to find a place to park also we did not buy a house in Monifieth to look into a wooden fence We feel it would effect our well-being

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr William Baxter

Address: 36 Tay Street Monifieth dd5 4bg Monifieth DD5 4BG

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to planning application on the grounds of the parking restrictions for carers and deliveries as many elderly residents have carers and being busy with golf traffic the carers cannot find a place to park, also we did not buy a house in Monifieth to look into a wooden fence we feel it would affect our well being

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Bruce Rayner

Address: 41 Tay Street Panmure Apartments Monifieth DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Loss of Light and Overshadowing - No dimensions are highlighted however taking approximate sizing plus an 1.8 metre fence, an unsightly barrier, around the whole area this will create a substantial loss of privacy, light and overshadowing.

2. It is proposed access and exit will be from/to a busy Tay Street, forming access by breaking into the current wall at two areas around the Panmure Apartments site, across the current public footpath, (not indicated on the site plans) with a steep rise to housing parking location.

3. The proposed access/exit to both houses, not shown on the plans, will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence and wall. It should also be noted the formation of these accesses will result in the loss of on street parking on Tay St. I note Roads Department have already indicated their concerns regarding accessing Tay Street from the proposed houses.

4. The tree survey report of November 2020 makes no reference to trees within the proposed development area including the boundary between Tay Street and Princes Street and any removal of these old trees, some over a 100 years old, at the western/northern edge of the property will impact upon the screening of Panmure Apartments.

5. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel) and Princes Street houses built circa 1900.

6. The 1.8m fencing around both properties will give a stockade visual appearance which is not in keeping with adjacent properties.



7. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access and egress.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Bruce Rayner

Address: 41 Tay Street Monifieth Dundee DD54AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Loss of Light and Overshadowing - The dimensions highlighted and an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.

2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.

3. The proposed access and exit to the 2 proposed houses is from a narrow road in front of Panmure Apartments where residents require to walk to their own parking spaces in addition to putting household waste/recycling in appropriate bins. With a potential for a minimum of 4 cars there is no width to the narrow road and would have the potential of creating a nuisance to both homes and owners of the apartments.

4. The proposed access/exit for all residents on Tay Street will be further compromised by the erection of a 1.8 metre fence will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence, wall and trees. Cars exiting Princes Street onto Tay Street will also have significant reduced vision due to the fencing.

5. All trees within the proposed development area have had TPO's place on them.

6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel), Ladies Panmure Golf Club and Princes Street houses built circa 1900.

7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in

keeping with adjacent properties.

8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access/egress.

9. Housing, Scottish Water, Sepa and Roads have previously objected to this application.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Derek Sim

Address: 39 Tay Street Panmure Apartments Monifieth DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Loss of Light and Overshadowing - No dimensions are highlighted however taking approximate sizing plus an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.

2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.

3. It is proposed access and exit will be from/to a busy Tay Street, forming access by breaking into the current wall at two areas around the Panmure Apartments site, across the current public footpath, (not indicated on the site plans) with a steep rise to housing parking location.

4. The proposed access/exit to both houses, not shown on the plans, will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence and wall. It should also be noted the formation of these accesses will result in the loss of on street parking on Tay St.

5. The tree survey report of November 2020 makes no reference to trees within the boundary between Tay Street and Princes Street and any removal of these old trees, some over a 100 years old, at the western/northern edge of the property will impact upon the screening of Panmure Apartments.

6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel) and Princes Street houses built circa 1900.

7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in keeping with adjacent properties.

8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access/egress.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Derek Sim

Address: 39 Tay Street Monifieth Dundee DD54AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Loss of Light and Overshadowing - The dimensions highlighted and an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.

2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.

3. The proposed access and exit to the 2 proposed houses is from a narrow road in front of Panmure Apartments where residents require to walk to their own parking spaces in addition to putting household waste/recycling in appropriate bins. With a potential for a minimum of 4 cars there is no width to the narrow road and would have the potential of creating a nuisance to both homes and owners of the apartments.

4. The proposed access/exit for all residents on Tay Street will be further compromised by the erection of a 1.8 metre fence will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence, wall and trees. Cars exiting Princes Street onto Tay Street will also have significant reduced vision due to the fencing.

5. All trees within the proposed development area have had TPO's place on them.

6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel), Ladies Panmure Golf Club and Princes Street houses built circa 1900.

7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in

keeping with adjacent properties.

8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access/egress.

9. Housing, Scottish Water, Sepa and Roads have previously objected to this application.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mrs Patricia Slane

Address: 43 Tay Street Panmure Apartments Monifieth DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Loss of Light and Overshadowing - No dimensions are highlighted however taking approximate sizing plus an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.

2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.

3. It is proposed access and exit will be from/to a busy Tay Street, forming access by breaking into the current wall at two areas around the Panmure Apartments site, across the current public footpath, (not indicated on the site plans) with a steep rise to housing parking location.

4. The proposed access/exit to both houses, not shown on the plans, will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence and wall. It should also be noted the formation of these accesses will result in the loss of on street parking on Tay St.

5. The tree survey report of November 2020 makes no reference to trees within the boundary between Tay Street and Princes Street and any removal of these old trees, some over a 100 years old, at the western/northern edge of the property will impact upon the screening of Panmure Apartments.

6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel) and Princes Street houses built circa 1900.



7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in keeping with adjacent properties.

8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access and egress.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mrs Patricia Slane

Address: 43 Tay Street Monifieth Dundee DD54AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Loss of Light and Overshadowing - The dimensions highlighted and an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.

2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.

3. The proposed access and exit to the 2 proposed houses is from a narrow road in front of Panmure Apartments where residents require to walk to their own parking spaces in addition to putting household waste/recycling in appropriate bins. With a potential for a minimum of 4 cars there is no width to the narrow road and would have the potential of creating a nuisance to both homes and owners of the apartments.

4. The proposed access/exit for all residents on Tay Street will be further compromised by the erection of a 1.8 metre fence will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence, wall and trees. Cars exiting Princes Street onto Tay Street will also have significant reduced vision due to the fencing.

5. All trees within the proposed development area have had TPO's place on them.

6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel), Ladies Panmure Golf Club and Princes Street houses built circa 1900.

7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in

keeping with adjacent properties.

8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access/egress.

9. Housing, Scottish Water, Sepa and Roads have previously objected to this application.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Scott Blyth

Address: 47 Tay Street Monifieth Angus DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 1. Loss of light or overshadowing of our existing property and grounds, particularly with Winter Sunshine low in the sky.

2. Overlooking / loss of privacy with various rooms looking directly into our Lounge / Bedrooms.

3. Loss of Visual amenity (but not loss of private view) to the existing Panmure Hotel / Golf Courses from Tay Street for the public. This is a Historical Building for Monifieth Residents having stood for over 100 years, by building 2 houses directly in front would block this picturesque view.

4. Highway safety / Traffic Generation, existing parking spaces would be lost, the Architect Drawings do not show Vehicle Access on any drawings however we would suspect that driveways would be created at an already very busy road / junction causing a danger to the public, Tay Street is already busy with Golfers, visitors to the Beach, visitors to the 2 Caravan Parks, visitors to Barry Buddon Army Camp, visitors to the Sports Pitches, visitors to the Waste Disposal Site along with visitors to the Blue Seaway Children's Play Park. Of the above several are children using footpaths directly in front of the proposed new houses. Furthermore, this is a very popular route for pedestrians and cyclists, having vehicles reversing out of driveways within this area would cause significant risk.

5. Demolition of part of the existing Natural Stone Boundary wall would be required for access to the new development, this is a historic feature of the property and should not be touched.

6. Loss of trees / shrubs - Several existing mature trees are in this area, again no Architect Drawing shows access / egress points however assumption would be that these (or part) protected trees would be removed to gain access.

7. The Tree Survey within the application highlights Trees within the owners of the existing Hotels Grounds, there appears to be no Tree Survey for the areas being proposed for Development.

8. Effect on listed building, by erecting these houses the view for members of the public to the Historic Monifieth Medal Starters Box, which is a listed building, would be lost.

9. Design, appearance and materials being proposed not in keeping with site boundary. Existing

building within boundary of sites are of natural stone, Scottish slate and timber windows, the proposed development is not in keeping with surrounding properties.

10. Loss of previous development Landscaping.

11. Road access not shown and would request a copy of Drainage Impact Survey and Traffic Impact Survey.

11. Previous planning decisions was approved (For the former Hotel) on the with-drawl of the 2 houses from a previous application, allowing the Hotel development to progress. The developer has not considered the grounds on which his previous development was approved, otherwise he would have built these houses 4 months ago when he was finishing the Hotel Development. (We assume it is West Developments and not Mr G Robertson as all the Drawings name West Developments as the client)

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Scott Blyth

Address: 47 Tay Street Monifieth Dundee DD54AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

1. Style/Materials - These are not sympathetic nor complimentary to the existing Panmure Hotel development, the site boundary walls, the Panmure Ladies Golf and the adjoining houses. A previous application 20/00382/Full rejected the proposal due to this very reason
2. Vehicular access - Access will be via the existing Panmure Hotel development main entrance and round in front of the main building. This is a narrow pathway for pedestrians and residents to access to parking bays, bins and the grounds, this access will be compromised. There is not sufficient room for traffic and pedestrians.
3. Close proximity - The pitched roofs will be close to the main Panmure Hotel development, blocking out the view, restricting natural light and reducing privacy for those residents who's windows will face straight onto the two houses.
4. 1.8m fence - This will ruin the current aesthetic. The fence will be so close to the main building apartments, blocking out light, spoiling the open aspects for residents and reducing visibility for pedestrians.
5. Access on to/from Tay street and Princes Street will be compromised. These are already busy thoroughfares with golfers, caravans, dog walkers, cyclists, kids off to the play park. Obscuring the view with a 1.8m fence and two houses will be dangerous to those who use it.
6. Construction - works will involve 6+ months of disturbance, pollution and inconvenience for residents who will have restricted access and egress via Tay St.
7. Loss of green space - The mature trees have TPOs and are protected for the enjoyment of the local community.
8. Traffic - Traffic is already heavy and parking is a nightmare for local residents. Additional traffic to/from the proposed site will add to this predicament.
9. Impact on existing services - SEPA & SW have advised of their objection to the plans.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Ian Chalmers

Address: Flat 6 45 Tay Street Monifieth DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The proposed development will adversely affect the residential amenity enjoyed by the apartments in the existing main building (formerly Panmure Hotel) and also the surrounding domestic properties through substantial loss of light and overshadowing and will result in overdevelopment of the original garden grounds of this impressive Victorian building dating back to circa 1898.

Comment:2.The proposed 1.8m high fencing around the properties will be positioned directly in front of Panmure Apartments creating an unsightly stockade type barrier close to the original building.The proposed buildings will be situated very close to the original Victorian building and will result in overshadowing and overlooking and loss of privacy.

Comment:3. The proposed access and exit for the two houses is proposed to be from/to an already busy road, Tay Street, which has traffic going to and from Monifieth Golf Course and club house car park, the links and beach front.This will create a safety hazard for pedestrians, cyclists and cars due to impaired vision caused by the proposed wall and fence.

Comment:4.The tree survey report from November 2020 makes no mention of the 5 trees within the proposed development site.

Some of these mature deciduous trees appear to be quite old and may well have been planted when the gardens were laid out for the original house circa 1898.It would seem appropriate that further information is sought regarding these trees and to why there is no reference to them in the tree survey report.

Comment:5.The proposed design, appearance and construction materials of the two properties proposed within the original site boundary

is not in keeping with this Historic Monifieth Building and will detract from the amenity by the original house.

Comment:7.Any development will involve the use of heavy plant and other associated vehicles causing noise and nuisance to residents and restricted access/egress.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr ian Chalmers

Address: 45 Tay Street Monifieth DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Comments:

- 1) The proposed houses will cause loss of light and overshadowing to the flats in the original building due their height and close proximity to the original stone built house.
- 2)The proposed 1.8m high fencing will be positioned immediately in front of the west side of Panmure Apartments creating an unsightly barrier, too close to the existing flats.
- 3)The proposed access/exit from the driveways of the two houses is from a narrow strip of driveway close to the original building.This section of driveway is used by existing residents walking to their dedicated parking spaces and also to walk to the household waste and recycling area.The driveways for the proposed houses are so narrow that cars will be unable to turn there, meaning that they will have to either reverse in or reverse out as they enter/ leave the properties.This,combined with the 1.8m high stockade fencing will create a potentially hazardous situation for anyone walking or cycling in this area.
- 4)The safety of existing access/exit from Panmure Apartments will be compromised by the proposed 1.8m high fencing obstructing good vision along Tay Street for vehicles leaving the existing development creating a hazard for pedestrians,cyclists and other car users travelling to the golf club car park or to the Blue Seaway and the beach.
- 5)Housing, Scottish Water,SEPA, and Roads have all previously objected to this application.
- 6)The design, appearance,and materials proposed to be used are not appropriate for a building that would be positioned so close to the original Victorian stone built house.
- 7)All the mature trees within the plot have recently had tree preservation orders placed on them.
- 8)The conversion of the former Panmure Hotel into high quality apartments has created something which has enhanced this area of Monifieth.The scale of the original Victorian property is appropriate to the size of the grounds it sits in. It would be a great shame to now detract from this by allowing overdevelopment.



## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Gavin Tomlinson

Address: 1 Princes Street Monifieth Dundee DD5 4AW

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to Object the building of such dwelling on the following points:

1. Access to / from houses will be on Tay Street causing impaired vision with pedestrians/ cyclists and vehicles.
2. To accommodate these accesses all trees adjacent to Tay Street and Princes Street will require to be removed which impacts on environment and local wildlife.
3. The Tree report attached not include all trees which are affected.
4. The drawings do not include any sizes however it is proposed these houses will face onto Tay street overlooking the houses. This will also have a direct impact on the view I have out of my house and raise concerns over privacy.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr John Jamieson

Address: 32 Tay Street Monifieth Angus Dundee DD5 4BG

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:With regard to the proposed planning application ref 20/00888/Full, we herewith submit our objections as follows .

1 The proposed access to the new builds from Tay Street is likely to mean the loss of existing public parking spaces.

2 The 1.8 Perimeter fence due to its construction will create a safety hazard to vehicles and pedestrians accessing Tay Street from Princes Street. This is a very busy junction with many vehicle incidents and near misses which due to my location I have witnessed over the years.

3.New modern properties in construction, would not be compatible with the surrounding architecture.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Lindsay Duncan

Address: 33 Tay Street Monifieth Dundee DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Access to and from this proposed development onto Tay Street will cause impaired vision for pedestrians, cyclists and vehicles.

All trees will be required to be removed to accommodate these accesses, with loss of privacy to residences in Tay Street and Princes Street.

The tree report of November 2020 only includes the trees adjacent to the golf course and does NOT include the trees on Tay Street/Princes Street. Surely all the trees are subject to a T.P.O?

It is proposed that these houses will face onto Tay Street/Princes Street from a greater height i.e. the wall is 3 feet high, so the new builds will look into properties on Tay Street/Princes Street, causing loss of privacy.

A planned 6ft fence ON TOP of the wall to be built round the site will be an unsightly barrier and cause visual restriction for traffic and pedestrians.

The proposed development's appearance and materials are at odds with, and incompatible to, homes on Princes Street (built circa 1910) and an historic Monifieth building, the Panmure Hotel (built circa 1900). Why go to all the bother of renovating the hotel in keeping with its original exterior, then put unsightly new-builds, which are so out of character, right in front of them?

The development will have no access from Panmure Apartments, which will result in months and months of disruption, noise pollution and nuisance to adjacent properties with heavy plant and vehicles using car parking, which is in short supply in the first place, in front of homes on Tay Street/Princes Street.

In conclusion, I do not support this planning application in any way.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr Lindsay Duncan

Address: 33 Tay Street Monifieth Dundee DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Many serious objections to this development.

Fence around the whole area will cause substantial loss of light and overshadowing, an unsightly barrier and potential hazard to road users due to reduced visibility.

The proposed access will cause a nuisance to both homes and owners of the Panmure Hotel apartments.

All trees in this development have Tree Preservation Orders on them and cannot be removed.

The properties' design, appearance and materials being used are not in keeping within the site boundary and are incompatible to a Historic Monifieth Building, (Panmure Hotel development), Ladies Panmure Golf Club and Princes Street/Tay Street housing built circa 1900, which are well established and preserved.

Development will involve heavy plant and other vehicles, causing disturbance and nuisance to residents for months on end.

Housing, Scottish Water, Roads, Sepa and others have all previously indicated a lack of support for this development.

Finally, I am reasonably sure that the people who bought the 'luxury apartments' of the Panmure Hotel development may very well not have done so if they had been advised that two houses were to be built right outside their windows.

Mr. L. Duncan

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mrs Lesley Lawson

Address: 5 Princes Street Monifieth Dundee DD54AW

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The recent development of the Panmure Hotel was done with regard to the history and style of the original building and has considerably enhanced the area. The proposed houses stuck in front of it and surrounded by six foot fencing on top of the wall will ruin its appearance and be totally incompatible with the apartments and the other houses on Tay Street and Princes Street.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mr David Denholm

Address: 51 Tay Street Monifieth DD5 4AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

It is our opinion that the development is contrary to Policy DS3 of the Angus Local Development Plan.

The proposed development does not fit in with the character and pattern of development in the surrounding area, does not contribute positively to a sense of place and does not in any way integrate sensitively within the setting of the historic Panmure Hotel building (built circa 1898) and established Princes Street houses (built circa 1900).

The Panmure Hotel building is a significant historic landmark within the local area and the development proposals detract primarily on the basis of the removal of vital landscape setting, loss of visual amenity, loss of mature landscaping, inappropriate and unsympathetic design proposals.

In our opinion the proposed development would create a negative impact on the Panmure Hotel building, its immediate context as well as the town of Monifieth and only serve to strengthen arguments for future development that is contrary to the best intentions of local and national planning policy.

We also share residents concerns over loss of light, over shadowing, fencing proposals, road safety and loss of mature trees.





Town Planning Consultants  
Millars House, Studio 2, 41a Gray Street,  
Broughty Ferry DD5 3BF  
Tel: [REDACTED]  
Email: [emelda@about-planning.co.uk](mailto:emelda@about-planning.co.uk)

**Ref:** 20/0024

**Date:** 7<sup>th</sup> February 2021

Mr J Wright  
Angus House  
Planning Service  
Orchardbank Business Park  
Forfar  
DD8 1AN

Sent by email: [WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)

Dear Mr Wright,

**THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, AS AMENDED (THE "ACT")**  
**Planning Application Reference : 20/00888/FULL - Erection of two dwellinghouses and associated works at Panmure Hotel Tay Street Monifieth Dundee DD5 4AX**

I write on behalf of my clients Mr & Mrs Blyth, who occupy the neighbouring property at 47 Tay Street. Their ground floor flat is directly affected by the proposal, as it is located to the northeast of the proposed houses.

I would be grateful if you could take into account the following objections and recommend refusal of this Planning Application.

### **Summary: Planning Objection**

My clients object to the proposal on the following grounds:

- Loss of Garden Ground: due to loss of garden ground, approved & secured as part of the approval for the conversion of their property (Planning Application Ref: 17/00974/FULL);
- Loss of Privacy/Overlooking: due to close proximity of proposed houses;
- Loss of Light/Overshadowing: due to close proximity of the proposed houses and the proposal for a 1.8m high fence in close proximity to habitable rooms within the flatted accommodation adjacent;

- Visual Impact on the Surrounding Area: due to an adverse impact on the street scene, brought about with the loss of open space, potential tree loss and through the design of the proposed houses and associated fencing;
- Inadequate Car Parking: car parking is not provided for within the proposal for the 2 proposed houses;
- Inadequate Access: Access details are not illustrated with the proposed submission and the Applicant has not provided detail how access can be achieved on land within their control;
- Flood Risk: No detail is provided to address this issue, noting the risk of this site;
- Surface Water Drainage: No details are provided to address this issue;
- Open Space Provision: The proposal will lead to a loss of open space provision, such space being previously secured by Angus Council through the Planning Approval for the 9no. flats;
- Affordable Housing: The cumulative provision of 2 additional houses, in addition to the 9 no flats already approved, results in a requirement for Affordable Housing provision for 2.75 units, this proposal for mainstream housing fails to comply with.

As you are aware, Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant Development Plan context is provided by the Angus Local Development Plan (ALDP), 2016. It is considered that the proposal conflicts with the following provisions of the ALDP and with other material considerations for the following reasons.

### **Angus Local Development Plan (ALDP), 2016**

#### **Policy DS1 : Development Boundaries and Priorities**

The application site is within a Development Boundary, however, the site is not specifically allocated for development and has been approved as garden ground in association with the approval by Angus Council (Ref: 17/00974/FULL) for the conversion of the former Panbride Hotel into 9 no. flats. This decision was granted in accordance with the submitted drawings including the stamped approved Proposed Site Plan, illustrated in Figure 1: Approved Proposed Site Plan.

Figure 2: Photograph of Amenity Space illustrates that the provision of this garden ground has been implemented in accordance with the terms of the consent.

Figure 1: Approved Proposed Site Plan

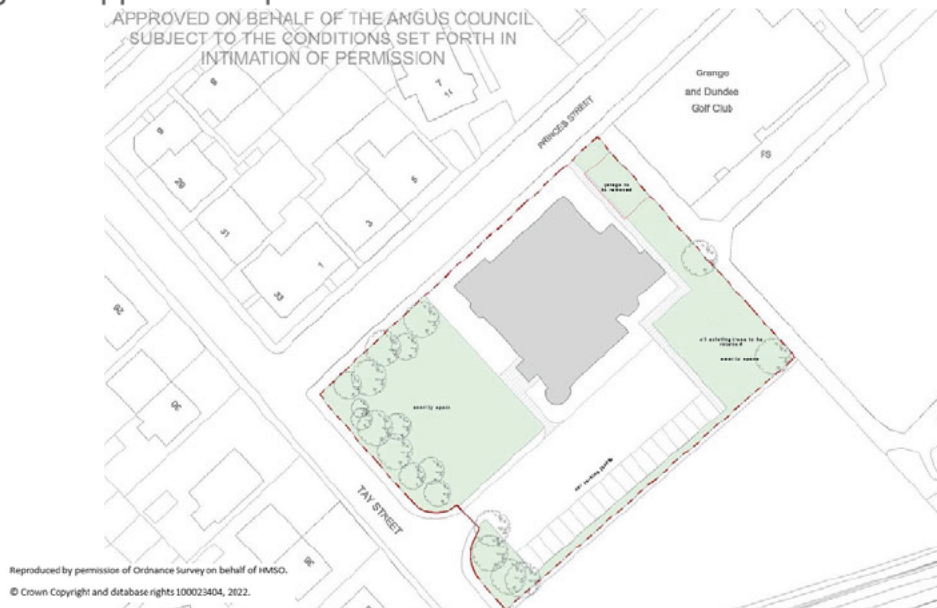


Figure 2: Photograph of Amenity Space



Policy DS1 states *“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.”*

This proposal relates to a site which is already “identified for development” having been secured as amenity space for the 9 no flats, approved by Angus Council under Planning Application Ref: 17/00974/FULL. Permission should not therefore be granted for a development which conflicts with this approval.

The proposal also fails to satisfy the stated Policy requirement of Policy DS1 that development needs to be *“...of a scale and nature appropriate to its location”*.

The proposal therefore conflicts with Policy DS1 : Development Boundaries and Priorities.

### Policy DS2 : Accessible Development

The consultation response from Angus Council (Infrastructure, Roads & Transportation) on Application Ref: 20/00888/FULL expresses concern, stating the *"...application, submitted drawing no. 5686\_P\_304A does not show where the proposed access(es) are intended to be formed. Clarification on the point would be helpful...In order to maintain the free flow of traffic on the existing public road, car parking should be provided for the two houses at a rate of two spaces per dwelling. The consultation response also recommends a number of access conditions relating to improved visibility splays."*

Regulation 9 *"Form and content of an application for planning permission"* of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires *"by such other plans and drawings as are necessary to describe the development to which it relates"* (Regulation 3b) and *where any neighbouring land is owned by the applicant, by a plan identifying that land"* (Regulation 3c)".

The proposal fails to comply with Policy DS2 on the following grounds:

- The proposal does not include the point of access within the application site, or clarify control of the land required for this access or associated improvements;
- Without such improvements (above), the proposal will impact on highway safety for vehicles, cyclists and pedestrians;
- The planning application is for detailed consent and does not provide for any car parking provision and fails to comply with Angus Council's car parking standards;
- The submitted Planning Application could be regarded as failing to comply with the above the above Regulations and therefore constitute an 'invalid' Application.

The proposal therefore conflicts with Policy DS2: Accessible Development.

### Policy DS3: Design Quality and Placemaking

Policy DS3 requires proposals to deliver a high design standard and draw upon 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.

The proposed two houses, remove valuable garden ground and result in overdevelopment, adversely affecting the amenity and privacy of the adjoining flats and adversely affecting the street scene by virtue of the unsympathetic design of the proposed houses. In addition, the proposal will result in the loss of existing trees and landscape features. The proposal therefore fails to comply with the detailed criteria of Policy DS3 as follows:

- Distinct in Character and Identity: The development will result in the loss of important townscape and landscape features;



- Safe and Pleasant: The proposal results in the loss of landscaping and open space approved through the consent for the 9 no. flats, to the detriment of the amenity of the flats and the street scene;
- Well Connected: The proposal fails to address access and parking requirements associated with the proposal, thereby failing to ensure confidence that the safety of existing pedestrian, cyclist and vehicle is secured in accordance with the requirements of the Roads Authority;
- Adaptable: The design of the development fails to support or be compatible with the approved flats adjacent;
- Resource Efficient: The proposal does not provide any detail on how it is designed to minimise environmental impacts and maximise the use of local climate and landform, but rather comprises the environment through the loss of this garden ground/trees. No details are provided on how the design of the houses complies with this issue and climate change targets.

The proposal therefore conflicts with Policy DS3: Design Quality and Placemaking.

#### Policy DS4: Amenity

Policy DS4 states that proposals must have full regard to opportunities for maintaining and improving environmental quality, that is, to protect amenity. The Policy states that *"...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 also consider the impact on noise, refuse collection, traffic, car parking and *"Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing"*.

The proposal conflicts with Policy DS4 and will result in a loss of amenity, for the reasons stated in relation to Policies DS1, DS2 and DS3 above, and for the following additional reasons:

- The erection of a 1.8 m fence in close proximity to habitable rooms within the flats will have an overbearing impact and lead to a loss of light and privacy;
- Pending the provision of the required detail on access and car parking arrangements, the associated impacts would inevitably lead to light pollution and noise disturbance;
- The proposed layout does not provide for the retention of the existing trees;
- Significantly (and repeated again) the proposal results in the loss of garden ground approved and secured by Angus Council with the conversion of Panbride Hotel to flats:

The proposal therefore conflicts with Policy DS4: Amenity.

#### Policy TC2 : Residential Development

Policy TC2 requires all proposals for new residential development, to be compatible 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



provision for affordable housing in accordance with Policy TC3 Affordable Housing. Within development boundaries proposals for new residential development will be supported where the proposal is consistent with the character and pattern of development in the surrounding area.

For the reasons provided above, it is considered that the proposal is contrary to Policy TC2. In addition, the proposal for 2 no. new houses, in addition to the 9 no. consented flats triggers a requirement for 25% Affordable Housing in accordance with policy TC3. Angus Council (Housing Division) has confirmed that this Application therefore triggers a requirement for 2.75 units, which this application neither complies with or provides for.

**The proposal therefore conflicts with Policy TC2: Residential Development and TC 3: Affordable Housing.**

#### Policy PV12 Managing Flood Risk

Policy PV12 requires that *“Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk may be required to undertake a flood risk assessment”*.

Angus Council (Flooding and Drainage) consultation response is unable to support the proposed development on the basis of the development causing a potential flood risk. The response notes *“...the proposed development lies partially within the medium probability of the fluvial (Monifieth Burn) and very close to the medium probability of the surface water flood envelope as given on SEPA’s indicative flood map.”*

**The proposal therefore conflicts with Policy PV12: Managing Flood Risk.**

#### Policy PV15 : Drainage Infrastructure

The Planning Application does not provide for details on proposals for Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and therefore conflicts with Policy PV15.

**The proposal therefore conflicts with Policy PV15: Drainage Infrastructure.**

#### Policy PV18 : Waste Management in New Development

The proposal does not provide details of the provision for the separate collection and storage of recyclates within the curtilage of the houses, as required by Policy PV18.

**The proposal therefore conflicts with Policy PV18 : Waste Management in New Development**



## Material Planning Considerations

It is also respectfully requested that Supplementary Planning Guidance (SPG) associated with the above Policies are taken into consideration in the determination of the Planning Application. In addition to SPG, it is considered that the following planning history is a material planning consideration in the determination of this Application.

### Planning History: Former Panbride Hotel

#### *Planning Application Ref: 17/00974/FULL - Conversion of the former Panbride Hotel to "form nine flats and associated alterations" (Granted 21<sup>st</sup> February 2018)*

The current proposal to erect 2 no. houses on the amenity space associated with the approved 9 no flats at the former Panbride Hotel breaches the consent granted by Angus Council in relation to Planning Application Ref: 17/00974/FULL for the retention of this garden ground with the approved 9 no. flats.

In concluding to grant the consent for the 9 no. flats, the Report of Handling (RoH) by the Planning Officer, makes it clear that the site subject to the current proposal for 2 houses, was a necessary component on granting approval for the 9 no. flats. The RoH confirms that *"A satisfactory residential environment would be created for the proposed flatted dwellings. The accommodation proposed is adequately spaced and would not result in an excessive number of small units. There is ample space for vehicle parking, bin storage and garden/amenity ground."*

#### *Planning Application Ref: 20/00382/FULL - conversion and extension of existing garage in to a single storey dwelling house at Panmure Hotel*

This application related to the conversion of the garage to the north east of the site, which is illustrated in Figure 1: Approved Proposed Site Plan. The Approved plan identifies that the site of the former garage was approved for demolition as part of the approval for the 9 no. flats, with the land concerned restored to amenity space in association with the flats.

The application was refused by Angus Council on 18<sup>th</sup> December 2020, on the grounds that the proposal was contrary to the policies of the ALDP. It is considered relevant that the following extract from the Report of Handling by the Planning Officer (assessing the merits of Planning Application Ref: 20/00382/FULL) supports my clients' objection, relating to the need to protect the original consent for the conversion of the former Panbride Hotel.

*"...The garage is considered to be part of the overall site of the former hotel and needs to be assessed on this basis. It is questionable whether it can be determined that the scheme relating to the hotel conversion has been implemented in accordance with the relevant planning permission as the garage was to be removed as part of that scheme in order to provide amenity space as part of a nine unit conversion. Whilst the retention of the garage an incidental structure to that development may in itself not amount to a*



*significant issue in planning terms, the attempt to utilise the structure that should have been removed to achieve an additional unit would significantly alter the relationship between the building and the adjacent flats as a result of an intensification in the use of the associated land."*

The Planning Application, subject to this objection, also seeks to contravene the principles for the provision and retention of open space established and agreed under Planning Application Ref: 17/00974/FULL for the conversion of the former Panbride Hotel to "form nine flats and associated alterations".

The consideration applied above, by Angus Council, also applies to the current Application and for reasons of consistency in decision-making is supported.

### Summary

Having regard to S25 of the Act, the proposal is considered to conflict with Policies DS1, DS2, DS3, DS4, TC2, PV5, PV12, PV18 15 and PV18 of the ALDP. There are further material considerations in further support of refusal of Planning Application Ref: 20/00888/FULL for the reasons stated.

We would be grateful, having regard to the above, for the refusal of this Planning Application by Angus Council.

If you have any queries on this application or would wish to discuss the above comments further please do not hesitate to contact me.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Emelda Maclean MRTPI  
About Planning Ltd



[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

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

Think green – please do not print this e-mail

---

[REDACTED]

**Sent:** 09 July 2021 15:37

[REDACTED]

**Subject:** Planning Application 21/00888/FULL Land adj. Panbride Apartments

Dear Mr Wright,

I refer to the amended plans submitted on the above Application, which now provide for car parking provision.

I would confirm that the original objection submitted on behalf of my clients, Mr & Mrs Blyth remains.

In addition, we are concerned with the new access / parking to the 2 houses detailed would not be feasible, due to the width of the single lane 'hardstanding and footpath' and lack of access rights.

I would be grateful for confirmation of receipt.

Regards

Emelda

Town Planning Consultants  
Millars House  
Studio 2,  
41a Gray Street  
Broughty Ferry  
Dundee  
DD5 3BJ



# **Comments for Planning Application 20/00888/FULL**

## **Application Summary**

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

## **Customer Details**

Name: Mr S Campbell

Address: 2A Princes Street Monifieth DUNDEE DD5 4AW

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam,

Please see below, the reasons why I object to the proposed planning application.

1. Style/Materials - These are not sympathetic nor complimentary to the existing Panmure Hotel development, the site boundary walls, the Panmure Ladies Golf and the adjoining houses.
2. Vehicular access - Access will be via the existing Panmure Hotel development main entrance and round in front of the main building. This is a narrow pathway for pedestrians and residents to access to parking bays, bins and the grounds, this access will be compromised. There is not sufficient room for traffic and pedestrians.
3. Close proximity - The pitched roofs will be close to the main Panmure Hotel development, blocking out the view, restricting natural light and reducing privacy for those residents who's windows will face straight onto the two houses.
4. 1.8m fence - This will ruin the current aesthetic. The fence will be so close to the main building apartments, blocking out light, spoiling the open aspects for residents and reducing visibility for pedestrians.
5. Access on to/from Tay street and Princes Street will be compromised. These are already busy thoroughfares with golfers, caravans, dog walkers, cyclists, kids off to the play park. Obscuring the view with a 1.8m fence and two houses will be dangerous to those who use it.
6. Construction - works will involve 6+ months of disturbance, pollution and inconvenience for residents who will have restricted access and egress via Tay St.
7. Loss of green space - The mature trees have TPOs and are protected for the enjoyment of the local community.
8. Traffic - Traffic is already heavy and parking is a nightmare for local residents. Additional traffic to/from the proposed site will add to this predicament.
9. Impact on existing services - SEPA & SW have advised of their objection to the plans.

## Comments for Planning Application 20/00888/FULL

### Application Summary

Application Number: 20/00888/FULL

Address: Panmure Hotel Tay Street Monifieth Dundee DD5 4AX

Proposal: Erection of two dwellinghouses and associated works

Case Officer: James Wright

### Customer Details

Name: Mrs Kathleen Sim

Address: 39 Tay Street Monifieth Dundee DD54AX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1.No dimensions are highlighted however taking approximate sizing plus an 1.8 metre fence around the whole area this will create a an unsightly barrier, substantial loss of natural light and overshadowing.

2.The proposed access and exit to the 2 proposed houses is from a narrow road in front of Panmure Apartments and with a potential for a minimum of 4 cars there is no width to the narrow road which will create major disruption and nuisance to both homes and owners of the apartments.

3.The proposed access/exit for all residents on Tay Street will be further compromised by the erection of such fence will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the fence, wall and trees. Cars exiting Princes Street onto Tay Street will also have significant reduced vision due to the fencing with roads having previously rejected the previous application.

4. All trees are protected by TPO's placed on them

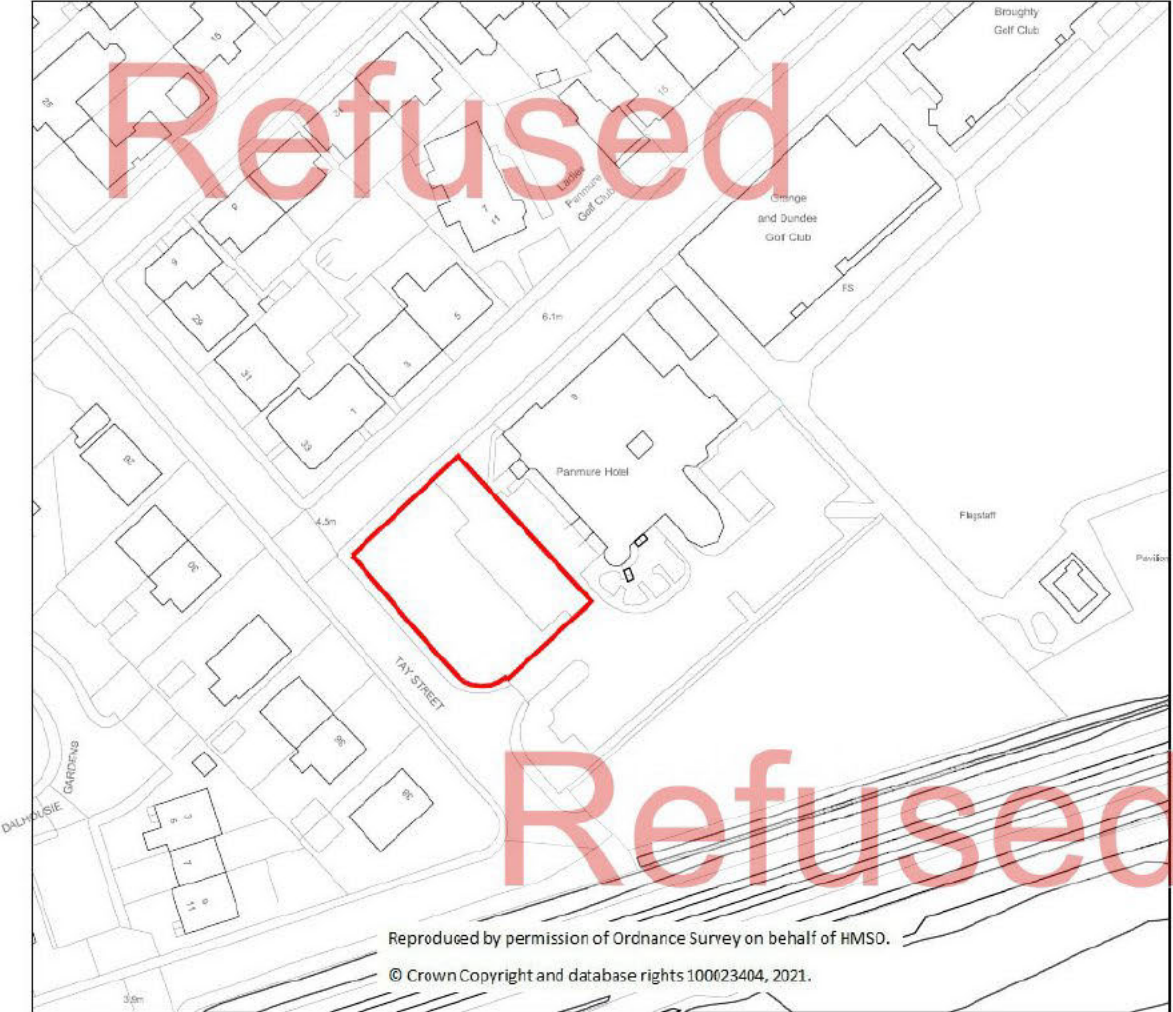
5. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel), Ladies Panmure Golf Club and Princes Street houses built circa 1900. I refer to Plannings Decision regarding submission 20/00382/Full with these comments.

The proposal is contrary to policies DS4 and TC2 of the Angus Local Development Plan (2016) because the proposal would result in a significant and unacceptable adverse impact on the residential amenity of neighbouring housing and would not create a satisfactory residential environment for the proposed dwelling.

6. The fencing around both properties will give a stockade visual appearance which is not in keeping with adjacent properties.

7 .Any development will involve heavy plant and machinery with over 6 months of disruption to residents.

8. Housing, Scottish Water, Roads, Sepa and others had previously indicated lack of support for this development.



panmure hotel, monifieth.

location plan 5686.1250.01  
1:1250 @ A4



0m 10m 20m 40m 60m 100m

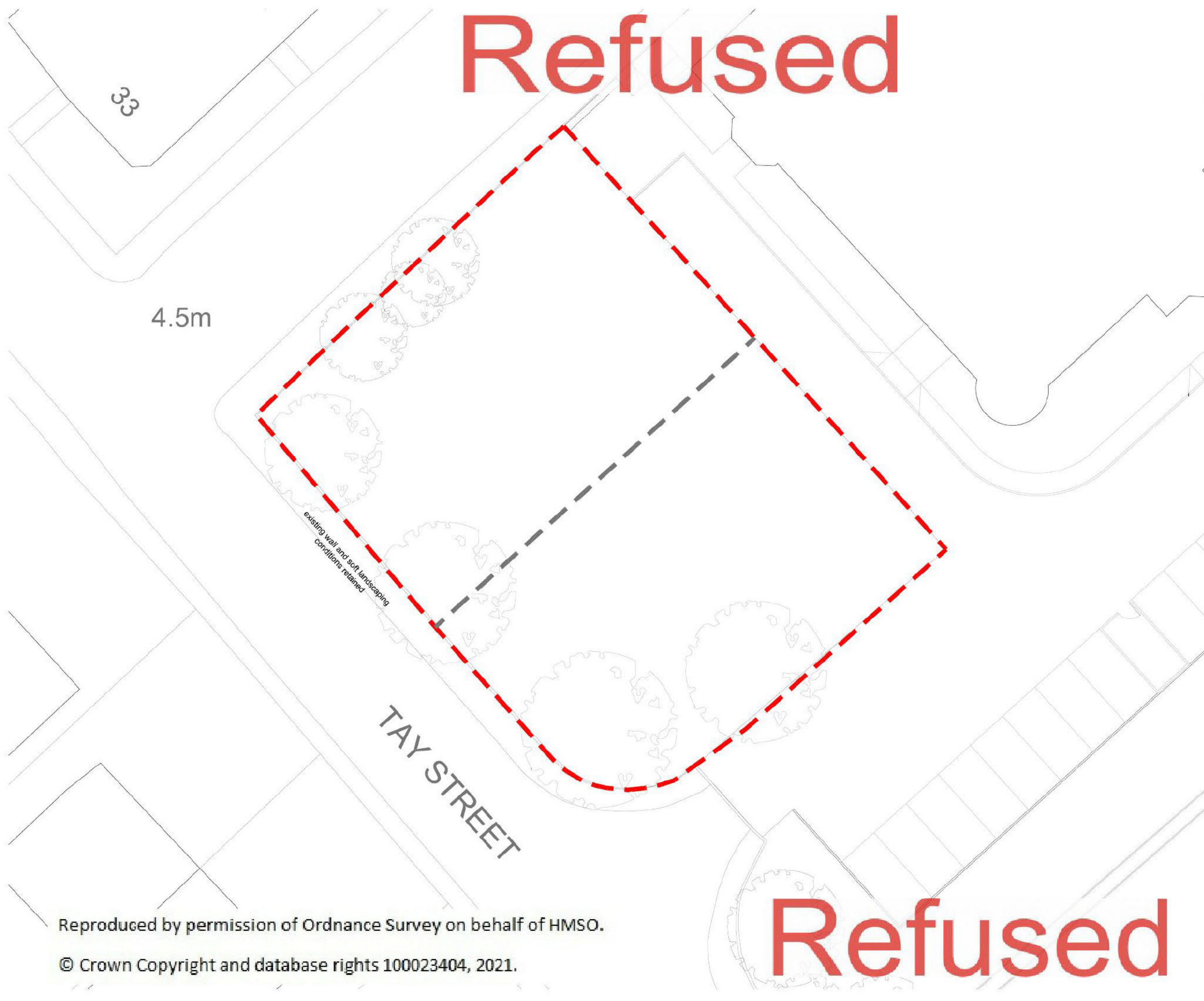
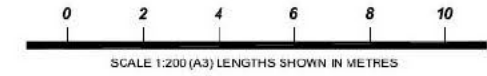
this drawing is protected by copyright. it may not be reproduced in any form or by any means for any purpose, without gaining prior written permission from jon frullani architect ltd

jon frullani architect

e: jon@jfarchitect.co.uk t: 01382 224828  
w: jonfrullaniarchitect.co.uk m: [REDACTED]

# Refused


AC25

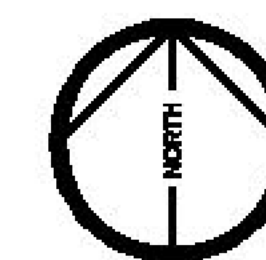


Reproduced by permission of Ordnance Survey on behalf of HMSO.

© Crown Copyright and database rights 100023404, 2021.

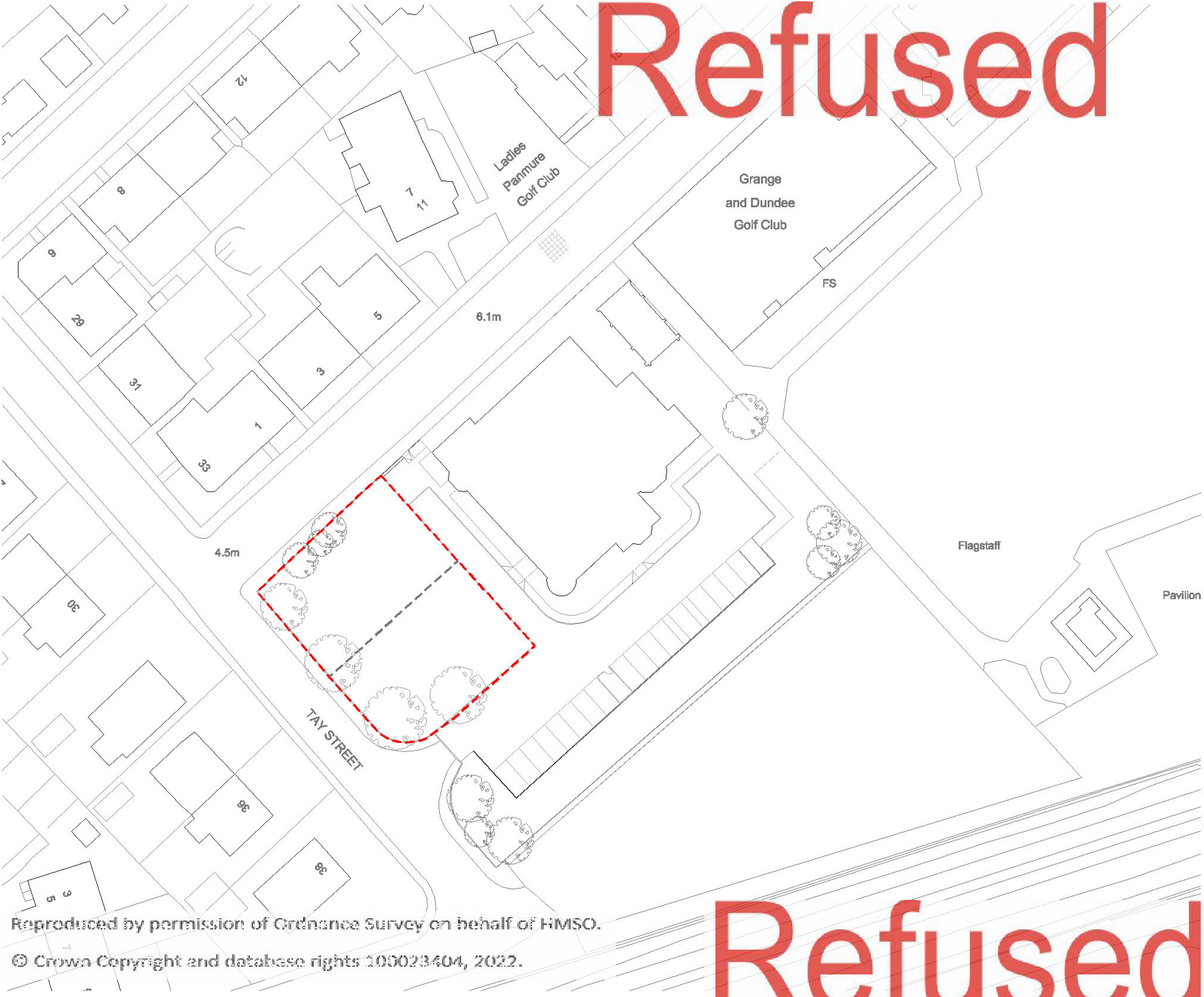
# Refused

Project 5686 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Existing Site Plan	
Monifeth DD5 4AX		Issue Status Planning	Drawing No. 5686_P_303
Designer KM	Date Jun 2020	Scale 1:500@A3	Revision C
<small>           t: 01382 224828 m: [redacted] e: jfm@frullaniarchitect.co.uk w: frullaniarchitect.co.uk f: facebook.com/jfrullaniarchitect            a: unit 5, district 10, greenmarket, dundee, scotland G11 4QB            this drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose, without getting prior written permission from Jon Frullani Architect Ltd.         </small>			



0 5 10 15 20  
SCALE 1:500 (A3) LENGTHS SHOWN IN METRES

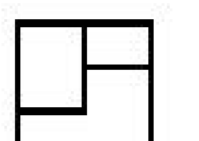
# Refused



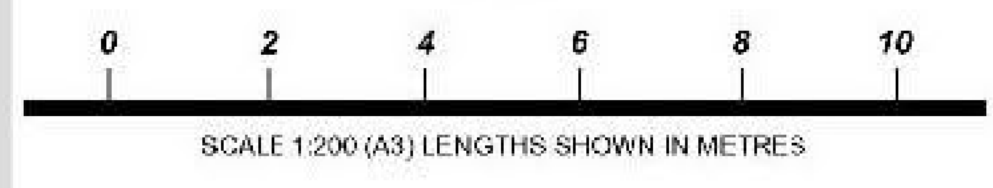
Reproduced by permission of Ordnance Survey on behalf of HMSO.

© Crown Copyright and database rights 100023404, 2022.

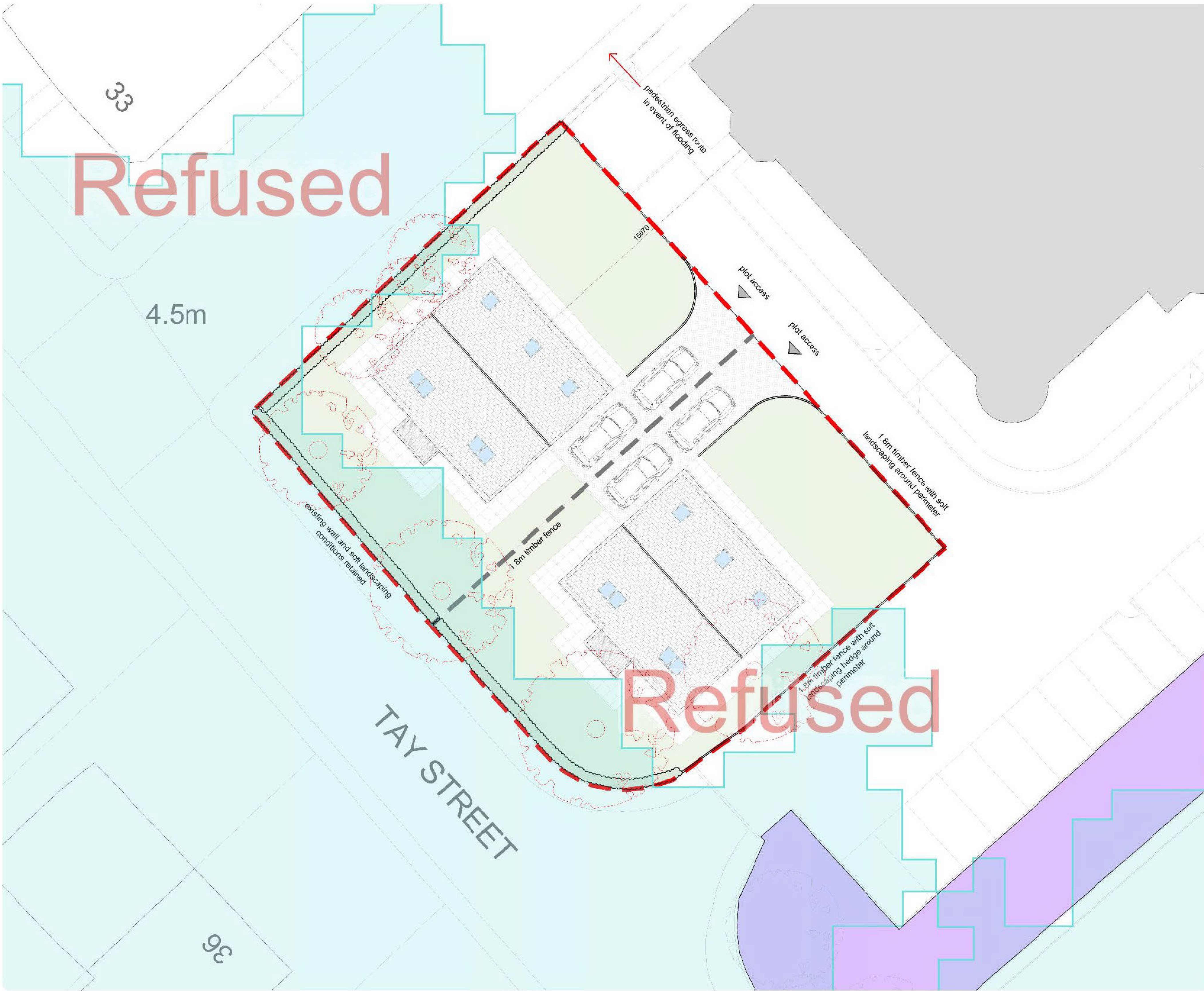
# Refused

Project 0580 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Block Plan	
Mortfeath D16 4AX		Issue Status Planning	Drawing No. 6080_P_302
Designer KM	Date Jun 2020	Scale 1:500@A3	Revision -
<small>           © 01362 284220 m: 07792 284220            e: jon@frullani.co.uk w: frullani.co.uk f: facebook.com/frullani            ac: 1182 5, district: 10, groundmark: 4, unres, d11 4gb            This drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose without written permission from the author or his firm.         </small>			



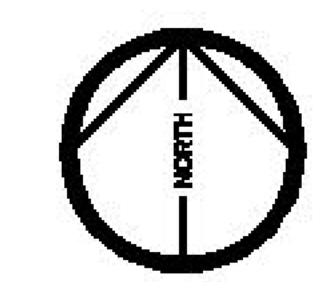


flood risk area as extracted from predicted Q200 + climate change flood extent plan (JBA consulting, 2019)

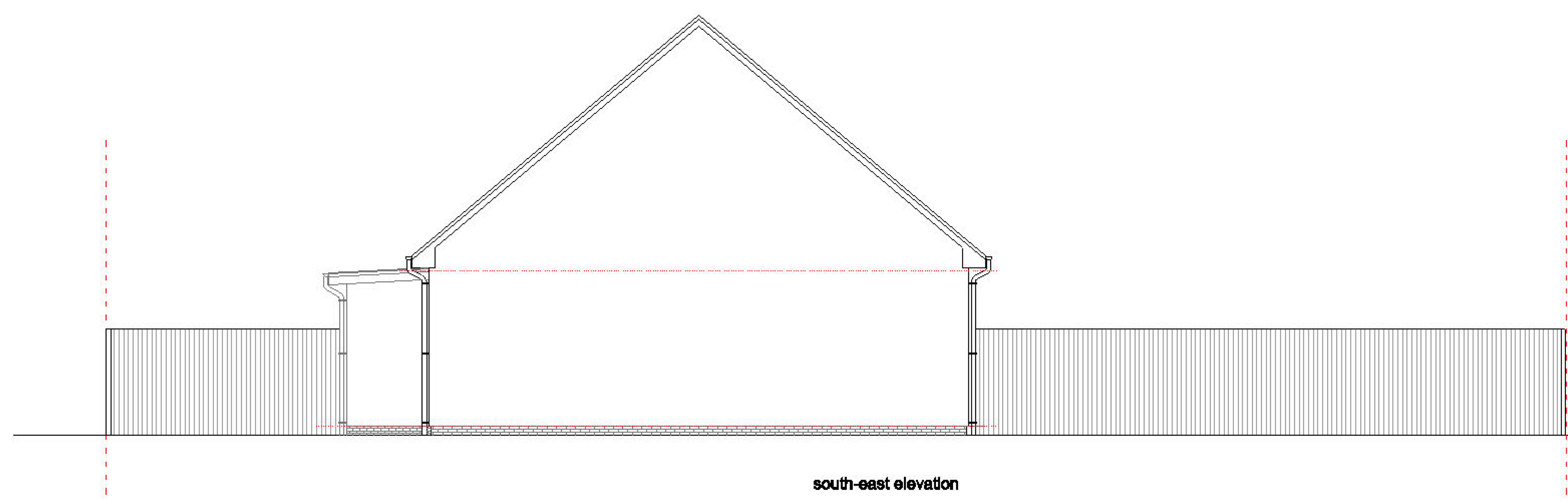


- Revisions :**
- C RS 07.06.2021
  - Site plan layout amended
  - D RS 14.06.2021
  - E RS 23.06.2021
  - Blue boundary removed

Project 5686 - Proposed New Builds		 <b>JON FRULLANI ARCHITECT</b>	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Proposed Site Plan	
Manifest DD5 4AX		Scale Ratio Planning	Drawing No. 5686 P 304
Designer KMRS	Date June 2021	Scale 1:200@A3	Revision E
<small>           t: 01352 221826    e: info@jonfrullani.co.uk    w: jonfrullani.co.uk            u: unit 5, district 10, greenmeadow, dunfermline, sc14 4gh            this drawing is protected by copyright. It may not be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written permission of the architect.         </small>			



# Refused



south-east elevation

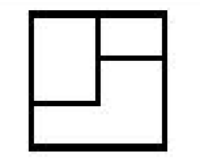


# Refused



south-west elevation

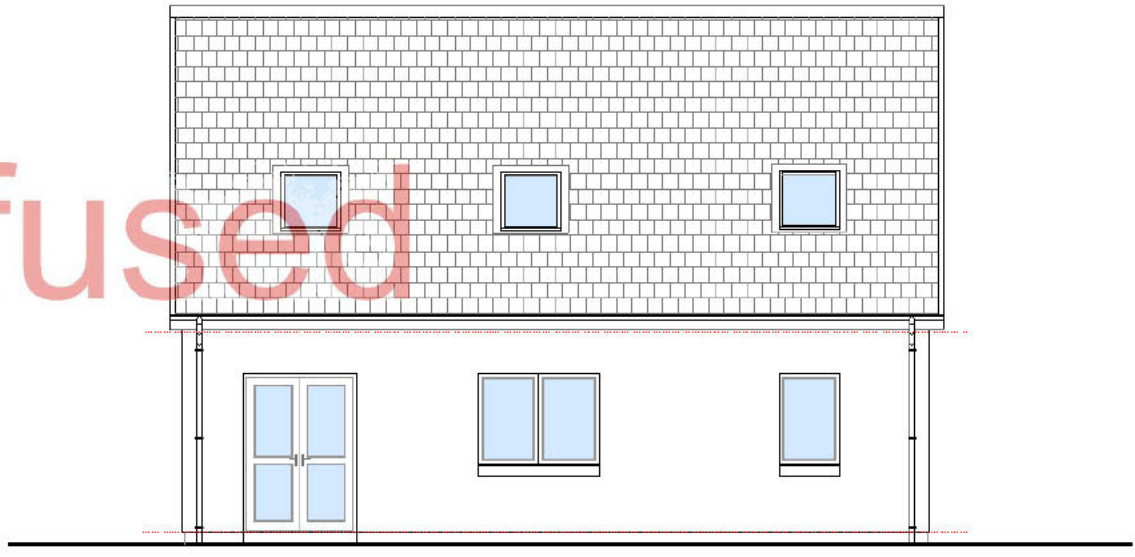
Revisions :  
A RS 07.06.2021  
450mm reduction in width of each house

Project 6686 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Proposed Context Elevations	
Mortified DD6 4AX		Issue Status Planning	Drawing No. 5886_P_307
Designer KM	Date Jun 2020	Scale 1:100@A3	Revision A
<small>           t: 01382 224828 m: 0988888888            e: jon@frullaniarchitect.co.uk w: frullaniarchitect.co.uk f: frullaniarchitect.co.uk            u: 11th St, Glasgow G1 1JL, Glasgow G1 1JL, Glasgow G1 1JL            This drawing is protected by copyright. It may not be reproduced or used for any other purpose without getting prior written permission from Jon Frullani Architect.         </small>			

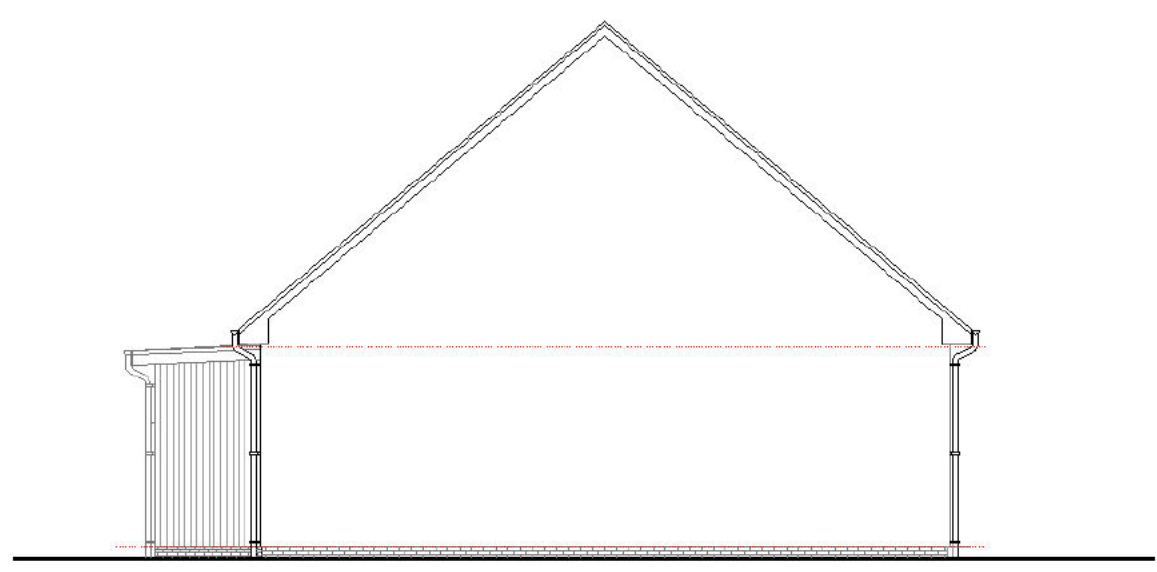


0 1 2 3 4 5  
SCALE 1:100 (A2) LENGTHS SHOWN IN METRES

Refused

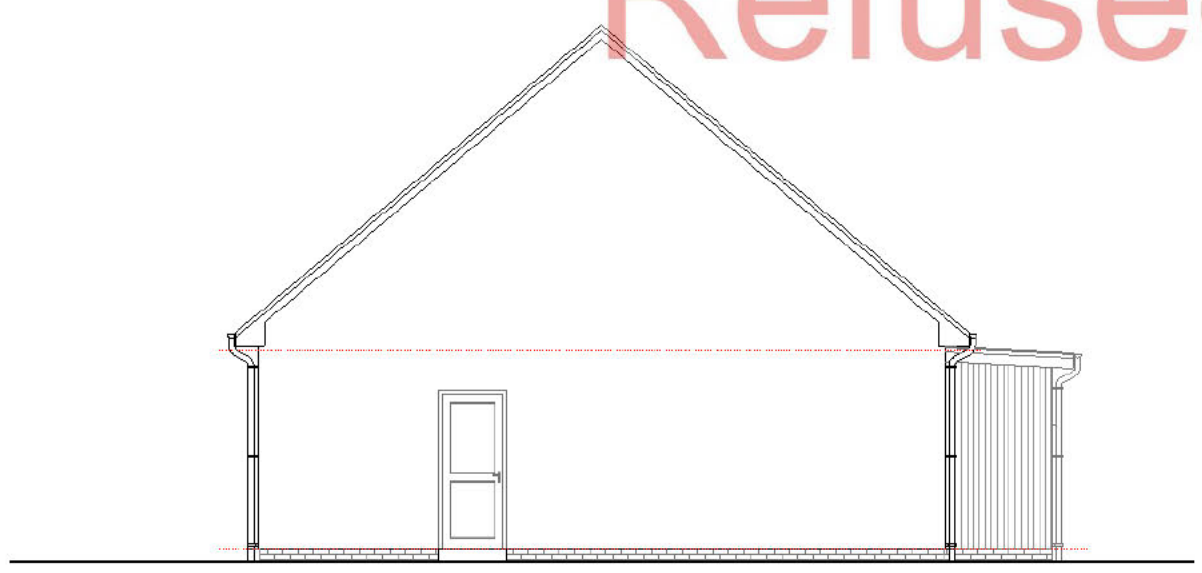


north-east elevation



south-east elevation

Refused



north-west elevation


- materials**
- walls**  
off white render
- roof**  
concrete tile
- windows & doors**  
high quality white upvc
- cills**  
pre-cast concrete cills
- basecourse**  
buff colour facing brick
- rainwater goods**  
black upvc
- soffits & fascias**  
upvc soffits and fascia

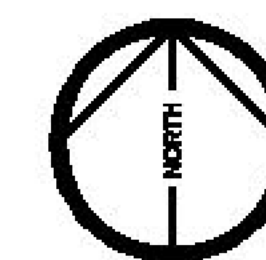
Refused




south-west elevation

Revisions:  
A RS 07.08.2021  
450mm reduction in width of each house

Project 5888 - Proposed New Build		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Farmure Hotel, Tey Street Nonfesh DD6 4AX		Drawing Title Proposed Elevations	
Designer JM		Date Jun 2020	Scale 1:100@A3
Revision		Drawing No. 5888_P_308	
<small>           t: 01382 254188 m: 01382 254189            e: jon@jfrullani.co.uk w: jfrullani.co.uk f: facebook.com/jfrullani            ac: 1875 0182 10, gowanus, london, uk            All drawings are protected by copyright. It may not be reproduced in any form or by any means for any purpose, without the prior written permission from the author.         </small>			

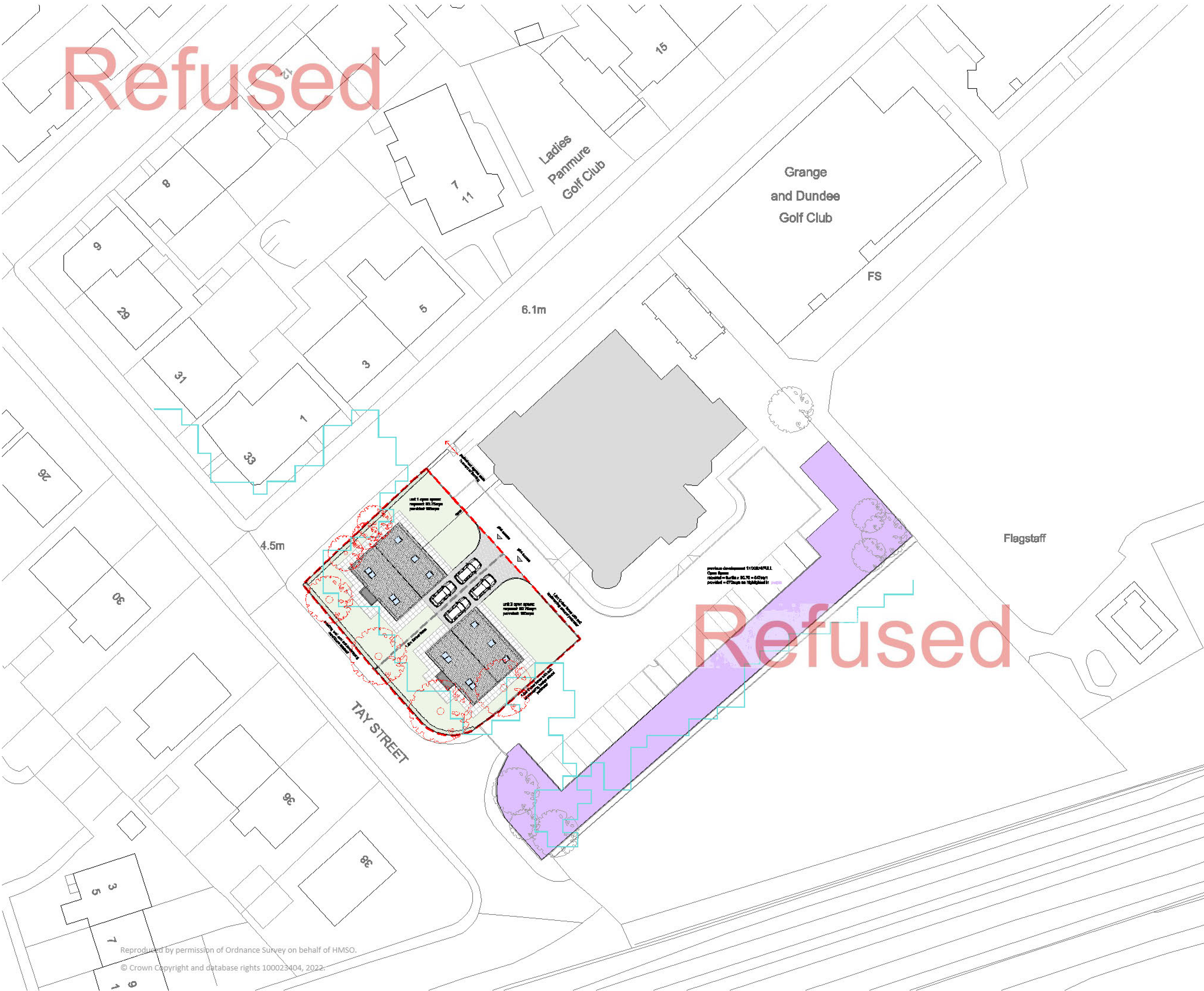


0 5 10 15 20  
SCALE 1:500 (A3) LENGTHS SHOWN IN METRES

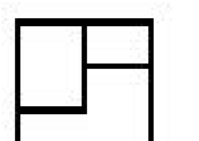
 flood risk area as extracted from predicted Q200 + climate change flood extent plan (JBA consulting, 2019)

# Refused

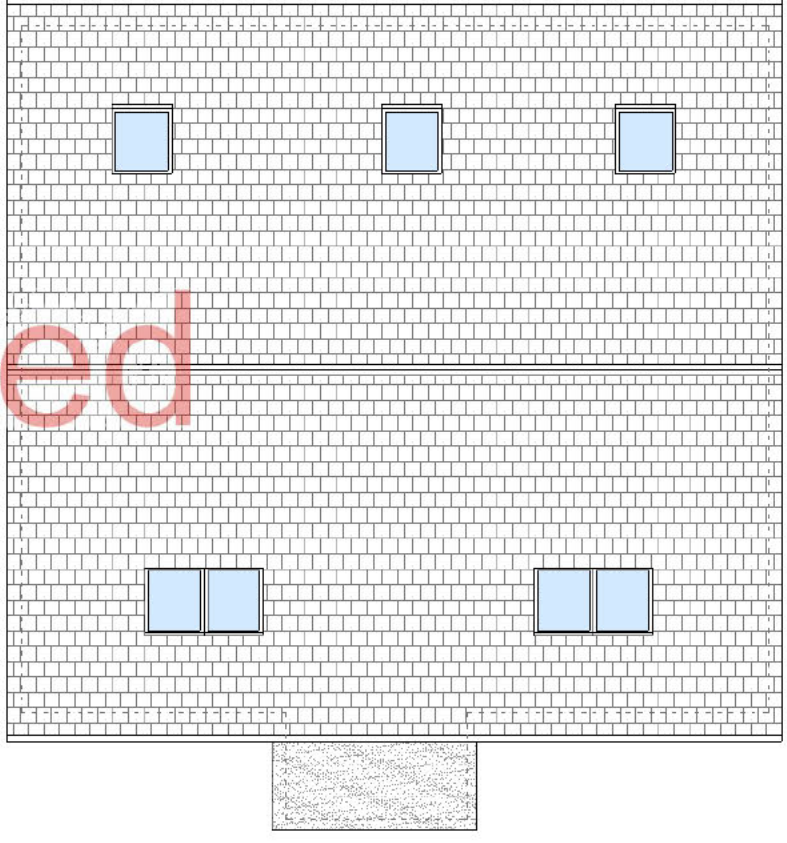
# Refused



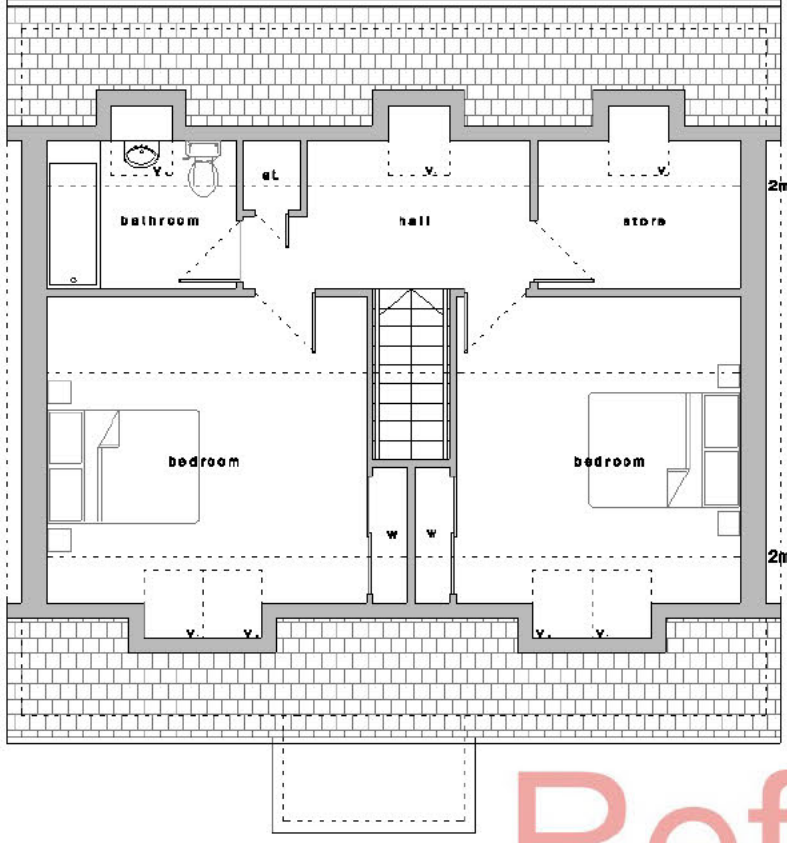
Revisions :  
A RS 23.06.2021  
Blue boundary removed

Project 6586 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Extended Site Plan	
Mortfile# DID6 4AX		Issue Status Planning	Drawing No. 6086_P_308
Designer KM/RS	Date June 2021	Scale 1:500@A3	Revision A
<small>           © 01362 284288 m: 07792 284288            e: jon@frullani.co.uk w: frullani.co.uk f: facebook.com/frullaniarchitect            a: unit 5, district 10, greenmarket, sturston, d11 4gp            this drawing is prepared by wjw/485. It may not be reproduced in any form or by any means for any purpose without written permission from the author/submitter.         </small>			

Refused

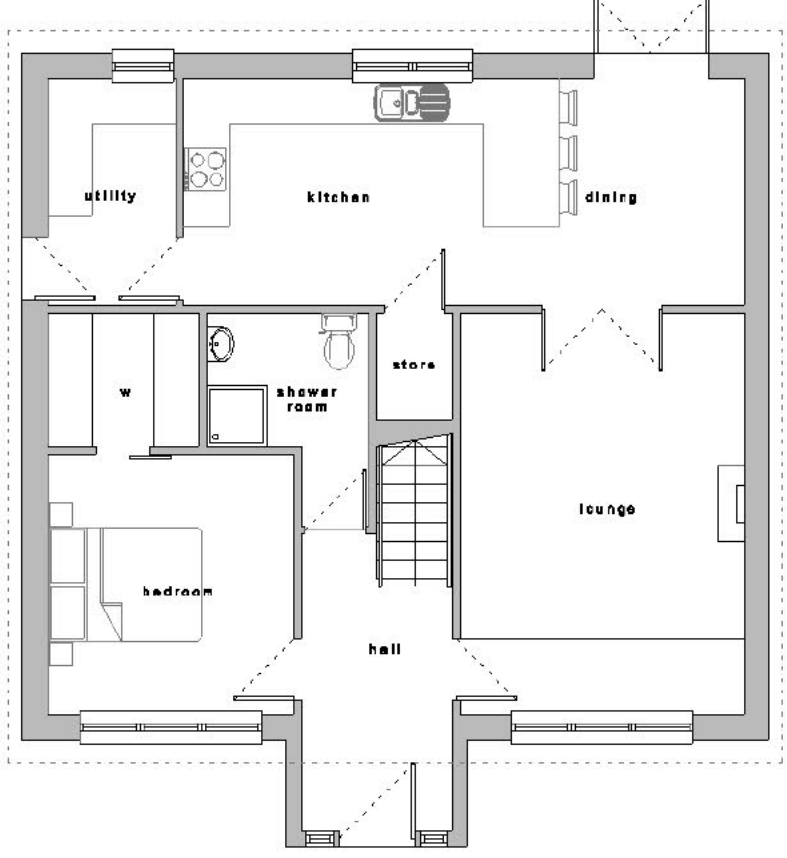


roof plan



first floor plan

Refused



ground floor plan

Revisions :  
A RS 07.08.2021  
450mm reduction in width of each house

Project 5888 - Proposed New Build		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Furniture Hotel, Tey Street		Drawing Title Proposed Floor Plans	
Non/With DD6 4AX		Issue Status Planning	Drawing No. 5888_P_305
Designer JM	Date Jun 2020	Scale 1:100@A3	Revision A
<small>           t: 01362 254188 m: 01362 254188            e: jon@jfrullani.co.uk w: jfrullani.co.uk © jfrullani.co.uk/jfrullani            as with 5, clerkenwell, london, w1t 4qj            this drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose, without the prior written permission from the author and/or his firm.         </small>			

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

PLANNING PERMISSION REFUSAL  
REFERENCE : 20/00888/FULL

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

With reference to your application dated 13 January 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Erection of two dwellinghouses and associated works at Panmure Hotel Tay Street Monifieth Dundee DD5 4AX for Mr G Robertson**

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

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

1. The proposal is contrary to Policy 2 of TAYplan and Policy PV12 of the Angus Local Development Plan (2016) because the proposed residential development would be subject to an unacceptable level of flood risk due to its location on an undeveloped piece of land within the functional flood plain.
2. The proposal is contrary to policy DS3 and TC2 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance (2018) because the development is not consistent with the character and pattern of development in the surrounding area, would obstruct a prominent view of a locally important landmark building, and would adversely impact on the sense of place in this part of Monifieth.
3. The proposal is contrary to policies PV7 and PV5 of the Angus Local Development Plan (2016) because the development would result in the loss of trees that contribute to the townscape and amenity of the area, and insufficient information has been submitted to demonstrate that the loss of these trees would not impact on protected species.
4. The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) as it would result in an unacceptable impact on the residential environment of adjacent housing within the former hotel through the loss of its main useable amenity space; and because the development would adversely impact on the amenity of 47 Tay Street as a result of the close proximity of proposed boundary treatments to its main living room windows.
5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because it proposes development which is not of an appropriate scale and nature and is not in accordance with relevant policies of the local development plan, namely policies DS3, DS4, TC2, PV5, PV7 and PV12.

**Amendments:**

**AC26**

- 1 Amended Proposed Site Plan (drawing number 5686\_P\_304 Rev E), Amended Proposed Floor Plans (drawing number 5686\_P\_305 Rev A); Amended Proposed Elevations Plan (drawing number 5686\_P\_306); Amended Proposed Context Elevations Plan (drawing number 5686\_P\_307 Rev B); Amended Proposed Extended Site Plan (drawing number 5686\_P\_308 Rev A) ; submitted on 23/06/21 supersedes the drawings previously submitted. These drawings changed aspects of the layout including clarification on vehicular access points and boundary treatments.

Dated this **24 August 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
<b>Development Standards Committee/Full Council</b>	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>
<b>Delegated Decision</b>	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<i>Local Review Body – See details on attached Form 2</i>
<b>Other Decision</b>	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>



**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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

# PLANNING

## Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OUTCOME:** Outcome of the application:

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

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

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

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















Requested by: Jon Frullani

Sites: Former Panmure Hotel Monifieth

Date of survey: November 2020

Forestry/Arboricultural consultant: Martin Langton

Weather: Heavy rain

Tag	Species	Height (m)	Diam (m)	Stem Br <1.5m	Crown Spreads (m)				Height CC (m)	RPA Rad (m)	Age Class	Phys Cond	BS Cat	Est rem cont	Comments	Recommendations
					N	S	E	W								
988	Whitebeam <i>Sorbus aria</i>	11	0.65	1	2.0	3.0	4.0	3.0	5.0	7.80	M	Fair	B3	5-15	This tree has undergone extensive pruning work: There are many old unoccluded pruning wounds from the removal of lower limbs (crown raised) and a major limb from the west crown has been removed resulting in much epicormic growth. The crown appears unbalanced. There is girdling of the roots.	-
989	Lombardy Poplar <i>Populus nigra</i>	10	0.25	1	2.0	0.0	0.0	3.0	0.0	3.00	Y	Good	C1,2	20-40	Healthy tree with asymmetric crown.	-
990	Black Pine <i>Pinus nigra</i>	7	0.34	1	2.0	2.0	1.0	2.0	0.0	4.08	Y	Good	B2	20-40	Healthy tree.	-
991	Black Pine <i>Pinus nigra</i>	7	0.32	1	2.0	2.0	2.0	3.0	0.0	3.84	Y	Good	B2	20-40	Healthy tree.	-

Key:-

Stem branch&lt;1.5m: M = multi-stemmed; 2 = twin stemmed

Height CC: Height of crown clearance

RPA radius: radius of Root Protection Area

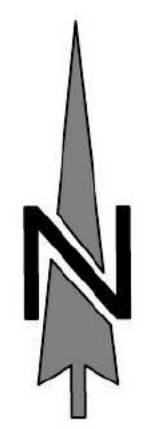
Age-class: 0-M = over-mature; M = mature; M-A = early mature; S-M = semi-mature; Y = Young

Phys cond: Physiological condition

Est. rem cont: Estimated remaining contribution (years).

Prel. Man. Res.: Preliminary management recommendations

Cat Grading: Category grading as per B.S. 5837: 2012.



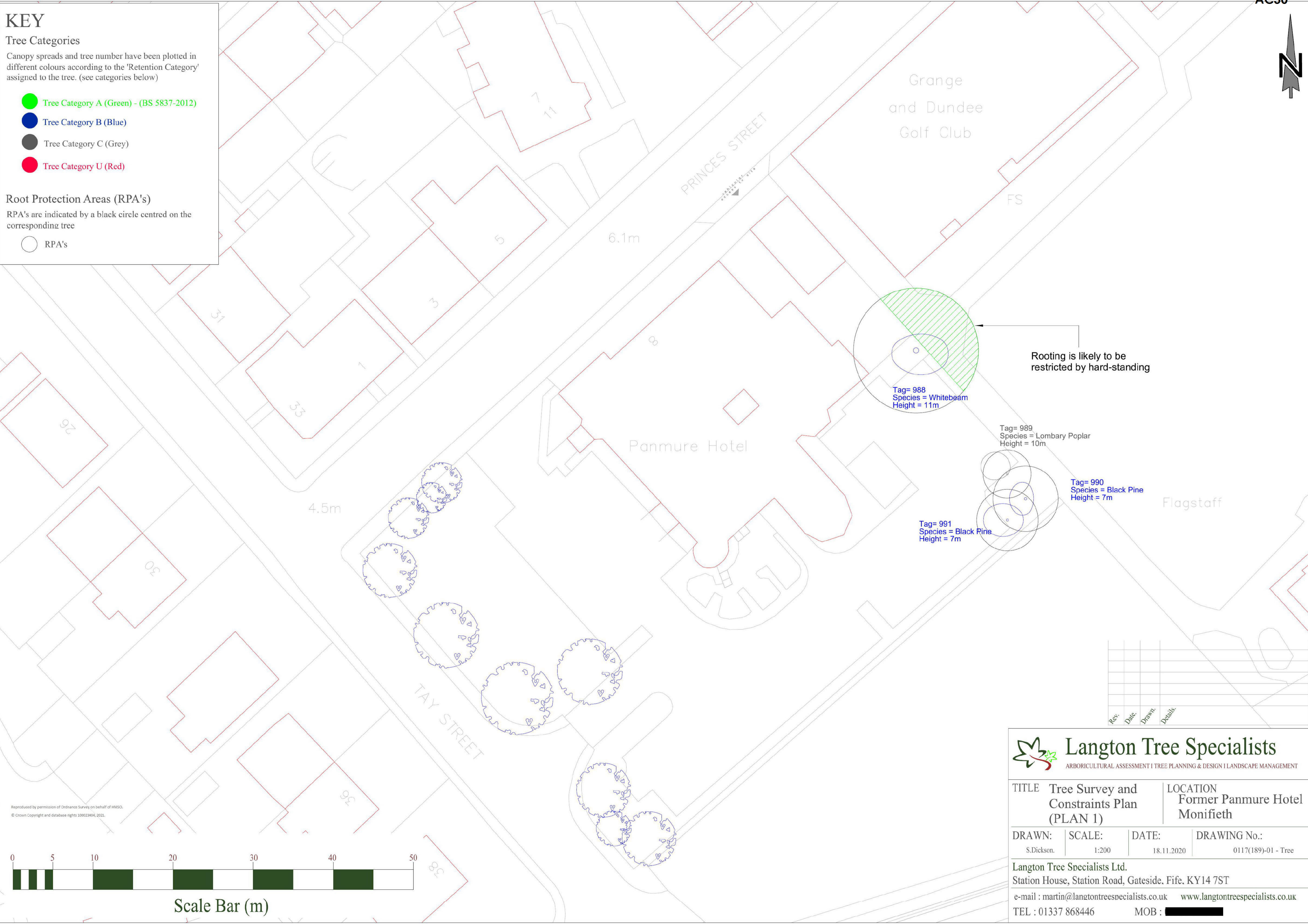
# KEY

**Tree Categories**  
 Canopy spreads and tree number have been plotted in different colours according to the 'Retention Category' assigned to the tree. (see categories below)

- Tree Category A (Green) - (BS 5837-2012)
- Tree Category B (Blue)
- Tree Category C (Grey)
- Tree Category U (Red)

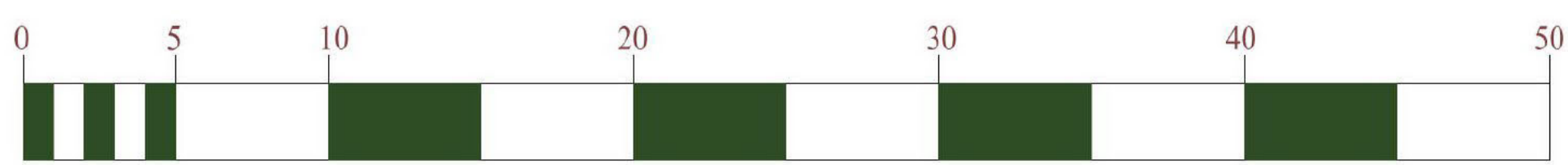
**Root Protection Areas (RPA's)**  
 RPA's are indicated by a black circle centred on the corresponding tree

- RPA's



Rev.	Date.	Drawn	Details

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



Scale Bar (m)



## Langton Tree Specialists

ARBORICULTURAL ASSESSMENT | TREE PLANNING & DESIGN | LANDSCAPE MANAGEMENT

<b>TITLE</b> Tree Survey and Constraints Plan (PLAN 1)		<b>LOCATION</b> Former Panmure Hotel Monifieth	
<b>DRAWN:</b> S.Dickson.	<b>SCALE:</b> 1:200	<b>DATE:</b> 18.11.2020	<b>DRAWING No.:</b> 0117(189)-01 - Tree
<b>Langton Tree Specialists Ltd.</b> Station House, Station Road, Gateside, Fife. KY14 7ST e-mail : martin@langtontreespecialists.co.uk    www.langtontreespecialists.co.uk TEL : 01337 868446    MOB : ██████████			

TREE SURVEY  
&  
ARBORICULTURAL REPORT

FOR

Trees at former Panmure Hotel, Monifieth

Requested by: Jon Frullani Architect  
Prepared by: Martin Langton  
Report reference: MGL  
Date: November 2020

## SUMMARY

This assessment has been carried out for Jon Frullani Architect as part of an application for planning consent for development.

One mature tree located on site at the former Panmure Hotel, Monifieth has been surveyed. Three further small trees out-with the site boundary have been surveyed for completeness. The trees have been assessed in the current context according to their suitability for retention in relation to BS 5837:2012 '*Trees in relation to design, demolition and construction-recommendations*' and in relation to development proposals for the site.

The tree on site is a mature Whitebeam, of large size for species. It is sited at the edge of the car park of the former Hotel and adjacent a tarmac lane and is currently partially fenced off. The tree details are provided in the Tree Survey Schedule at appendix 2.

The Whitebeam appears to be of sound structural condition, but with unbalanced crown. It has a history of pruning at the lower crown and is partially enclosed by hardstanding on the east and west sides. The tree is assessed category B under BS 5837: 2012 but is of relatively short term potential due to species, location, and age.

The above and below ground tree constraints have been plotted on the Tree Survey and Constraints plan, which accompanies this report at appendix 3. These include root protection areas (RPA), and crown spread. This plan has been requested to help inform layout and the design of tree protection measures.

Outline tree protection measures are prescribed in relation to retained trees. Further details can be provided if required.

## CONTENTS

Page No.

SUMMARY	1
TREE SURVEY DETAILS	3
1    Scope of survey and report	3
2    Survey method	4
3    The site	4
4    Existing trees	6
5    Tree constraints	8
6    Outline tree protection requirements	9
7    Arboricultural recommendations	11

## Photographs

## APPENDICES

1	Tree Protection Measures
2	Tree Survey Schedule
3	Tree Survey and Constraints Plan (plan 1) Outline Tree Protection Plan (plan 2)
4	Cascade of tree quality conditions BS 5837: 2012

## ARBORICULTURAL REPORT former Panmure Hotel, Monifieth

Brief: I have been instructed to survey the single tree on site, a mature Whitebeam, in accordance with British Standard 5837:2012 '*Trees in relation to design, demolition and construction-recommendations*' and assess the constraints which it (and nearby trees) pose to future development of the site. Outline recommendations are provided concerning protection of retained trees.

### TREE SURVEY DETAILS

#### 1 Scope of survey and report

- 1.1. This survey (and report) is concerned with the arboricultural aspects of the site only. The survey was carried out during November 2020.
- 1.2. It concerns the single mature tree on site. No other trees have been inspected.
- 1.3. The survey has been carried out following the guidelines detailed in British Standard 5837: 2012 '*Trees in relation to design, demolition and construction-recommendations*'.
- 1.4. With reference to Angus Council web site, the trees are not located within a Conservation Area. However, the Local Authority should be consulted to determine whether the trees are protected under Tree Preservation Order (TPO). No remedial tree work should be undertaken without first consulting with the Local Authority Planning Department.
- 1.5. Only trees of significant stature have been surveyed: trees with a stem diameter less than 75mm and dense shrub areas have been excluded.
- 1.6. No plant tissue samples have been taken and no internal investigation of the tree has been carried out.
- 1.7. No soil samples have been taken and or soil analysis carried out.
- 1.8. We have no detailed knowledge of existing or proposed underground services.
- 1.9. Tree location has been surveyed by others and is shown plotted on plan 1, the Tree Survey and Constraints Plan.



## 2. Survey method

- 2.1 The survey has been conducted from ground level with the aid of binoculars.
- 2.2 It is based on an assessment from ground level and examination of external features only – described as the ‘Visual Tree Assessment’ method per Mattheck and Breloer - stage 1 (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 2.3 I have estimated the height of each tree visually, having measured a sample of the trees using a hypsometer.
- 2.4 Trunk diameters of single stemmed trees have been measured at 1.5m above ground level.
- 2.5 The crown radii have been estimated by pacing and are given for the main compass points: north, south east and west.
- 2.6 Where access to trees was obstructed or obscured, measurements have been estimated.

## 3 The site

- 3.1 The site is located at the South Eastern outskirts of Monifieth and is at the North East end of the former Panmure Hotel. A narrow lane runs immediately beyond the north east boundary and the site is bounded by Princes Street at the North side. To the north east of the site is Grange and Broughty Golf Club House; the Monifieth Golf Links extends east of this. To the West and North West of the site is residential housing. Beyond the southern site boundary is an open car park; the railway runs east to west to the south of this. The site is bordered to the North and West by mixed residential housing.
- 3.2 The site includes a small single storey building and garage beside Princess Street and is marked by a low stone retaining wall along the North East boundary. The single tree on site, a mature Whitebeam, is located on the line of this wall (as seen at plate 1). A timber fence runs beside part of the wall and encloses the tree from the west side. The narrow site also includes monobloc parking areas associated with the Hotel and narrow areas of grass and shrubs. See plate 2.



Plate 1: View southerly of Whitebeam beside boundary wall and narrow tarmac lane beyond NE boundary. Note major crown bias to east, away from site

- 3.3 As well as the single tree on site, there is a group of 3 developing trees at the South East corner of the Hotel grounds (plate 3) and an area of tree cover at the West boundary of the Hotel, well out-with the site and not included in the assessment.
- 3.4 The topography on and adjacent site is relatively flat and even. Much of this is hardstanding as seen at plates 1 and 2. Soils appear to be mineral and relatively free draining.

### **Development proposal**

- 3.5 I have not seen a development proposal for this site.



Plate 2: View Northerly of Whitebeam with monobloc area to east. Note unbalanced crown and previous pruning at lower crown.

## 4 Existing Trees

### **General observations**

- 4.1 The single tree on site is a mature Whitebeam, this tree is referenced T988 on plan. Three further trees located out-with the site have been survey for completeness; these are referenced T989 to 991.
- 4.2 The location of the trees is shown on the Tree Survey and Constraints Plan (appendix 3). The tree details are shown on the Tree Survey Schedule, appendix 2.
- 4.3 The Whitebeam is of large size for species and has an unbalanced crown, weighted east away from the site. It has a history of crown lift pruning, with several unoccluded pruning wounds. The tree is located adjacent areas of hardstanding on all sides and it is likely that rooting will have been disturbed in the past and may now be somewhat restricted. The tree can be viewed in

glimpses along Princess Street but is more prominent from the Golf Course and from the South.

#### Other trees

- 4.4 Trees T989 to 991 include 2 small Black Pine and a single Poplar. They are developing in a small landscape planter at the South East of the site and provide some screening from the adjacent car park, as seen at plate 3.



Plate 3: View southerly of small group of trees T989 to 991 including 2 Black Pine and a single Poplar. Trees are located beyond site boundary at South East corner of former Hotel grounds

#### Tree condition and quality

- 4.5 Although the assessment of a tree's condition is a subjective process, British Standard 5837: 2012 gives clear guidance on the appropriate criteria for categorising trees and the factors that assist the arboriculturist in determining the suitability of a tree for retention.
- 4.6 The tree is categorised according to BS 5837: 2012 as follows. (These can be viewed in full at Table 1 of BS 5837: 2012) – see appendix 4:-

**Category U:** Trees of poor condition, such that any existing value could be lost within ten years and which, in the current context, could be removed for reasons of sound arboricultural management.

**Category A:** Trees of high quality and value: in such a condition to make a substantial contribution to amenity (a minimum of forty years is suggested).

**Category B:** Trees of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested).

**Category C:** Trees of low quality and value which might remain for a minimum of 10 years, or young trees with uncertain potential.

4.7 I have recorded the Whitebeam, the only tree on site, as category B3. It has relatively short term potential due to species, location, and age, but provides some screening and visual amenity.

4.8 The 2 Black Pine (T990 and 991) are assessed B2 and the Poplar is recorded Category C.

#### **Tree work required**

4.9 No remedial tree work is recommended in the current context.

## **5 Tree constraints**

5.1 Following inspection of the tree, the information listed in appendix 2, the Tree Survey Schedule, has been used to provide constraints guidance based on the location of the tree, the crown spread and available rooting.

5.2 The Root Protection Areas (RPA): (the area where ground disturbance must be carefully controlled) have initially been established according to the recommendations set out in table 2 and section 5 of BS 5837: 2012. This is based on the trunk diameter. In some instances root spread and morphology is likely to differ due to ground conditions, structures and site history (as set out in BS 5837: 2012 at sections 4.62 and 4.63): for example the rooting on each side of the tree is likely to be restricted to some extent by past excavation in construction of the boundary wall and areas of nearby hardstanding.

5.3 The crowns spread (and tree height) represent the above ground constraint to development. The above and below ground constraints, as discussed above, are shown on the Tree Constraints Plan (see plan 1, appendix 3).

5.4 The Whitebeam, as a 'B' category tree, represents a material constraint to development. The tree has some visual impact although it is of relatively short term potential and could be replaced by new planting if required. The 3 trees located beyond the site boundary are not likely to be impacted by site development.

#### **Tree retention**

5.5 Successful tree retention on this site will depend on the effective implementation and design of tree protection measures as outlined in section 6 of this report, as well as the general layout design.

5.6 Further advice on avoiding conflict between tree roots and infrastructure can be provided as required.

## 6 Outline tree protection requirements

### **Root Protection Areas (RPAs) and Construction Exclusion Zones (CEZ)**

- 6.1 In order for retained trees to be protected during construction and to flourish post-development, it will be essential to prevent root severance or compaction of soils within the Root Protection Areas.
- 6.2 The RPA dimensions are provided on the tree survey schedule and are calculated for most trees using the trees diameter: with measurements taken at 1.5metres for trees with a single stem, and above the root flare for twin and multi-stemmed trees.
- 6.3 Robust protective barrier fencing should be erected, preferably at the limit of the RPA, or adjacent hard-standing (or in a position to be agreed once final construction details are available) to form Construction Exclusion Zones around retained trees. **This must be done before any construction activity takes place or machinery is brought to site.**
- 6.4 The design of fencing suitable for purpose and compliant with BS 5837 is given at appendix 1. The fencing shall be at least 2.1m high and comprise of standard 'Heras' welded mesh mounted on a scaffold framework. All fencing must be fixed in to the ground to withstand accidental impact from machinery and to ensure that the protective area is maintained. Ground protection can be used in conjunction with Tree Protective Fencing as allowed for in BS 5837: 2012.
- 6.5 Further information can be provided as required

### **Underground utilities**

- 6.6 Guidelines set out in the National Joint Utilities Group publication NJUG *Volume 4, Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees* must be adhered to during excavation works close to or partially within the RPAs.
- 6.7 NJUG Volume 4 can be downloaded at <http://www.njug.org.uk>.

### Trees and construction: overview

6.8 Tree rooting is widely misunderstood, and it is a surprising fact that typically, 80% of roots will be found in the upper half metre of soil and often extend well beyond the canopy spread. Threat to trees from development comes from:-

- Root severance and fracture
- Compaction of the soil, preventing gaseous exchange and moisture percolation
- Possible changes to moisture gradients due to surface water run-off or interception
- Physical damage to low branches, trunk and root crown

6.9 The consequences for the tree of such damage are:-

- Instability, if severe enough
- Entry points for pathogenic fungi at wounds and fractures
- Loss of vitality and predisposition to pathogens

All of these can lead to root death which can cause a general decline or possible death of the tree.

6.10 As well as the physical footprint of any new structure, allowance needs to be made for the essential space requirements for construction activity. This includes machinery access, material storage and parking.

## 7 ARBORICULTURAL RECOMMENDATIONS

- 7.1 **Tree works:** and removals recommended in this report should be carried out by suitably experienced tree surgeons. Tree felling and pruning should comply with BS 3998: 2010 'Tree Work'.
- 7.2 **Statutory wildlife obligations:** The Wildlife and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004 provide statutory protection to birds, bats and other species that inhabit trees. All tree work operations are covered by these provisions. Prior to undertaking any tree work, the trees should be inspected by a suitably qualified ecologist for the presence of Bat roosts. If Bats and/or roosts are identified, Scottish Natural Heritage (SNH) should be contacted, and an agreement made with regard to measures to be undertaken to protect Bats before undertaking any work which might constitute an offence.
- 7.3 **Tree protection measures:** should be used to protect the retained tree as indicated in this report. The implementation of these measures and subsequent adherence should be supervised by an arboricultural consultant/and or the Local Authority tree officer.
- 7.4 **Replacement tree planting :** Any tree removal required to facilitate development should be mitigated by new tree planting of good quality trees in line with the character of the area. Further information can provide if required.

Martin Langton  
Bsc (Hons), For, MICFor, CEnv



## Appendix 1: Tree protection measures

### Tree Protection Fencing

Specifications (specifically outlined by outline box)

#### **Heras Fencing**

Heras fencing describes the 2.1m galvanised steel mesh panelled fencing normally supplied with pre-cast concrete bases. Bases can be replaced with a fixed wooden frame to which panels are clamped/firmly fixed. For extra stability, scaffold poles/4 x 4 wooden posts can be firmed in to the ground as supporting posts and supporting struts are to be attached at a 45 degree angle on the 'tree side' of the fencing and fixed in to the ground, as required.

#### **1.5m (min) Chestnut Paling Fence on Scaffold**

Chestnut Paling to be affixed to a scaffold framework comprising two horizontal braces (top and bottom) supported by vertical scaffold posts driven firmly into the ground at 4.0m or less. Angled supporting struts are to be affixed 'tree-side' as appropriate.

#### **1.5m (min) Chestnut Paling on wooden supporting frame**

Stakes – 1.8m half round 100mm diameter untreated posts @ 1.8m centres (or as directed).

- 2 x 38 x 87mm rails (motorway)
- 1.2m Chestnut Paling will be industrially stapled to the rails

Extra wooden supports to be affixed at an angle on the tree side of the fence.

#### **2.4m Hoarding**

3.0m 100 x 100mm square wooden posts

3 x 38 x 87mm wooden rails affixed to posts

2.4m x 1200mm outside grade ply panels (12mm) affixed to rails.

50 x 100mm angled supporting struts affixed internally (quantity as required).

(Supporting posts fixed into position using concrete. All posts holes to be hand excavated. Post holes to be no larger than 300 x 300mm.)

## Appendix 1: Tree protection measures continued

### Tree Protection Fencing

Default specification for protective barrier

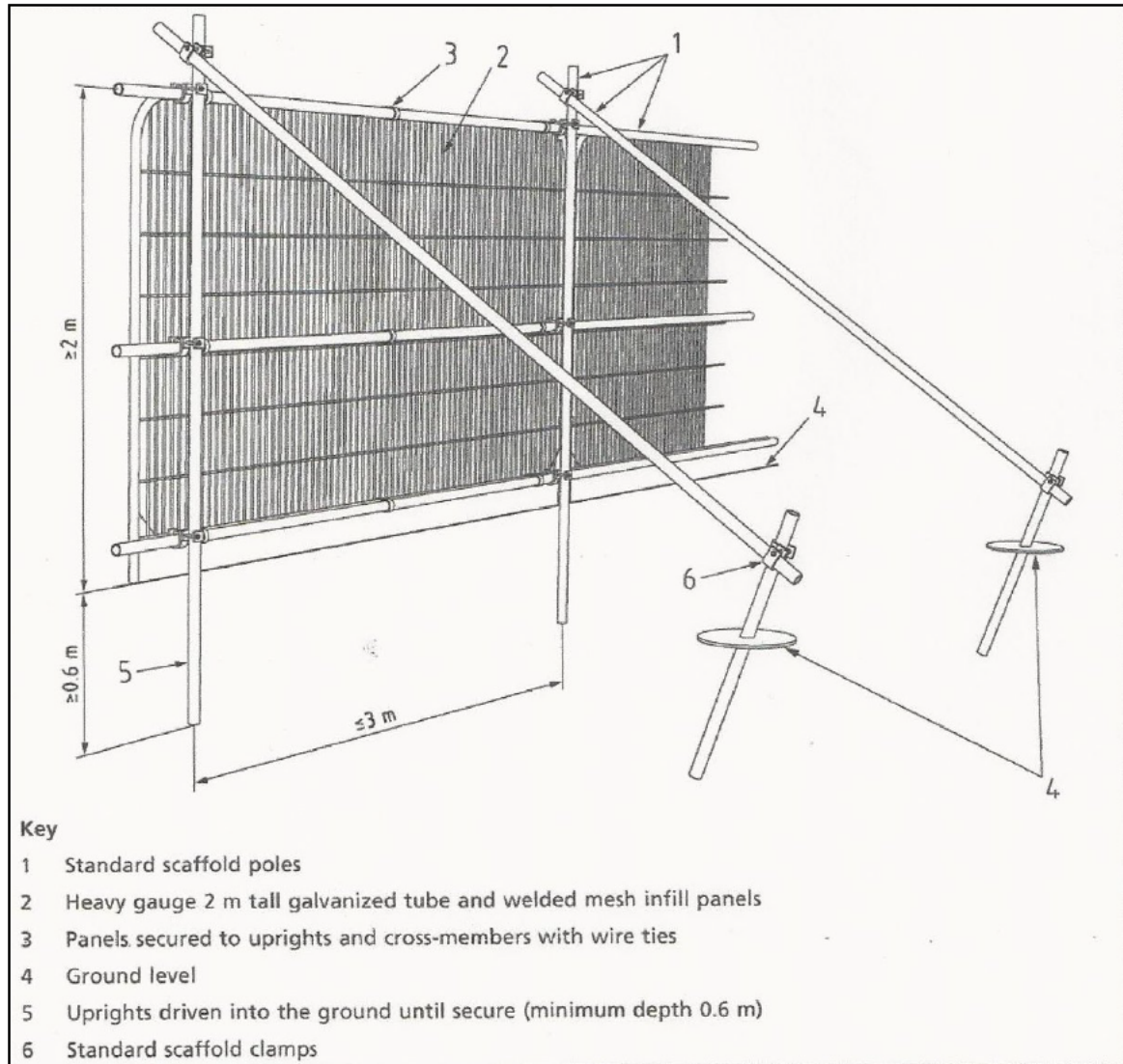
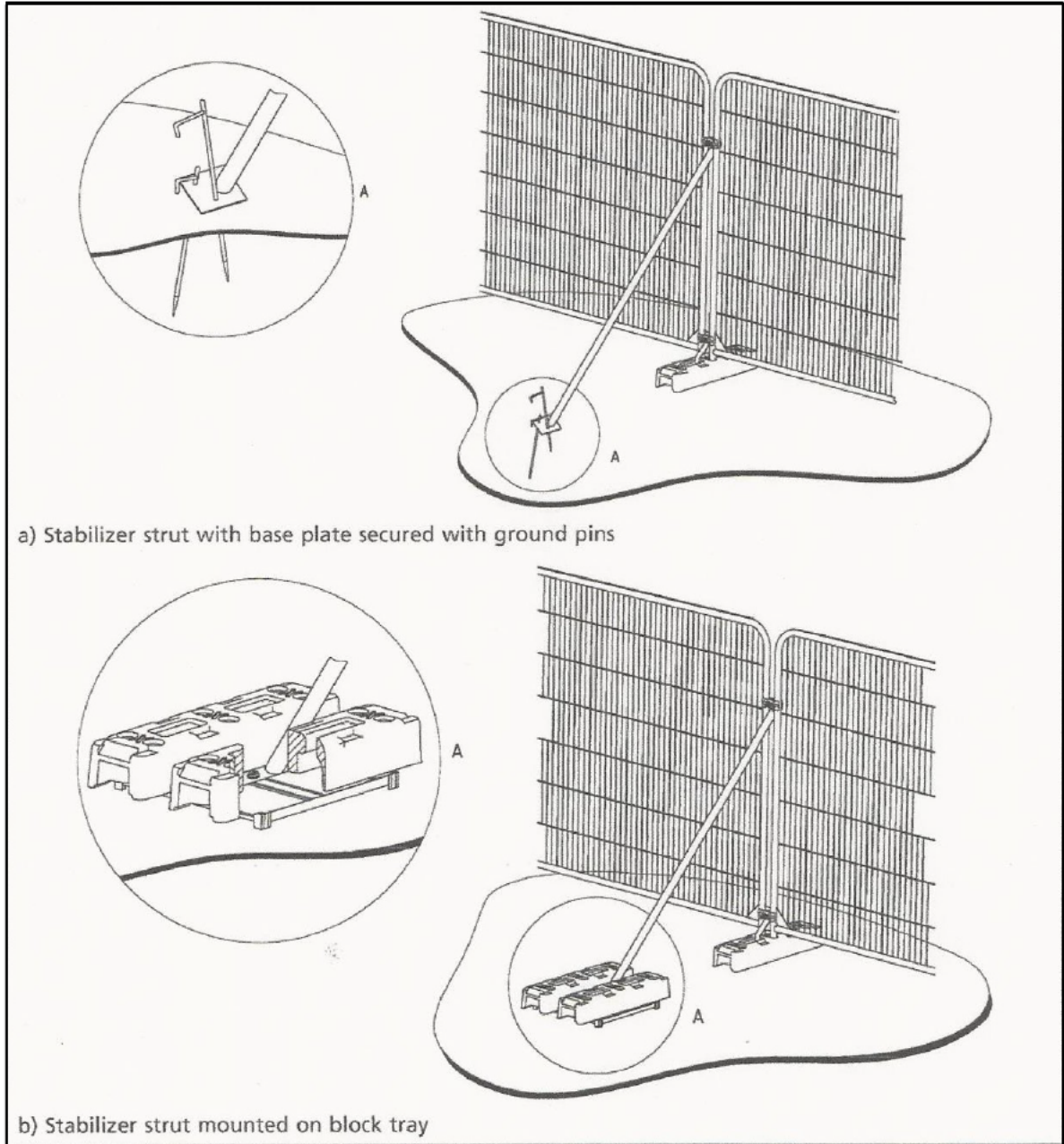


Figure 1: Tree Protective Fencing diagram from BS 5837: 2012

Appendix 1 continued

Figure 3 Examples of above-ground stabilizing systems (from BS 5837: 2012)



Appendix 2  
Tree Survey Schedule

## Appendix 3

### Tree Survey and Constraints Plan (Plan 1)

Appendix 4: Cascade chart for tree quality assessment: BS 5837: 2012

© The British Standards Institution 2012 • 9

Table 1 Cascade chart for tree quality assessment		Identification on plan
Category and definition	Criteria (including subcategories where appropriate)	
<b>Trees unsuitable for retention (see Note)</b>		
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>	See Table 2
<b>Trees to be considered for retention</b>		
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of at least 40 years	<p><b>1 Mainly arboricultural qualities</b></p> <p>Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)</p> <p><b>2 Mainly landscape qualities</b></p> <p>Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features</p> <p><b>3 Mainly cultural values, including conservation</b></p> <p>Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)</p>	See Table 2
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	<p>Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation</p> <p>Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality</p>	See Table 2
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	<p>Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories</p> <p>Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value, and/or trees offering low or only temporary/transient landscape benefits</p>	See Table 2

BS 5837:2012

BRITISH STANDARD

Millard Consulting,  
Seabraes, 18 Greenmarket,  
Dundee, DD1 4QB

t: 01382 227 380  
e: dundee@millardconsulting.co.uk  
w: millardconsulting.co.uk

Our Ref: AB/16074

5<sup>th</sup> November 2019

**Mr Kieran Mcadam**  
Jon Frullani Architect  
Unit 5  
District 10  
25 Greenmarket  
Dundee  
DD1 4QB

Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Dear Kieran,

## 2 No. PROPOSED HOUSES AT THE FORMER PANMURE HOTEL, MONIFIETH, ANGUS PRELIMINARY FLOOD RISK ASSESSMENT

Thank you for confirming that we should proceed with undertaking a preliminary flood risk assessment for the proposed housing development at the former Panmure Hotel in Monifieth. We have now completed the assessment and our findings are set out below.

### Project Description

The former Panmure Hotel is located off Tay Street in Monifieth, Angus. The former hotel building is currently being converted into 9 flats, however there is a proposal to construct 2 new houses within the former car parking and soft landscaped area of the hotel.

Access into the new houses will be taken from Tay Street which bounds the site to the south west.

The site location is shown bounded in red in Figure 1 below:

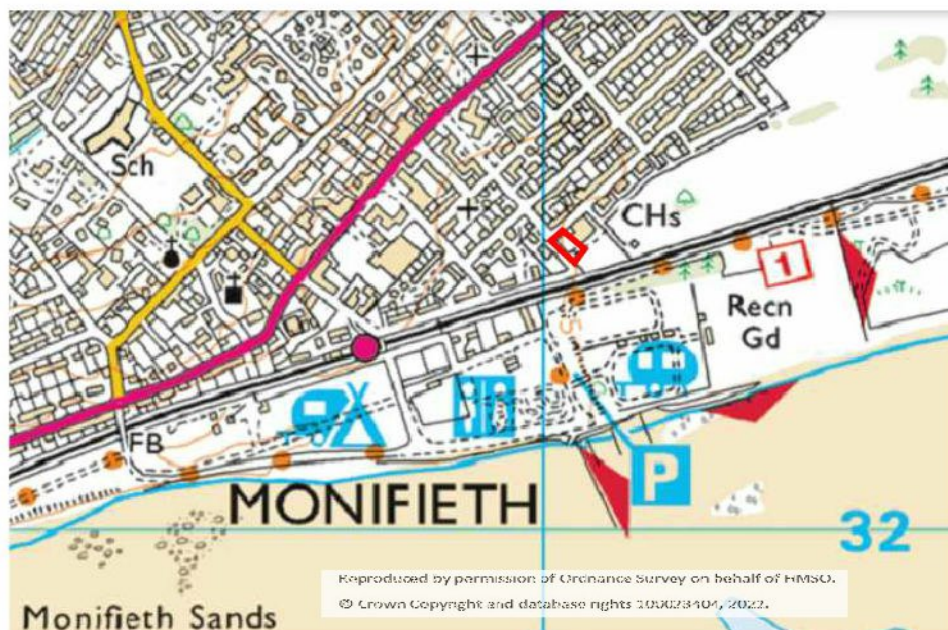


Figure 1 – Site location plan

An excerpt from Jon Frullani Architect drawing 5686\_P\_304 showing the proposed site layout for the development, is shown in Figure 2 below:



**Figure 2 - excerpt from Jon Frullani Architect drawing 5686\_P\_304 showing the proposed site layout for the development (Jon Frullani Architect, 2020)**

### **Scope and Methodology**

This preliminary flood risk assessment has been undertaken through the inspection of available mapping, liaison with SEPA and the consideration of available flood risk information.

A topographical survey has not been provided for the site, and hydraulic modelling has not been undertaken as part of this assessment.

This Flood Risk Assessment is carried out in accordance with the requirements of the Scottish Planning Policy (SPP) (Scottish Government, 2014).

### **Site Description**

The site is part of the site of the former Panmure Hotel in Monifieth, Angus. The former hotel building is currently being converted into 9 flats, however two new houses are proposed across an area of the site formerly used for car parking and soft landscaping.

The site is located at Ordnance Survey grid reference 350030, 732437, and is approximately 700m<sup>2</sup> in size. To the north west the site is bounded by Princes Street, while Tay Street bounds the site to the south west. The former Panmure Hotel building is located just beyond the north eastern boundary, while an access to the hotel building forms the south eastern boundary. A car park is located beyond the hotel building access to the south east serving the nearby Monifieth Golf Links, with a railway line located further beyond.

The site is within an urban area, however a short distance to the east, just beyond the former Panmure Hotel building, Monifieth Golf Links is located. The links is a substantial open area, which is relatively



flat in nature. The railway is located some 35m south east of the site. Beyond the railway line in a south easterly direction, approximately 250m from the site, Monifieth sands is located on the Tay Estuary.

A topographical survey on the site has not been undertaken, however by inspection the site is relatively flat, with a gradual slope towards Tay Street. It is estimated that the masonry wall along the boundary of the site with Tay Street, is approximately 0.9 to 1m higher than the footway midway along the boundary.

As well as the River Tay which is located some 250m south east of the site, the Monifieth Burn is located in close proximity. As it passes the site the Monifieth Burn is culverted. The culvert extends from the north eastern side of the junction between Ramsay Street and Brook Street, approximately 400m north east of the site, along Brook Street to its junction with Tay Street, before changing to a south south easterly direction, discharging into the River Tay beyond Marine Drive. The outfall location is approximately 90m south of the entrance to Riverview Caravan Park, which is situated between the Tay Estuary and the railway.

Upstream of the culvert, the Monifieth Burn has an open course generally, however there are several structures along its course facilitating access routes. From the inspection of Ordnance Survey mapping, a tributary channel joins the Monifieth Burn approximately 270m upstream of Ramsay Street. This tributary appears to run an open course for approximately 65m upstream of the Monifieth Burn, however would appear to be culverted upstream of this point.



**Photographs 1 – Looking north eastwards towards the site from Tay Street. The site extends across the grassed area in the centre of the photograph. As can be seen the site sits significantly higher than Tay Street. The top of the masonry boundary wall is approximately 0.9m to 1m above the back of the footway in the vicinity of the large tree in the top left of the photograph.**



**Photograph 2 – A view of the Monifieth Burn culvert which runs past the site, at its upstream end at Ramsay Street.**



**Photograph 3 – Taken from the same location as Photograph 2, looking upstream on the Monifieth Burn**



**Photograph 4 – Outfall from Monifieth Burn onto Monifieth Sands in Tay Estuary**

### **Consideration of Flood Risk**

#### ***Regulatory Framework***

SEPA's "Flood Risk and Land Use Vulnerability Guidance" provides classifications for particular development uses, outlining which flood zones are generally suitable for the development of each classification. The uses are split into five classifications; most vulnerable, highly vulnerable, least vulnerable, essential infrastructure and water compatible. The guidance places dwellinghouses within the "highly vulnerable" category. Hotels are also within the "highly vulnerable" category.

The guidance splits land into four flood risk zones, which are as follows:

- Little or no risk of flooding (areas with less than 0.1% annual probability of flooding, or alternatively described as areas outwith the 1 in 1000 year return period flood extent)
- Low to medium risk of flooding (areas with between 0.1% and 0.5% annual probability of flooding, or alternatively described as the area between the 1 in 1000 year and 1 in 200 year flood extents)
- Medium to high risk within built up areas (areas with greater than 0.5% annual probability of flooding within an urban area)
- Medium to high risk within undeveloped and sparsely developed areas (areas with greater than 0.5% annual probability of flooding within undeveloped and sparsely developed areas)

Based on the aforementioned guidance, land uses within the "highly vulnerable" classification, i.e. proposed dwellinghouses and hotels, would generally be suitable outwith the 1 in 200 year flood extent.

Following the SEPA guidance, flood risk would need to be assessed across the site area for a 1 in 200 year flood event. The change in use from hotel to residential does not constitute an increase in vulnerability of use, but it must be ensured that the proposed development is acceptable with respect to flood risk.

### ***SEPA Flood Map***

The SEPA flood map shows the roads adjacent to the site being at risk of surface water flooding during a 1 in 200 year flood event, while the fluvial flood risk is shown surrounding the site. It appears the SEPA flood map shows a limited proportion of the site flooded by the fluvial 1 in 200 year flood extent.

### ***Additional Flood Risk Information***

In 2019 JBA Consulting completed a flood risk assessment on the Monifieth Burn in the vicinity of the site for Angus Council. The final report and output showing the 1 in 200 year flood extent, including climate change, has been obtained. The climate change allowance applied was 35%, in accordance with current SEPA guidance.

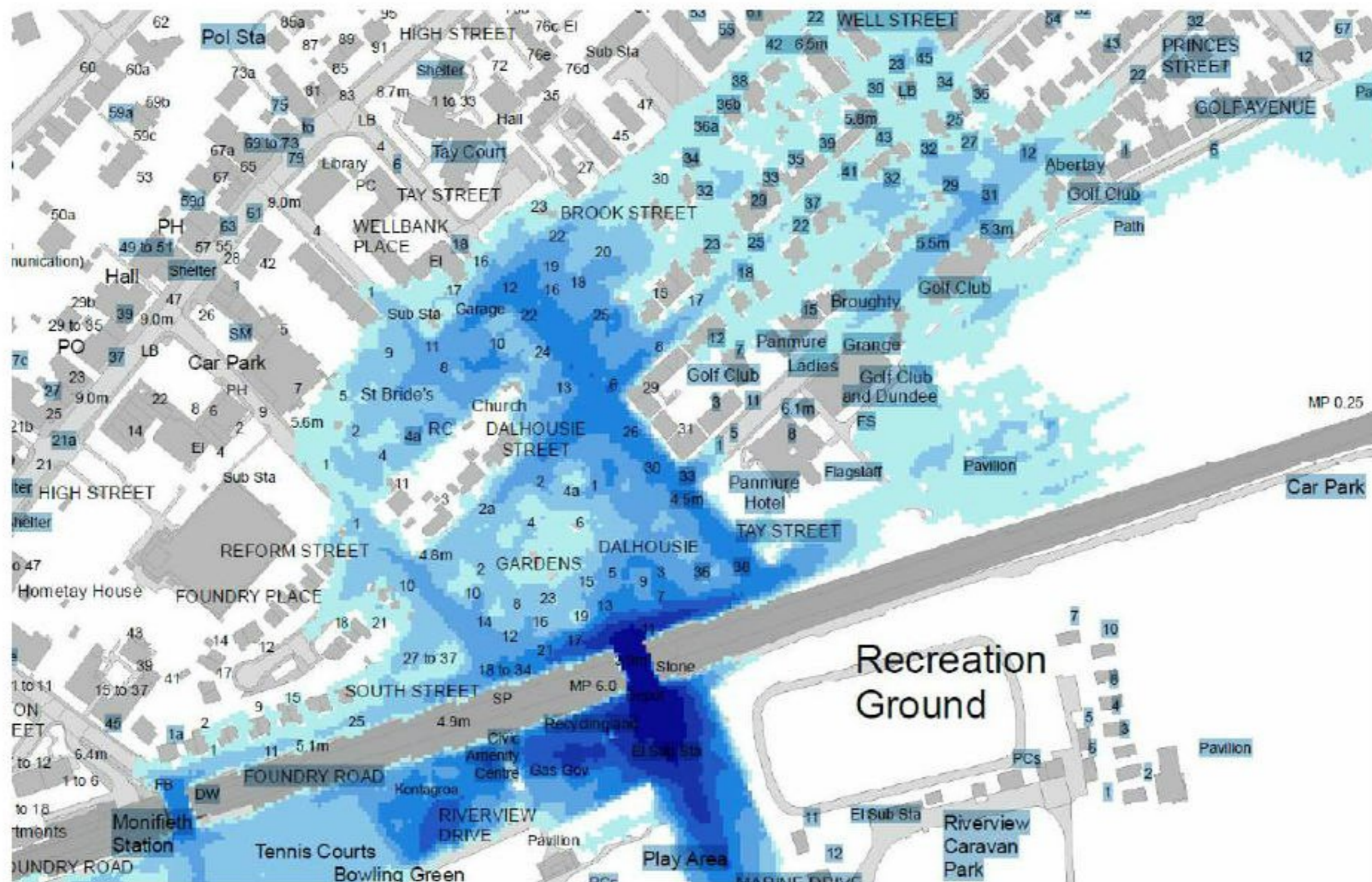
The report considers flood risk from the Monifieth Burn and the impact of high tide levels on the watercourse. The findings show that a limited proportion of the site is within the 1 in 200 year flood extent, including climate change, around its boundaries with adjacent roads. A significant proportion of the site is however shown to be outwith this flood extent.

The report results show a significant area of flooding in the vicinity of the site, with 116 buildings predicted to flood during a 1 in 200 year flood event.

The 1 in 200 year plus climate change flood extent defined by JBA Consulting shows maximum flood depths of between 0.75m and 1m on Tay Street adjacent to the site. Princes Street is also subject to flooding for this event along its boundary with the site, however flood depths reduce gradually moving north eastwards from Tay Street, with no flooding shown on the road adjacent to the former Panmure Hotel. Beyond the former hotel building in a north easterly direction, road levels fall, and flooding is again predicted on Princes Street, to a maximum level of between 0.5m and 0.75m.

Although the JBA report shows the majority of the site flood free, there is no flood free route of access/egress to and from the site during a 1 in 200 year flood event, including climate change. Vehicular access to the site would not be possible during a 1 in 200 year plus climate change flood event, with flood depths on Tay Street and Princes Street predicted to be too deep to allow access. Vehicles could get as close as Golf Avenue, where a pathway link exists to the site. The walkway from Golf Avenue to the site is shown to be flooded along part of its length, however flood depths are predicted to be between 0m and 0.25m deep, and hence it is expected that access along this route should be possible.

An excerpt from the JBA Consulting Q200 + climate change flood extent plan is shown in Figure 3 overleaf:



**Figure 2 – Excerpt from predicted Q200 + climate change flood extent plan (JBA Consulting, 2019)**

### ***Development Proposals – Site Occupancy Comparison***

When taking the former Panmure Hotel site in its entirety, the change of use from a hotel to housing does not constitute a change in vulnerability of use according to SEPA's Flood Risk and Land Use Vulnerability Guidance, which lists both hotels and houses within the "highly vulnerable" category.

During operation the hotel had 13 bedrooms; 11 double, 1 triple and 1 single, hence a total guest occupancy of 26 people. At night it is understood a minimum of 1 staff member would be in the hotel. The minimum number of people on site during the operation of the hotel was therefore 27 people.

A minimum of 17 times per year there were large parties or weddings in the hotel. These parties catered for up to 250 people, with increased staff numbers. The maximum staff number was 19 when weddings and large parties were being held. The maximum number of people on site is therefore calculated as 299, assuming no people attending the party or wedding were staying in the hotel.

The hotel is being redeveloped into 9, 2 bedroom flats, while the 2 new houses will have 4 bedrooms each. Assuming an average occupancy of 3 people per flat, and 4 people per house, a reasonable estimate of the number of the maximum number of people on site post development would be 35. Although this number is slightly higher than the maximum overnight occupancy of the hotel, it is significantly lower than the maximum number of people who would have been on site many times each year during parties and weddings.

### **Proposed Mitigation and Management of Flood Risk**

From the assessment of the JBA Consulting report, it can be said that the majority of the site is flood free during a 1 in 200 year flood event, including climate change. It can also be said that although flood free access/egress to and from the site is not predicted to be possible during this event, access is still expected to be possible due to the shallow flooding depths expected along the footway between the site and Golf Avenue.

The proposed houses should be constructed outwith the 1 in 200 year, plus climate change, flood extent, with finished floor levels no less than 0.6m above the adjacent predicted Q200 + climate change flood level. The relevant Q200 + climate change flood level has been requested from Angus Council, however this has not been received at the time of writing. The required data may need to be purchased from JBA Consulting, as well as the predicted flood outlines to enable detailed design drawings to be prepared. No landraising should be undertaken within the 1 in 200 year flood extent defined by JBA Consulting.

It is recommended that a Flood Action Plan be prepared to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn. The Plan will highlight the potential risk of flooding to surrounding roads, and ensure occupants are aware of both the flood risk, and the appropriate measures which should be implemented during a flood event.

### **Conclusions**

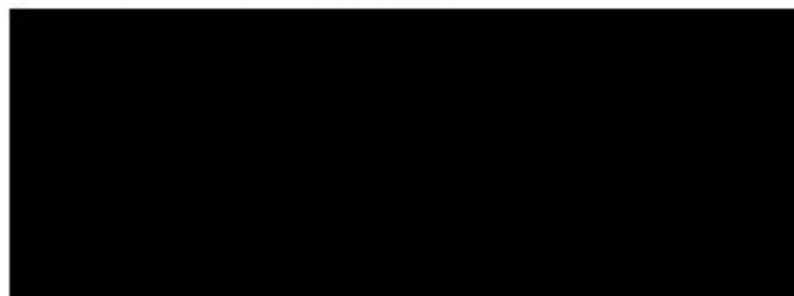
It is concluded that the site is developable with respect to flood risk, providing the mitigation measures recommended above are applied. The proposed development does not result in an increase in the vulnerability of site use, while it is suggested that the proposed occupancy numbers on site should be acceptable when compared to occupancy numbers for the previous hotel development.

To finalise the detailed design and enable finished floor levels to be confirmed, the predicted Q200 + climate change flood levels adjacent to the site should be obtained from Angus Council and JBA Consulting.

To ensure occupants are aware of the potential for flooding on surrounding roads, and of the appropriate measures which should be implemented during a flood event, it is recommended that a Flood Action Plan is prepared. The Plan should be made available to all site occupants, and a copy held in each property on site.

We trust the above is satisfactory at this time, however should you have any queries, please do not hesitate to contact us.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Andrew Braid  
Millard Consulting

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**  
**APPLICATION FOR REVIEW – PANMURE HOTEL, TAY STREET,**  
**MONIFIETH**

**APPLICATION NO 20/00888/FULL**

**APPLICANT'S SUBMISSION**

**Page No**

<b>ITEM 1</b>	Notice of Review
<b>ITEM 2</b>	Appeal Statement
<b>ITEM 3</b>	Location Plan
<b>ITEM 4</b>	Block Plan
<b>ITEM 5</b>	Existing Site Plan
<b>ITEM 6</b>	Proposed Site Plan
<b>ITEM 7</b>	Proposed Floor Plans
<b>ITEM 8</b>	Proposed Elevations
<b>ITEM 9</b>	Proposed Context Elevations
<b>ITEM 10</b>	Proposed Extended Site Plan with Flood Information
<b>ITEM 11</b>	Tree Survey Schedule
<b>ITEM 12</b>	Tree Survey and Constraints Plan
<b>ITEM 13</b>	Tree Survey Report
<b>ITEM 14</b>	Flood Risk Assessment Letter Report
<b>ITEM 15</b>	Report of Handling
<b>ITEM 16</b>	Planning Application
<b>ITEM 17</b>	Decision Notice



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100343287-003

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="JON FRULLANI ARCHITECT"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="JON"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="FRULLANI"/>	Building Number:	<input type="text" value="140"/>
Telephone Number: *	<input type="text" value="01382224828"/>	Address 1 (Street): *	<input type="text" value="Perth Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="DD1 4JW"/>
Email Address: *	<input type="text" value="jon@jfarchitect.co.uk"/>		

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="G"/>	Building Number:	<input type="text" value="2"/>
Last Name: *	<input type="text" value="Robertson"/>	Address 1 (Street): *	<input type="text" value="Mill Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Tarland"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeenshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB34 4YG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="jon@jfarchitect.co.uk"/>		

## Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="732436"/>	Easting	<input type="text" value="350027"/>
----------	-------------------------------------	---------	-------------------------------------

## 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 2 dwelling houses in the ground of former Panmure Hotel, Monifieth.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The Review proposals seek planning permission for the erection of 2 dwelling houses and associated works at the former Panmure Hotel, Tay Street, Monifieth. This Review Statement demonstrates clear reasoning and justification as to the proposed development's compliance with the requirements of the Development Plan. The Appellants respectfully request that on the basis of there being no justifiable reasons for refusing planning permission, this Review is upheld and planning permission granted.

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

Yes  No

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

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

Location Plan, Block Plan, Existing Site Plan, Proposed Site Plan, Proposed Floor Plans, Proposed Elevations, Proposed Context Elevations, Proposed Extended Site Plan with Flood Information, Appeal Statement, Tree Survey Schedule, Tree Survey and Constraints Plan, Tree Survey Report, Flood Risk Assessment Letter Report, Report of Handling, Application Form, Refusal Notice

## Application Details

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

20/00888/FULL

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

22/12/2020

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

24/08/2022

## 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 information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr JON FRULLANI

Declaration Date: 03/11/2022

**ERECTION OF 2 DWELLINGHOUSES AND ASSOCIATED WORKS  
AT FORMER PANMURE HOTEL, TAY STREET, MONIFIETH**

**REVIEW STATEMENT**

**Town and Country Planning(Scotland) Act 1997 as amended  
Planning Application Ref: 20/00888/FULL  
Appellant: Mr G Robertson  
Date: September 2022**

**Contents**

- 1.0 Introduction
- 2.0 Review Site
- 3.0 Planning History
- 4.0 Review Proposal
- 5.0 Public Participation
- 6.0 Policy Framework
- 7.0 Evaluation of Proposed Development
- 8.0 Analysis of Refusal of Planning Application Ref: 20/00888/FULL
- 9.0 Conclusion

## 1.0 INTRODUCTION

Mr Robertson (“the Appellants”) submitted a planning application to Angus Council (“the Council”) seeking planning permission for the erection of 2 dwellinghouses and associated works at the former Panmure Hotel, Tay Street, Monifieth (“Appeal Site”).

The application was registered on 22 December 2020 and validated on 13 January 2021. The application was refused planning permission under delegated powers on 24 August 2022, 21 months after being submitted to the Council.

The decision notice for planning application ref: 20/00888/FULL is dated 24 August 2022 and cites the following reasons for refusal:

*1. The proposal is contrary to Policy 2 of TAYplan and Policy PV12 of the Angus Local Development Plan (2016) because the proposed residential development would be subject to an unacceptable level of flood risk due to its location on an undeveloped piece of land within the functional flood plain.*

*2. The proposal is contrary to policy DS3 and TC2 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance (2018) because the development is not consistent with the character and pattern of development in the surrounding area, would obstruct a prominent view of a locally important landmark building, and would adversely impact on the sense of place in this part of Monifieth.*

*3. The proposal is contrary to policies PV7 and PV5 of the Angus Local Development Plan (2016) because the development would result in the loss of trees that contribute to the townscape and amenity of the area, and insufficient information has been submitted to demonstrate that the loss of these trees would not impact on protected species.*

*4. The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) as it would result in an unacceptable impact on the residential environment of adjacent housing within the former hotel through the loss of its main useable amenity space; and because the development would adversely impact on the amenity of 47 Tay Street as a result of the close proximity of proposed boundary treatments to its main living room windows.*

*5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because it proposes development which is not of an appropriate scale and nature and is not in accordance with relevant policies of the local development plan, namely policies DS3, DS4, TC2, PV5, PV7 and PV12.*

The Appellant submits that there is no evidence to support refusal of the application on the grounds of a breach of the Angus Local Development Plan (2016) and that planning permission ought to be granted for the reasons set out within this Review Statement and related Documents.

## **2.0 REVIEW SITE**

The review site measures 790sqm and is located within the grounds of the former Panmure Hotel, which has now been converted into 9 flats.

The site is located adjacent to the west boundary of the former hotel building on a grassed area. There are mature trees along the northern and western site boundaries which are subject to a tree preservation order.

The review site is bound to the north and west by residential properties on the opposing sides of Tay Street and Princes Street respectively. To the east and south the site is bound by the grounds of the flatted development.

The trees on the review site are protected by Tree Preservation Order 2021 No 2.

## **3.0 PLANNING HISTORY**

17/00974/FULL for Conversion of Existing Hotel to Form Nine Flats and Associated Alterations was determined as "approved subject to conditions" on 21 February 2018. This planning permission identified the area which is currently proposed for development as amenity space to serve the 9 flats formed in the former Panmure Hotel.

18/00964/FULL for Erection of Two Dwellinghouses and Associated Works was "Withdrawn" on 13 February 2019. That application proposed two detached dwellings in a similar location to those proposed in the current application.

22/00122/FULL for Conversion of existing store to dwellinghouse with alterations to 2B Princes Street was "approved subject to conditions" on 04 July 2022.

Angus Council Tree Preservation Order 2021 No.2 was confirmed by Angus Council Development Standards Committee on 15 June 2021. This tree preservation area applies to the grounds of the former Panmure Hotel and includes the trees within the current review site. Report 206/21 refers to the prominent mixed mature broadleaved trees along the boundaries of the site with both Tay Street and Princes Street.

## **4.0 REVIEW PROPOSAL**

The proposal seeks planning permission for the erection 2 dwellinghouses on the appeal site. The proposed houses would be detached 1.5 storey properties (with upper floor accommodation in the roof space).

Each house would be 7.1m in height to the ridge. The materials proposed would be an off white render on the walls, a concrete tiled roof and white UPVC windows and doors.

The houses will be oriented on the site with their front elevation facing west. The rear gardens to the east of the houses will be enclosed by 1.8m high fencing with the

railings enclosing the site to the north and west supplemented by hedging to maintain the ambience of the streetscape and provide privacy. Similarly a 1.8m high timber fence will be erected between the two houses to separate their curtilages.

The dwellinghouses will utilise the existing vehicular access to the former hotel from Tay Street with the dwellings fronting onto Tay Street. The houses will have parking to the rear.

The proposed houses would connect to the public foul drainage network and public water supply. Surface water from the roofs of the proposed houses will be attenuated and treated on site by virtue of soakaways while the driveways serving the proposed houses will be surfaced in permeable paving.

## **5.0 PUBLIC PARTICIPATION**

In assessing planning application ref: 20/00888/FULL the Council followed the statutory neighbour notification procedure. The application was also advertised in the Dundee Courier on 22 January 2021. A total of 24 letters of representation have been received, all objecting to the proposed development.

The issues raised in the letters of support may be summarised as follows:

- Development not in keeping with character and pattern of development
- Impact on trees which are protected by TPO and lack of information relating to trees within the site
- Noise and disruption during construction works
- Traffic, access and parking issues
- Amenity Impacts (loss of privacy, outlook, light and overshadowing)
- Adverse impact on built heritage
- Lack of information to identify impacts resulting from the development
- Impacts on natural environment and wildlife
- Proposal is contrary to planning policy
- Loss of garden ground associated with adjacent flatted development (as approved as part of application 17/00974/FULL)
- Flood risk and lack of surface water drainage details
- Loss of open space
- Requirement for affordable housing provision
- No details of recycling and waste management facilities
- Consultees previously indicated a lack of support for the application

These issues are addressed in Section 7 of this statement.

## **6.0 POLICY FRAMEWORK**

### **National Policy and Guidance**

The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.



### National Planning Framework 2014

NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### Scottish Planning Policy 2014 (SPP)

The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

16 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57

### **Development Plan**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Angus Local Development Plan 2016.

### TAYplan Strategic Development Plan 2016-2036

TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

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

The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 2: Shaping Better Quality Places

### Angus Local Development Plan 2016

The principal relevant policies are, in summary;  
Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity

Policy DS5 : Developer Contributions  
Policy TC2 : Residential Development  
Policy TC3 : Affordable Housing  
Policy PV5 : Protected Species  
Policy PV7 : Woodland, Trees and Hedges  
Policy PV12 : Managing Flood Risk  
Policy PV15 : Drainage Infrastructure

### Other Policies

Design and Placemaking Supplementary Guidance 2018-The Council has prepared Supplementary Guidance to support Policy DS3: Design Quality and Placemaking of the Angus Local Development Plan (2016). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Developer Contributions and Affordable Housing Supplementary Guidance 2018- The Council has prepared Supplementary Guidance to support Policy DS5: Developer Contributions and Policy TC3: Affordable Housing. The Supplementary Guidance indicates that contributions will not usually be sought for residential development of less than 10 units, however where the site is for less than 10 units but exceeds 0.5ha then contributions will be sought. Should phased developments' cumulative impact result in development which exceeds this level, or where a site forms part of a larger parcel of land with capacity for 10 units or more then contributions may be sought.

## **7.0 EVALUATION OF PROPOSED DEVELOPMENT**

Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Angus Local Development Plan 2016. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Design and Placemaking Guide 2018 and the Developer Contributions and Affordable Housing 2018.

Policy DS1 in the Angus Local Development Plan (ALDP) states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the Local Development Plan.

Policy TC2 deals with all residential development proposals and indicates that proposals for new residential developments in development boundaries will be supported where the site is not protected for another use and is consistent with the character and pattern of development in the surrounding area. The Policy also requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in

unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

In this case the review site lies within the Monifieth Development Boundary and is not identified or safeguarded for any particular use. It is located within the grounds of the former Panmure Hotel in a predominantly residential area and there are no conflicting land uses which would render residential use of the site unsuitable. For the avoidance of doubt the principle of residential development at the former Panmure Hotel has been established by the approval of planning application 17/00974/FULL.

In terms of the residential environment to be provided, the plots would be comparable with existing plot sizes in the surrounding area as demonstrated by Figure 1 with the proposed plots having an area of 400sqm. The proposed houses would have a reasonable degree of privacy with there being a distance of no less than 19m between the facing windows of habitable rooms of the proposed houses and neighbouring properties. There would be in excess of 100sqm of private garden ground per plot and adequate space to provide vehicle parking, turning and bin and recycling storage.

Address	Plot Area	Footprint of Development	Private Garden Ground	Development Density
Proposed Plots	400sqm	95sqm	135sqm	1:3.8
32 Tay Street	470sqm	110sqm	133sqm	1:4.2
34 Tay Street	305sqm	85sqm	95sqm	1:3.5
36 Tay Street	305sqm	85sqm	95sqm	1:3.5
38 Tay Street	516sqm	105sqm	202sqm	1:4.9
5 Princes Street	214sqm	100sqm	71sqm	1:2.1
3 Princes Street	262sqm	130sqm	90sqm	1:2.0
1 Princes Street	156sqm	90sqm	24sqm	1:1.7

**Figure 1: Density of Development Surrounding Review Site**

The site contains no designation for natural or built heritage interests. The proposal is consistent with the character and pattern of development in the area as demonstrated by the Proposed Site Plan forming part of planning application ref: 20/00888/FULL. By virtue of plot orientation and layout the proposal is consistent with the predominant pattern of development in the surrounding area and will maintain the appearance of the Tay Street streetscape. In this instance we believe the proposal provides an acceptable design solution adhering to the guidance contained within the Design Quality and Placemaking Supplementary Guidance.

The proposed houses will be accessed from the existing vehicular and pedestrian access to the former hotel from Tay Street with the boundary wall and hedging retained in situ to maintain the appearance of the Tay Street and Princes Street street scenes.

There will be adequate separation (15m) between the proposed dwellings and those in the former hotel building as well as the existing dwellings on the western side of Tay Street (19m) and northern side of Princes Street (19m). This shall ensure that there is no adverse impact on the amenity and environmental quality of the existing dwellings surrounding the site and proposed dwellings within the former hotel building by virtue of the scale and massing of the proposed houses. Similarly the separation distance between the proposed houses and existing buildings will ensure that there is no unacceptable impact on the amenity or environmental quality of the proposed houses in terms of overlooking and overshadowing. The proposed development is therefore demonstrated to maintain the character, amenity and ambience of Tay Street and Princes Street while also maintaining the appearance of the respective street scenes.

Access and parking arrangements are in accordance with the Council's standards and would not impact on road traffic and pedestrian safety. The curtilage parking and turning facilities are in addition to the areas of private garden ground. This shall ensure that that the proposed development is commensurate with the generous distances between buildings, curtilage parking arrangements and garden ground arrangements that characterise the surrounding area.

The proposed dwellings will connect to the public drainage network and public water supply. Surface water would be managed by means of sustainable drainage (permeable paving and soakaways) which is in accordance with Policy PV15.

The proposal is not of a scale or location where it would require a developer contribution or affordable housing when assessed against the Developer Contributions and Affordable Housing Supplementary Guidance as it comprises of 2 units and there is no reason to consider it would result in unacceptable impact on infrastructure. The proposal is therefore in compliance with Policies DS3 and DS4.

Policy PV5 requires consideration of potential impacts on protected species, including European Protected Species. Policy PV7 relates to trees and indicates that trees which contribute to landscape and townscape setting may be protected through a Tree Preservation Order. It indicates that trees that contribute to amenity will be protected and indicates that development proposals should retain trees, and undertake tree surveys where appropriate.

The existing trees within the site are protected by a Tree Preservation Order (TPO). The proposed houses would be located in the western sectors of the plots and would require the removal of four trees. However, the removal of these trees would not have a significant impact on the character or appearance of the surrounding area with the remainder of the site containing a number of trees which would be unaffected by the proposed works. Although the existing trees on site are protected by Tree Protection Order 2021 No 2, this does not preclude the removal of trees

rather it secures replacement to prevent the arboreal environment and environmental quality and appearance of the streetscape being irreversibly diminished.

The trees to be removed have no hollows and do not have the potential to support bat roosts. In this regard the proposals satisfy Policies PV5 and PV7.

The site lies within an area which is identified on SEPA Flood Maps as being at medium risk of river flooding; and parts of the site are also identified as being at medium risk of surface water flooding. The site is currently vacant garden ground and contains no building(s).

Paragraph 256 of Scottish Planning Policy indicates that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. It indicates that piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

Policy 2 of TAYplan indicates that in order to deliver better quality development and places which respond to climate change, development proposals should be resilient and future-ready with a presumption against development in areas vulnerable to flood risk. It indicates that development proposals should assess the probability of risk from all sources of flooding. Policy PV12 Managing Flood Risk indicates that to reduce potential risk from flooding there will be a general presumption against built development proposals on the functional floodplain; which involve land raising on the functional flood plain; or which would materially increase the probability of flooding to existing or planned development. It indicates that development in areas known or suspected to be at the upper end of low to medium risk or medium to high risk may be required to undertake a flood risk assessment which should demonstrate (amongst other things) that flood risk can be managed both within and outwith the site; and access and egress to the site can be provided that is free of flood risk.

Information was submitted in support of the application in the form of a preliminary flood risk assessment which indicates that the site is developable providing the mitigation measures recommended are applied, including a control on the finished floor level of the proposed houses and requiring a Flood Action Plan to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn. In this instance it has been demonstrated that the risk of flood can be managed and the site and that access and egress can be provided free from flood risk. Therefore, the proposal satisfies the requirements of Policies 2 of TAYplan and PV12 of the Angus Local Development Plan.

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

## **8.0 ANALYSIS OF REFUSAL OF PLANNING APPLICATION REF: 20/00888/FULL**

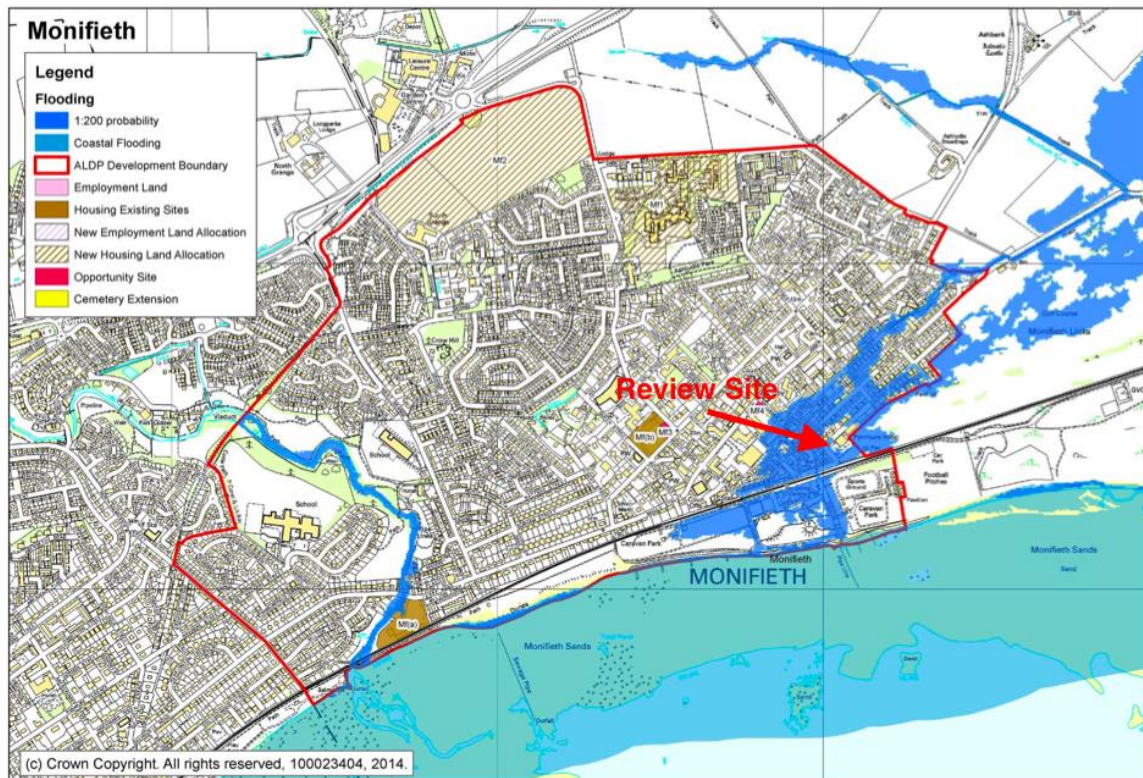
On 24 August 2022 the Councils refused planning application ref: 20/00888/FULL on grounds that the proposal is contrary to the Angus Local Development Plan(2016) Policies 1B(b) and 1B(c).

Despite the evaluation of the proposer development against the Development Plan in Section 7 of this statement demonstrating the proposal's complete compliance with the Local Development Plan this Section of the Statement will deconstruct the Planning Case Officers reasoning to demonstrate that contrary to the Council's decision the refusal of planning permission was illogical and unreasonable.

Reason for Refusal 1 states:

*The proposal is contrary to Policy 2 of TAYplan and Policy PV12 of the Angus Local Development Plan (2016) because the proposed residential development would be subject to an unacceptable level of flood risk due to its location on an undeveloped piece of land within the functional flood plain.*

With regard to the Monifieth Burn, SEPA flood maps and the Preliminary Flood Risk Assessment by Millard Consulting demonstrate that the site of the proposed houses are considered to be majority flood free (1 in 200 year event, including climate change). The footprints of the proposed houses are outwith the flood risk (demonstrated in figure 2 and proposed site plans). The Preliminary Flood Risk Assessment concludes that the site is developable in respect to flood risk, providing the mitigation measures advised are applied. This includes floor levels to be set at no less than 0.6m above the adjacent predicted Q200+ climate change flood level and a Flood Action Plan to be prepared to advise occupants of the route which should be used to move off site at time of flood events – both of these are achievable by the developer.



**Figure 2: Extract from Angus Local Development Plan Strategic Flood Risk Assessment 2015.**

Reason for Refusal 2 states:

*The proposal is contrary to policy DS3 and TC2 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance (2018) because the development is not consistent with the character and pattern of development in the surrounding area, would obstruct a prominent view of a locally important landmark building, and would adversely impact on the sense of place in this part of Monifieth.*

With regard to Reason for Refusal 2, the Proposed Extended Site Plan submitted as part of planning application ref: 20/00888/FULL illustrates that the proposed houses maintain the appearance of the Tay Street streetscape relative to the existing building pattern to the eastern and western sides of Tay Street.

In terms of obstructing a prominent view of a locally important landmark building, it would have perhaps been useful if the Case Officer had visited the review site before determining the application. Had he done so it would be abundantly clear that the canopy spread of the existing trees on site largely obscures any view of the former Panmure Hotel building's prominent elevations. This is illustrated by the photograph in Figure 3 below.



**Figure 3: Photograph Looking North East from South West Side of Tay Street**

As such, the proposed houses would have no impact on views of prominent elevations of the former Panmure Hotel and the positions of the proposed houses would maintain the building lines established by the existing housing to the north of the site on the eastern side of Tay Street. In this regard the proposed development is consistent with the character and pattern of development surrounding the review site and therefore reinforces the established sense of place.

Reason for Refusal 3 states:

*The proposal is contrary to policies PV7 and PV5 of the Angus Local Development Plan (2016) because the development would result in the loss of trees that contribute to the townscape and amenity of the area, and insufficient information has been submitted to demonstrate that the loss of these trees would not impact on protected species.*

This matter has been fully addressed in the evaluation of the proposed development against the requirements of Policies PV5 and PV7 in Section 7 of this Statement. The existence of a tree preservation order does not preclude the removal of trees but rather



secures their replacement. In this instance none of the trees present on site are significant specimens but together are deemed to contribute to the environmental quality and sense of place of the locale. The proposed development does not involve the removal of all the trees from the site but the Appellant is agreeable to replacing those that do require to be removed with specimen trees. This matter can be controlled by condition to minimise any impact on the appearance of the existing streetscape and sense of place.

In terms of protective species being present on site, the existing trees have been inspected for roost potential. No bat roosts have been observed within the existing trees and the trees have no hollows or cavities where bats could roost. In this regard the proposed development will not impact on protected species.

Reason for Refusal 4 states:

*The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) as it would result in an unacceptable impact on the residential environment of adjacent housing within the former hotel through the loss of its main useable amenity space; and because the development would adversely impact on the amenity of 47 Tay Street as a result of the close proximity of proposed boundary treatments to its main living room windows.*

In terms of impact on the existing flatted properties within the former Panmure Hotel through the loss of the main area of amenity space, the Report of Handling fails to take cognisance of the retention of 570sqm of amenity space serving the existing flatted properties within the Panmure Hotel should planning permission be granted for the proposed houses. In addition, the usability of the review site as amenity space is questionable given the presence of mature trees around its periphery and in the middle. As such the canopy spread of these trees means that this area of ground is largely overshadowed and unusable with only dappled light penetrating through the tree canopies. As such its loss would not adversely impact on the amenity of the existing flatted properties within the former Panmure Hotel.

Turning to the 1.8m high timber fencing forming the eastern boundary of the proposed housing plots, while this fencing will be located approximately 7m from the living room windows of the property at 47 Tay Street a softer form of screening could be used to maintain privacy but also prevent any adverse impact on the outlook of these windows and the amenity of the property. This is also a matter that could be addressed by condition should planning permission be granted.

Reason for Refusal 5 states:

*The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because it proposes development which is not of an appropriate scale and nature and is not in accordance with relevant policies of the local development plan, namely policies DS3, DS4, TC2, PV5, PV7 and PV12.*

It has been demonstrated in Section 7 of this Statement and in the paragraphs above that the proposal aligns in full with the requirements of Policies DS3, DS4, TC2, PV5,

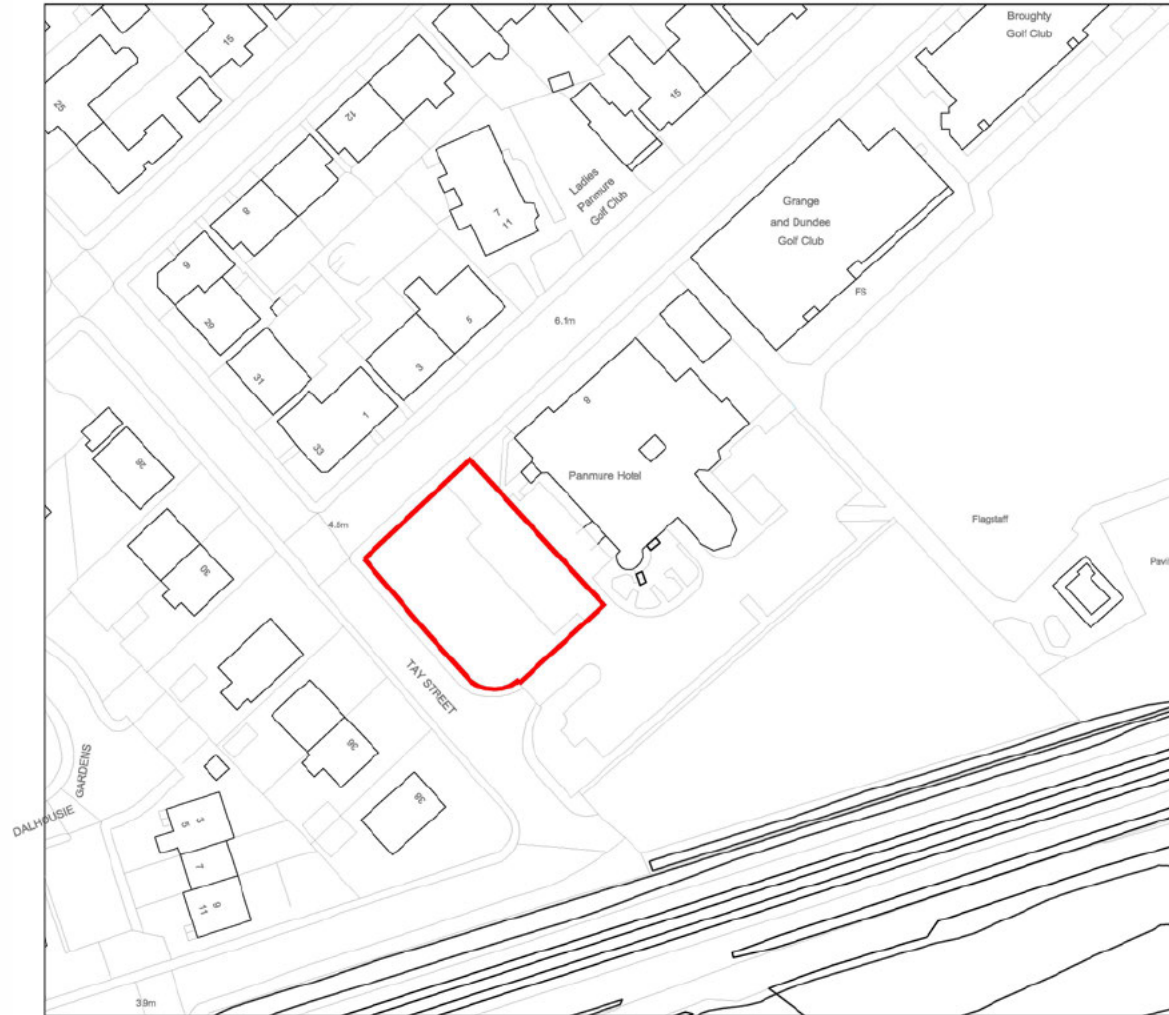
PV7 and PV12 of the expired Angus Local Development Plan. In this regard the proposed development has consequently been demonstrated to be of a scale and nature that aligns with the requirements of Policy DS1.

## **9.0 CONCLUSION**

The Review proposals seek planning permission for the erection of 2 dwelling houses and associated works at the former Panmure Hotel, Tay Street, Monifieth.

This Review Statement demonstrates clear reasoning and justification as to the proposed development's compliance with the requirements of the Development Plan.

The Appellants respectfully request that on the basis of there being no justifiable reasons for refusing planning permission, this Review is upheld and planning permission granted.



panmure hotel, monifieth.

location plan 5686.1250.01  
1:1250 @ A4

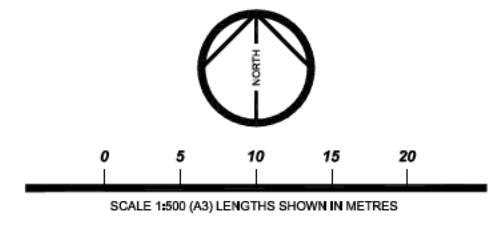


0m 10m 20m 40m 60m 100m

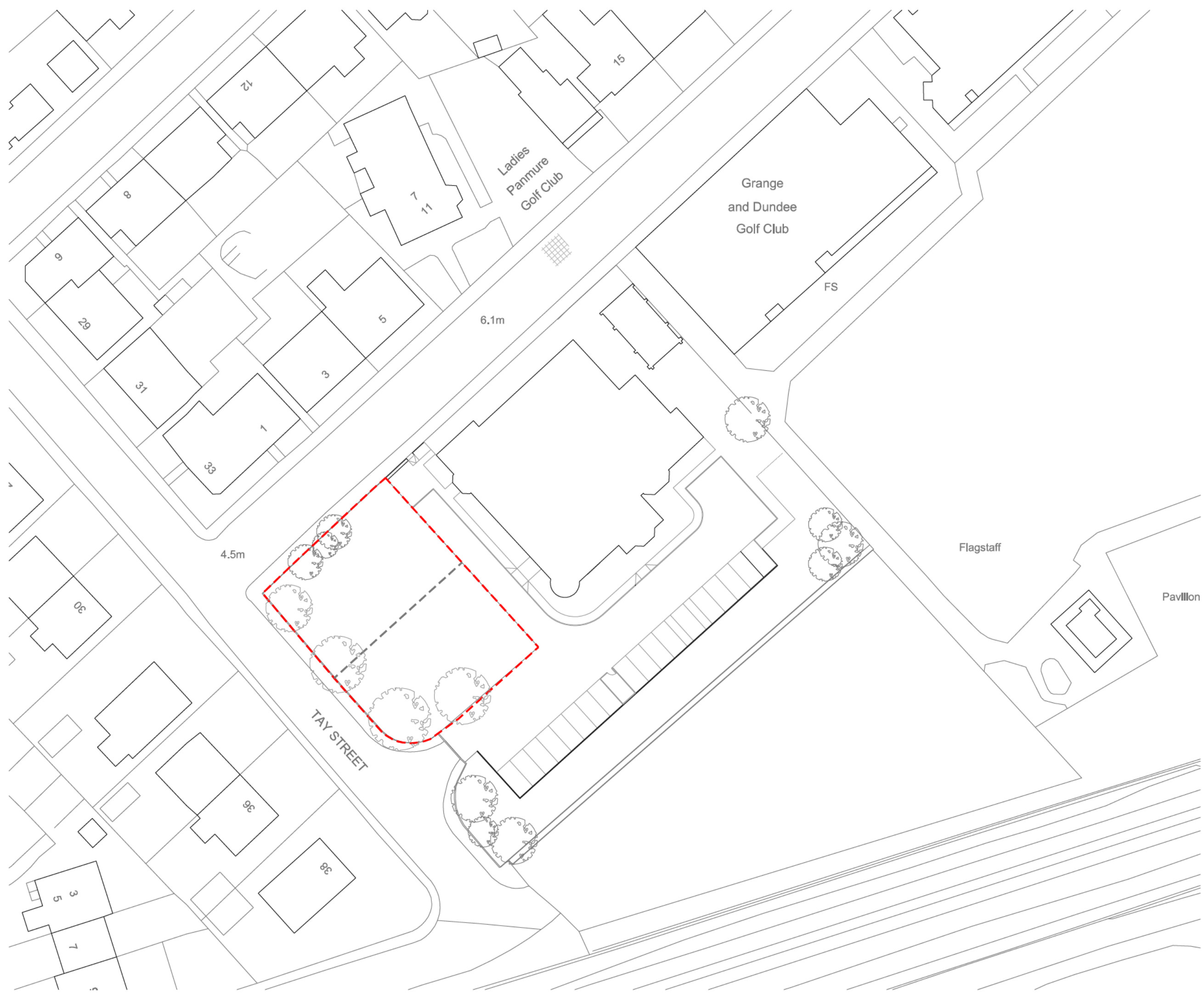
jon frullani architect


e: jon@jfrarchitect.co.uk t: 01382 224828  
w: jonfrullaniarchitect.co.uk m: [REDACTED]

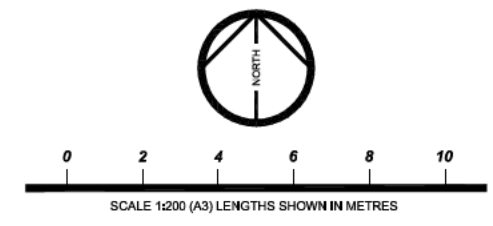
this drawing is protected by copyright - it may not be reproduced in any form or by any means for any purpose, without gaining prior written permission from jon frullani architect ltd



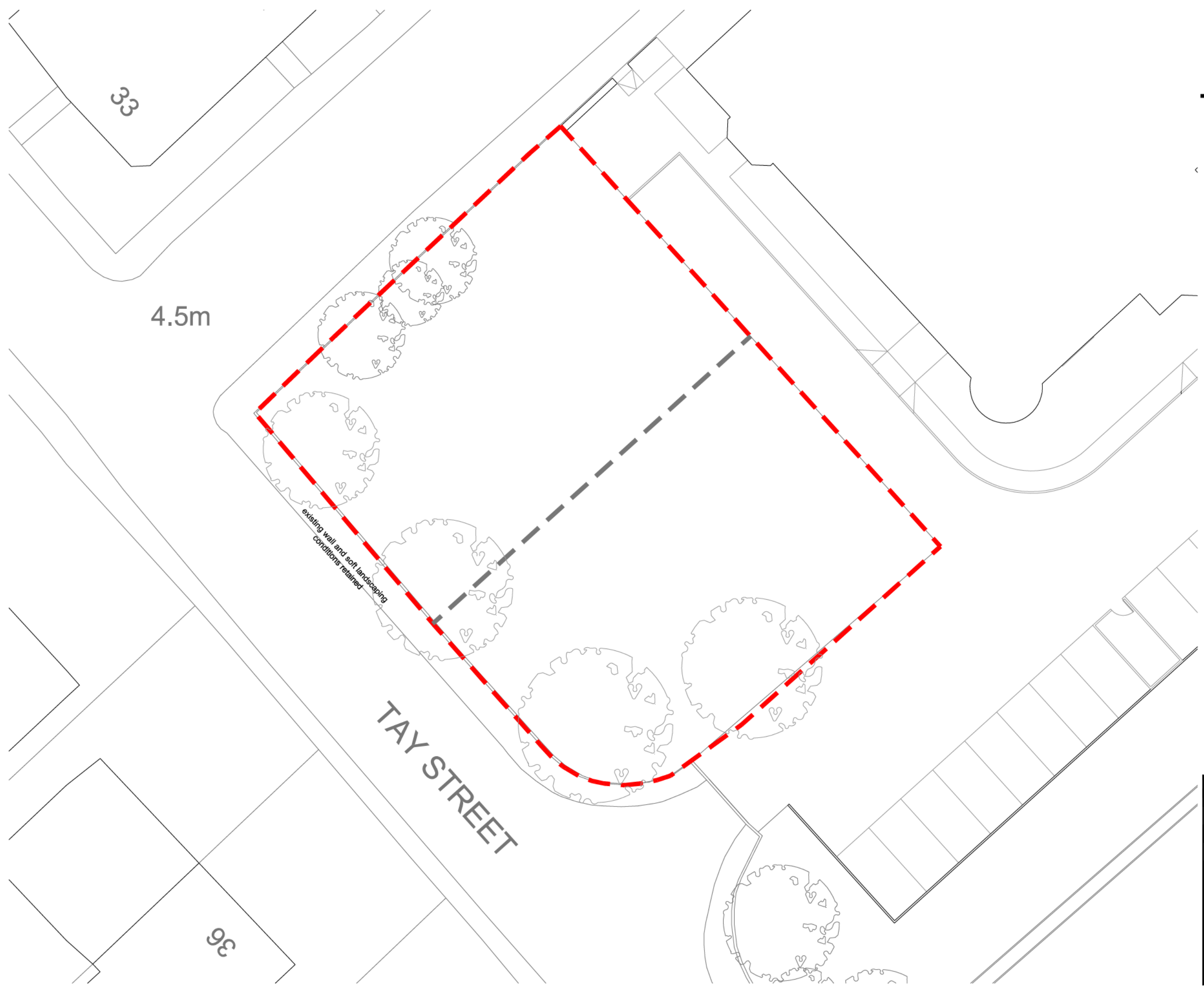
# ITEM 4




Project 5686 - Proposed New Builds		 <b>JON FRULLANI ARCHITECT</b>	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Block Plan	
Mon/Ref DD5 4AX		Issue Status Planning	Drawing No. 5686_P_302
Designer KM	Date Jun 2020	Scale 1:500@A3	Revision -
<small>         t: 01382 224828 m: [redacted] e: jon@frullaniarchitect.co.uk w: frullaniarchitect.co.uk f: facebook.com/frullaniarchitect          at unit 5, chestnut 10, greenmarket, dundee, dd1 4qb          All drawings are protected by copyright. It may not be reproduced in any form or by any means for any purpose without getting prior written permission from the author.       </small>			



**ITEM 5**



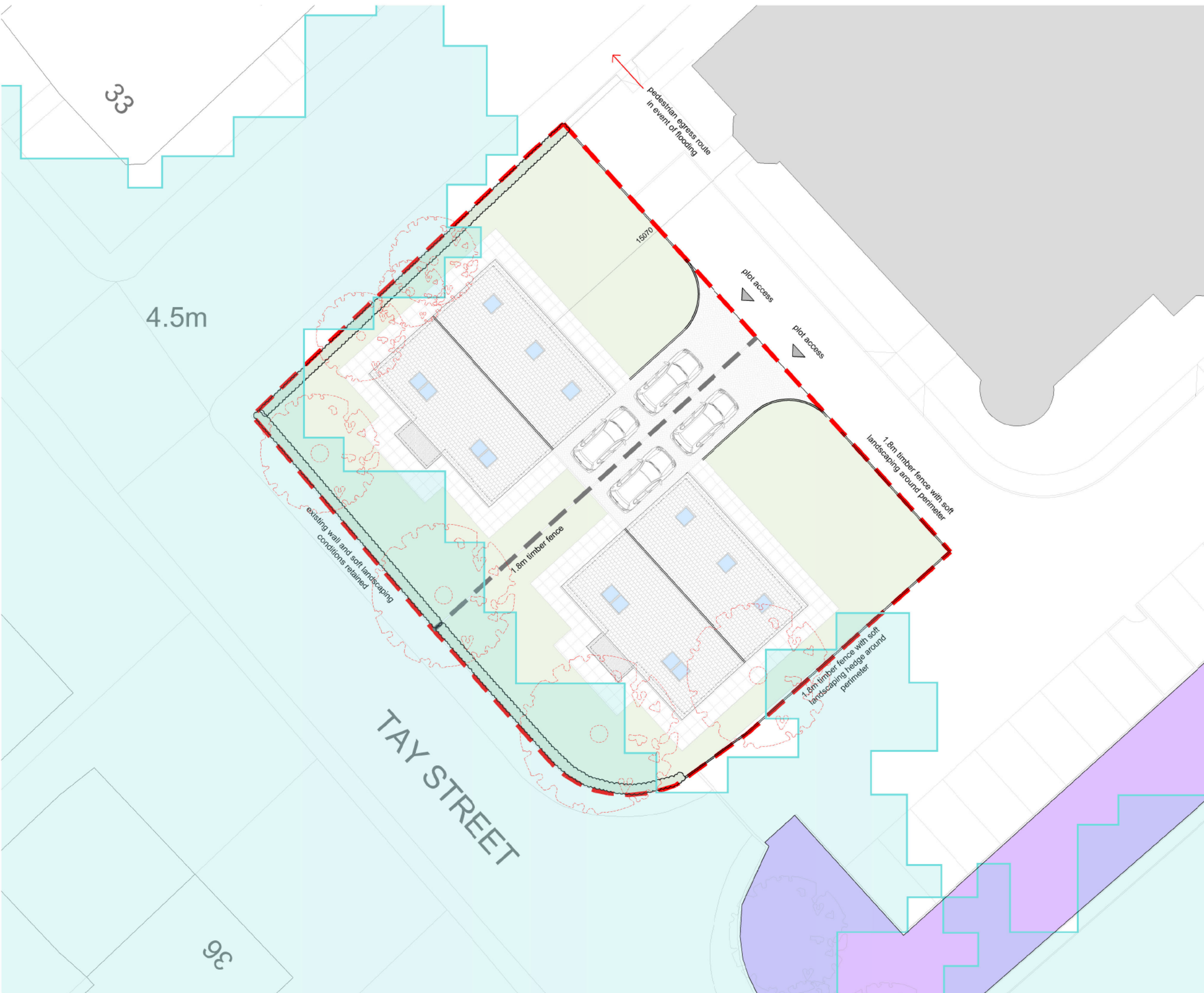
Project 5686 - Proposed New Builds		 <b>JON FRULLANI ARCHITECT</b>	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Existing Site Plan	
Month/Year DD5 4AX		Issue Status Planning	Drawing No. 5686_P_303
Designer KM	Date Jun 2020	Scale 1:500@A3	Revision C
<small>         t 01382 224828 m          e: jon@jfrullaniarchitect.co.uk w: jfrullaniarchitect.co.uk f: facebook.com/jfrullaniarchitect          a: unit 5, cluster 10, greenmarket, dundee, dd1 4qb          © drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose without getting prior written permission from Jon Frullani Architect.       </small>			



0 2 4 6 8 10  
SCALE 1:200 (A3) LENGTHS SHOWN IN METRES

flood risk area as extracted from predicted Q200 + climate change flood extent plan (JBA consulting, 2019)

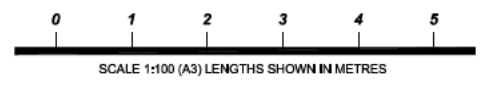
### ITEM 6



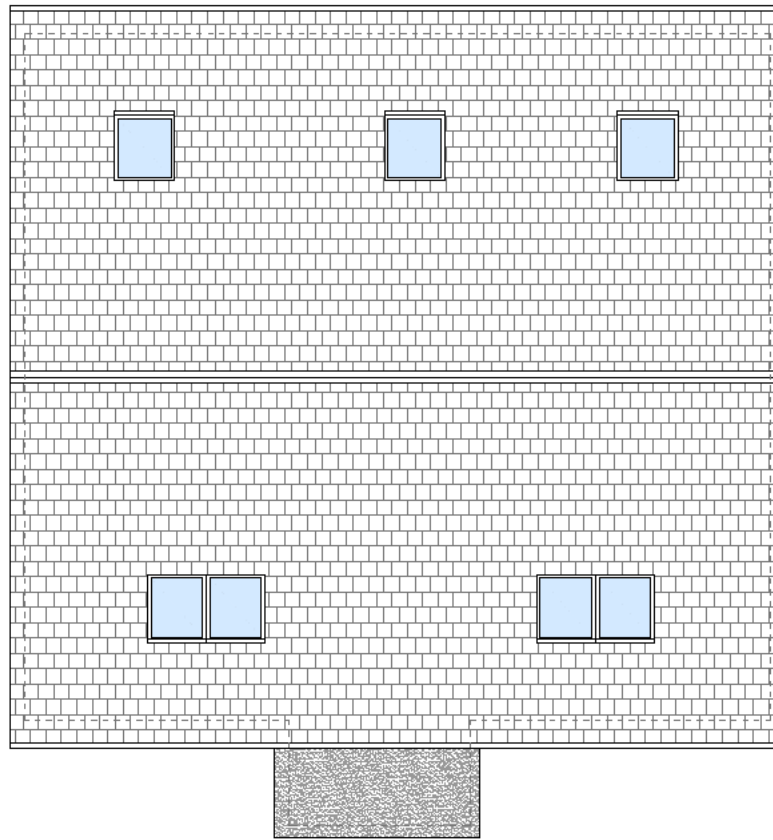
Revisions :  
C RS 07.06.2021  
Site plan layout amended  
D RS 14.06.2021  
E RS 23.06.2021  
Blue boundary removed

Project 5686 - Proposed New Builds		 <b>JON FRULLANI ARCHITECT</b>	
Client West Developments			
Address Panmure Hotel, Tay Street Monifieth DD5 4AX		Drawing Title Proposed Site Plan	
Designer KMRS		Date June 2021	Scale 1:200@A3
		Issue Status Planning	Drawing No. 5686_P_304
		Revision E	

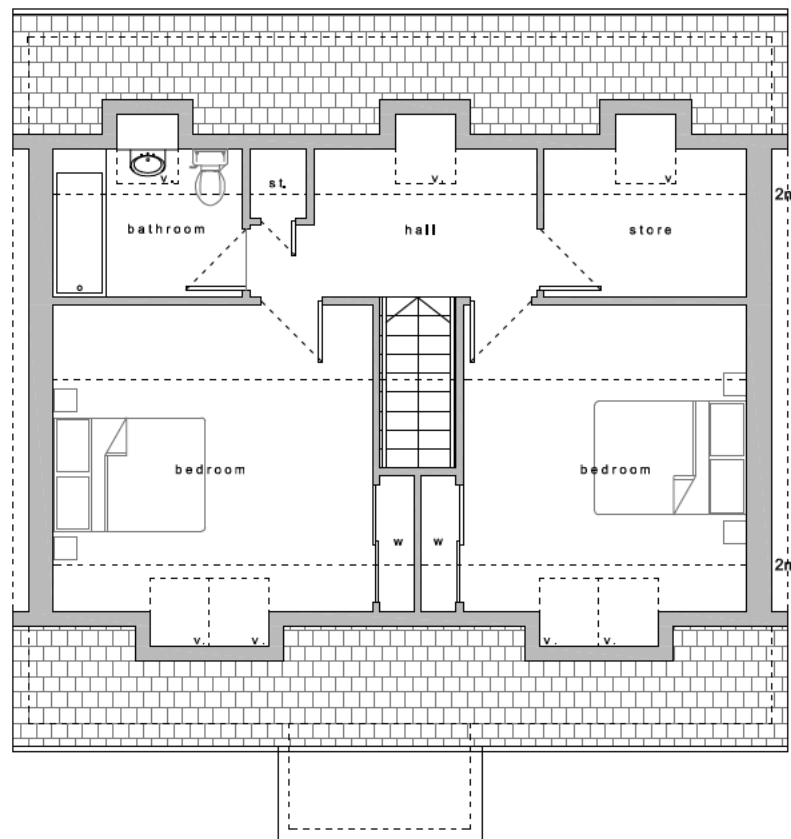
t 01382 224826 m  
e: jon@frullaniarchitect.co.uk w: frullaniarchitect.co.uk f: facebook.com/frullaniarchitect  
a: unit 5, district 10, greenmarket, dundee, dd1 4qb  
this drawing is protected by copyright. it may not be reproduced in any form or by any means for any purpose without getting prior written permission from the author and/or client.



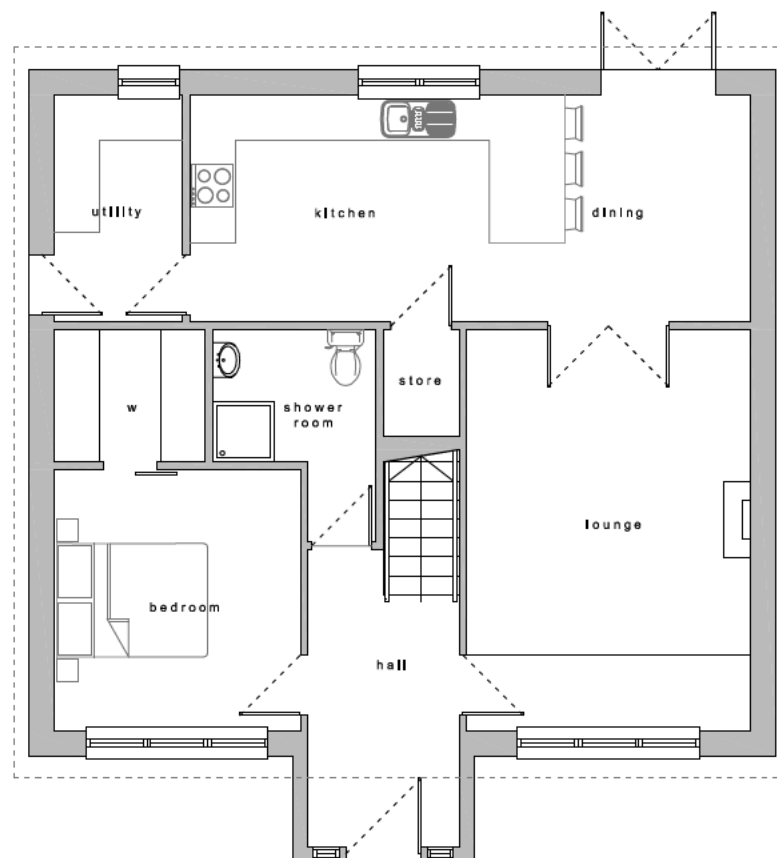
**ITEM 7**



roof plan



first floor plan



ground floor plan

**Revisions :**  
 A RS 07,06,2021  
 450mm reduction in width of each house

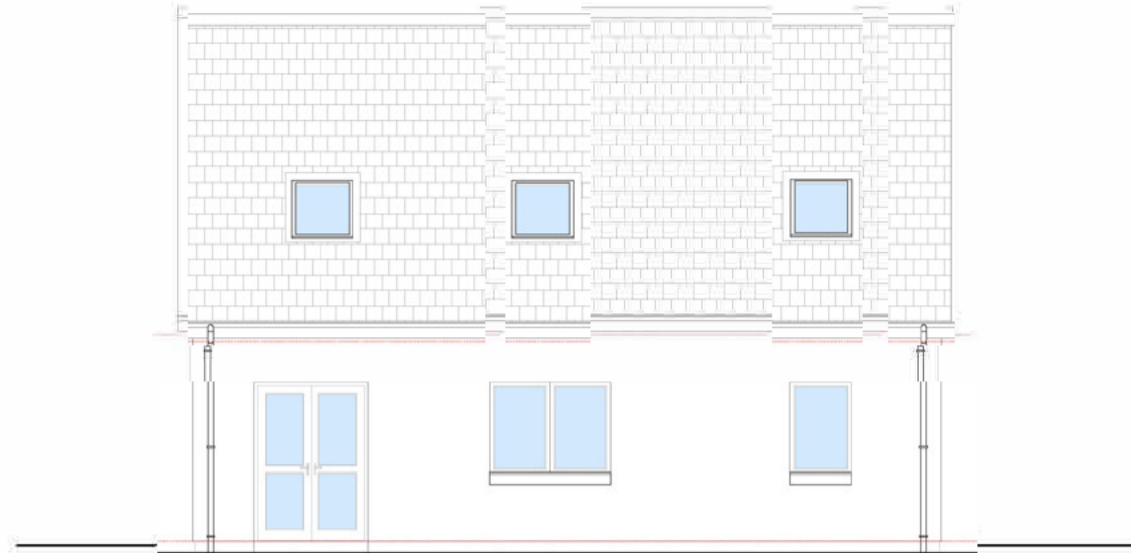
Project 5686 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Panmure Hotel, Tay Street		Drawing Title Proposed Floor Plans	
Month DD5 4AX		Issue Status Planning	Drawing No. 5686_P_305
Designer KM	Date Jun 2020	Scale 1:100@A3	Revision A
<small>           © 01382 224628 m: 01382 224628            e: jon@frullaniarchitect.co.uk w: frullaniarchitect.co.uk f: facebook.com/frullaniarchitect            a: unit 5, d: district 10, greenmarket, dundee, dd1 4qb            this drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose, without getting prior written permission from Jon Frullani Architect.         </small>			



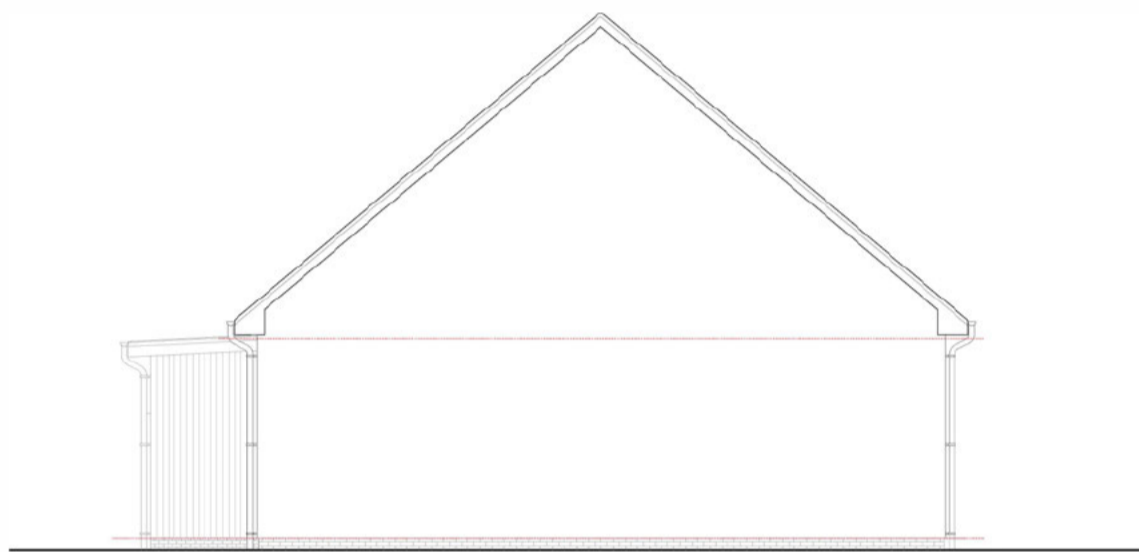
0 1 2 3 4 5

SCALE 1:100 (A3) LENGTHS SHOWN IN METRES

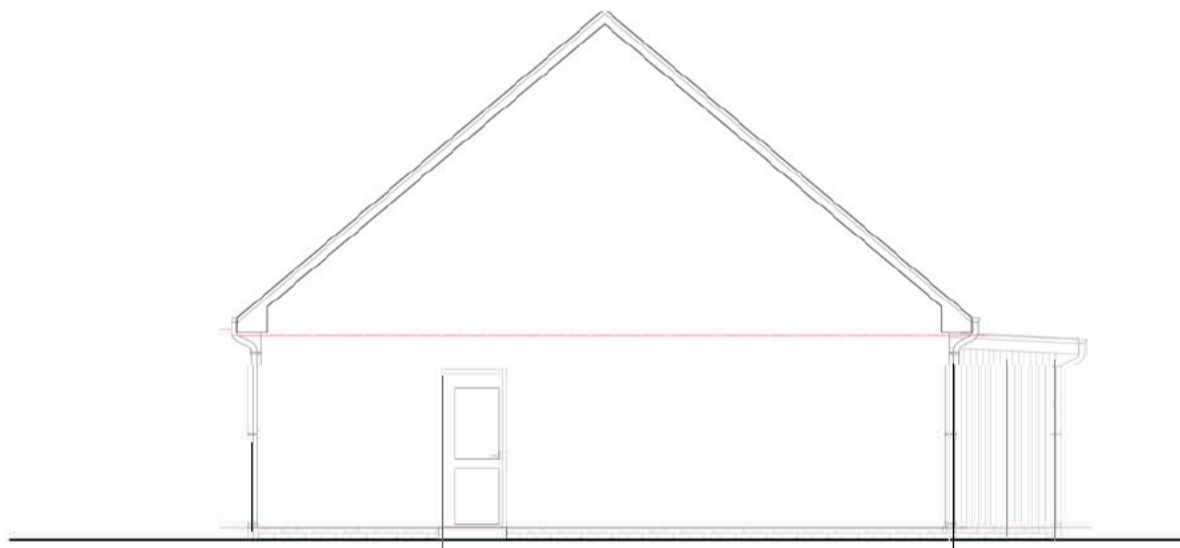
### ITEM 8



north-east elevation



south-east elevation



north-west elevation



south-west elevation

- materials**
- walls**  
off white render
  - roof**  
concrete tile
  - windows & doors**  
high quality white upvc
  - cills**  
pre-cast concrete cills
  - basecourse**  
buff colour facing brick
  - rainwater goods**  
black upvc
  - soffits & fascias**  
upvc soffits and fascia

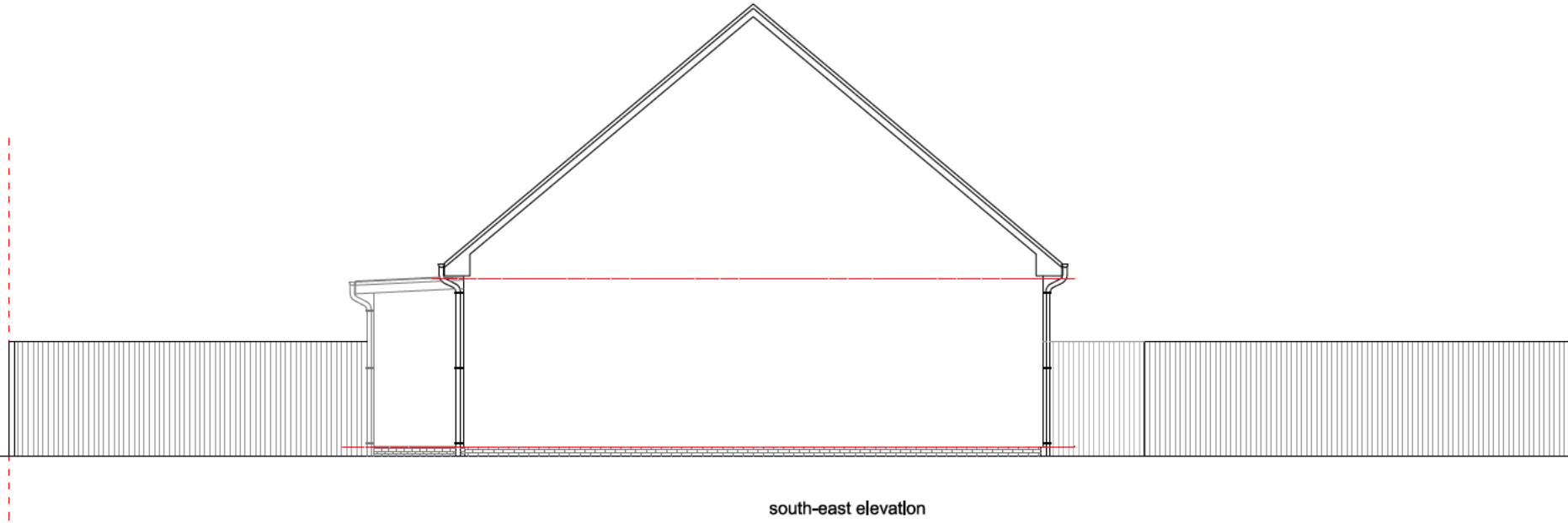
Revisions :  
A RS 07.06.2021  
450mm reduction in width of each house

Project 5686 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Pannure Hotel, Tay Street Monifeith DD6 4AX		Drawing Title Proposed Elevations	
Designer KM		Date Jun 2020	Scale 1:100@A3
Revision		Drawing No. 5686_P_306	
<small>           t: 01382 224828 m: [redacted]            e: jon@frullaniarchitect.co.uk w: frullaniarchitect.co.uk f: facebook.com/frullaniarchitect            a: unit 5, district 10, greenmarket, dundee, dt1 4dp            this drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose, without the prior written consent of the architect.         </small>			





SCALE 1:100 (A3) LENGTHS SHOWN IN METRES



south-east elevation



south-west elevation

- Revisions :**  
 A RS 07.06.2021  
 450mm reduction in width of each house  
 B RS 14.06.2021  
 Updated South-East Elevation


Project 5686 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client West Developments			
Address Panmure Hotel, Tay Street Dunfermline DD5 4AX		Issue Status Planning	Drawing No. 5686_P_307
Designer KM	Date Jun 2020	Scale 1:100@A3	Revision B
<small>© 01382 224628   <a href="mailto:jon@frullaniarchitect.co.uk">jon@frullaniarchitect.co.uk</a>   <a href="http://www.frullaniarchitect.co.uk">www.frullaniarchitect.co.uk</a>   <a href="https://www.facebook.com/frullaniarchitect">facebook.com/frullaniarchitect</a>                  5, District 10, Greenmarket, Dundee, DD1 4QB                  This drawing is protected by copyright. It may not be reproduced in any form or by any means for any purpose.                  All rights reserved. No part of this drawing may be reproduced without the written permission from Jon Frullani Architect.</small>			

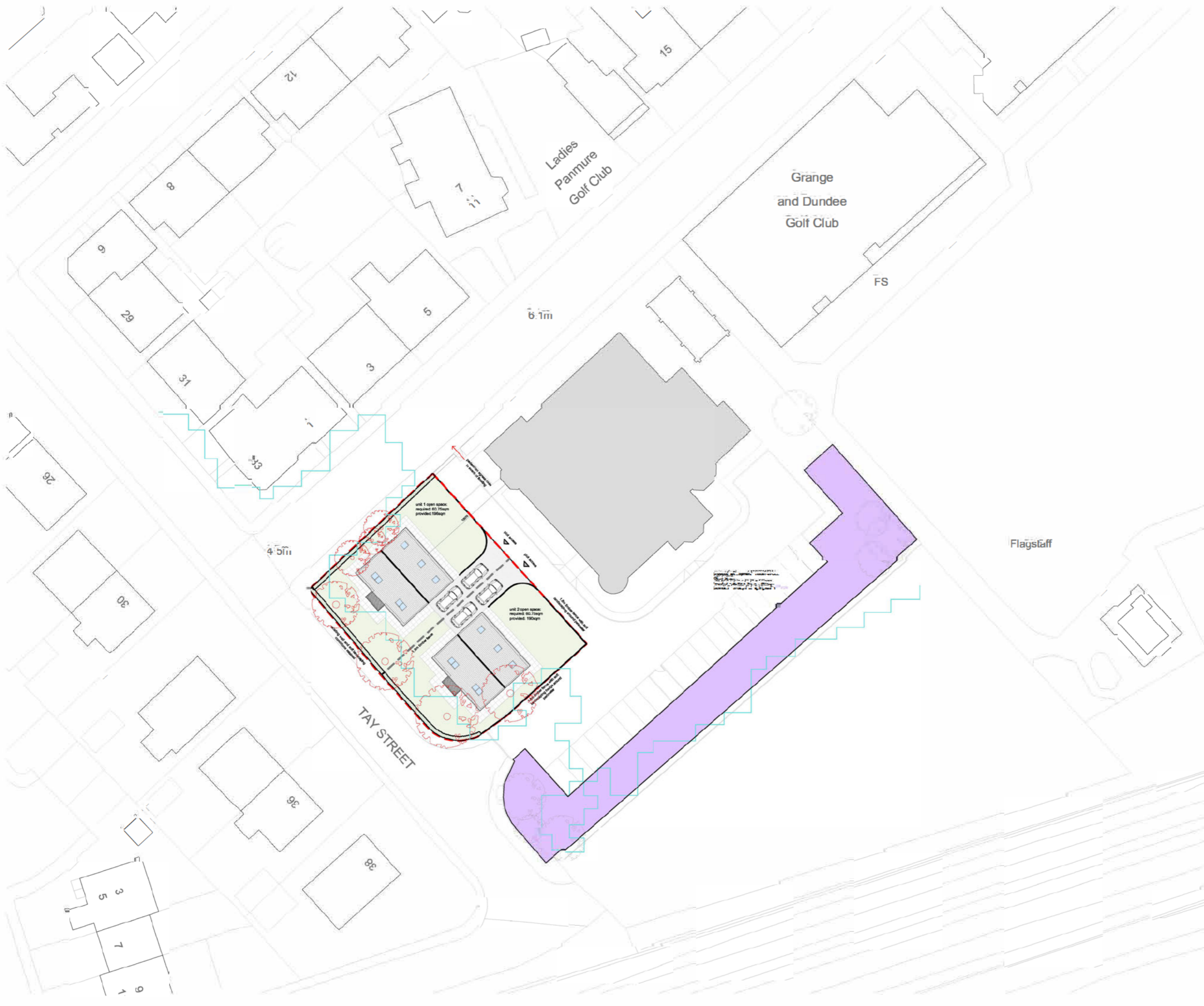


0 5 10 15 20


SCALE 1:500 (A3) LENGTHS SHOWN IN METRES

**ITEM 10**

 flood risk area as extracted from predicted Q200 + climate change flood extent plan (JBA consulting, 2019)



Revisions:  
A RS 23/06/2021  
Blue boundary removed

Project 3636 - Proposed New Builds		 <b>JON FRULLANI</b> ARCHITECT	
Client Nest Developments		Drawing title Extended Site Plans	
Address Panmure Road, Tay Street		Drawing No. 3636-0308	Drawing Date 23/06/2021
Location Dundee		Planning 3636-0308	Revision A
Designer CM/RS	Date June 2021	Scale 1:500/A3	Revision A
<small>           01382 24828   www.jonfrullani.co.uk   facebook.com/jonfrullani            Unit 5, District 01, Greenmarket, Dundee, DD1 4QP            All drawings are protected by copyright. No part of this document may be reproduced in any form or by any means or by any process without the prior written permission of Jon Frullani Architect.         </small>			

Appendix 2

Tree survey schedule: Former Panmure Hotel, Monifieth

Requested by: Jon Frullani  
 Sites: Former Panmure Hotel Monifieth  
 Date of survey: November 2020  
 Forestry/Arboricultural consultant: Martin Langton  
 Weather: Heavy rain

Tag	Species	Height (m)	Diam (m)	Stem Br <1.5m	Crown Spreads (m)				Height CC (m)	RPA Rad (m)	Age Class	Phys Cond	BS Cat	Est rem cont	Comments	Recommendations
					N	S	E	W								
988	Whitebeam <i>Sorbus aria</i>	11	0.65	1	2.0	3.0	4.0	3.0	5.0	7.80	M	Fair	B3	5-15	This tree has undergone extensive pruning work: There are many old unoccluded pruning wounds from the removal of lower limbs (crown raised) and a major limb from the west crown has been removed resulting in much epicormic growth. The crown appears unbalanced. There is girdling of the roots.	-
989	Lombardy Poplar <i>Populus nigra</i>	10	0.25	1	2.0	0.0	0.0	3.0	0.0	3.00	Y	Good	C1,2	20-40	Healthy tree with asymmetric crown.	-
990	Black Pine <i>Pinus nigra</i>	7	0.34	1	2.0	2.0	1.0	2.0	0.0	4.08	Y	Good	B2	20-40	Healthy tree.	-
991	Black Pine <i>Pinus nigra</i>	7	0.32	1	2.0	2.0	2.0	3.0	0.0	3.84	Y	Good	B2	20-40	Healthy tree.	-

Key:-  
 Stem branch<1.5m: M = multi-stemmed; 2 = twin stemmed  
 Height CC: Height of crown clearance  
 RPA radius: radius of Root Protection Area  
 Age-class: 0-M = over-mature; M = mature; M-A = early mature; S-M = semi-mature; Y = Young  
 Phys cond: Physiological condition  
 Est. rem cont: Estimated remaining contribution (years).  
 Prel. Man. Res.: Preliminary management recommendations  
 Cat Grading: Category grading as per B.S. 5837: 2012.

# KEY

## Tree Categories

Canopy spreads and tree number have been plotted in different colours according to the 'Retention Category' assigned to the tree. (see categories below)

-  Tree Category A (Green) - (BS 5837-2012)
-  Tree Category B (Blue)
-  Tree Category C (Grey)
-  Tree Category U (Red)

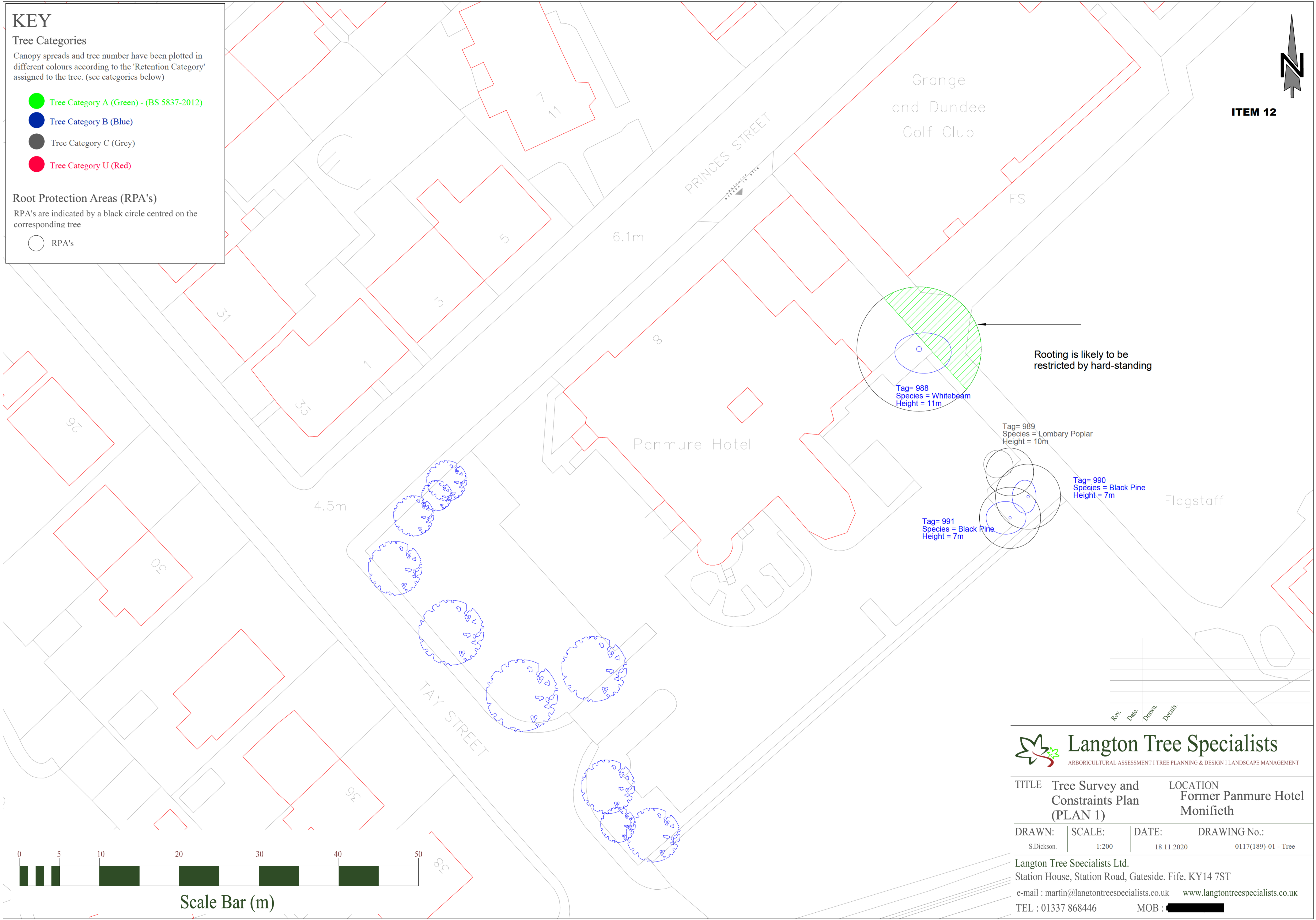
## Root Protection Areas (RPA's)

RPA's are indicated by a black circle centred on the corresponding tree

-  RPA's



ITEM 12



 **Langton Tree Specialists**  
ARBORICULTURAL ASSESSMENT | TREE PLANNING & DESIGN | LANDSCAPE MANAGEMENT

<b>TITLE</b> Tree Survey and Constraints Plan (PLAN 1)		<b>LOCATION</b> Former Panmure Hotel Monifieth	
<b>DRAWN:</b> S.Dickson.	<b>SCALE:</b> 1:200	<b>DATE:</b> 18.11.2020	<b>DRAWING No.:</b> 0117(189)-01 - Tree
<b>Langton Tree Specialists Ltd.</b> Station House, Station Road, Gateside, Fife. KY14 7ST e-mail : martin@langontreespecialists.co.uk www.langontreespecialists.co.uk TEL : 01337 868446 MOB : [REDACTED]			

TREE SURVEY  
&  
ARBORICULTURAL REPORT

FOR

Trees at former Panmure Hotel, Monifieth

Requested by: Jon Frullani Architect  
Prepared by: Martin Langton  
Report reference: MGL  
Date: November 2020

## SUMMARY

This assessment has been carried out for Jon Frullani Architect as part of an application for planning consent for development.

One mature tree located on site at the former Panmure Hotel, Monifieth has been surveyed. Three further small trees out-with the site boundary have been surveyed for completeness. The trees have been assessed in the current context according to their suitability for retention in relation to BS 5837:2012 *'Trees in relation to design, demolition and construction-recommendations'* and in relation to development proposals for the site.

The tree on site is a mature Whitebeam, of large size for species. It is sited at the edge of the car park of the former Hotel and adjacent a tarmac lane and is currently partially fenced off. The tree details are provided in the Tree Survey Schedule at appendix 2.

The Whitebeam appears to be of sound structural condition, but with unbalanced crown. It has a history of pruning at the lower crown and is partially enclosed by hardstanding on the east and west sides. The tree is assessed category B under BS 5837: 2012 but is of relatively short term potential due to species, location, and age.

The above and below ground tree constraints have been plotted on the Tree Survey and Constraints plan, which accompanies this report at appendix 3. These include root protection areas (RPA), and crown spread. This plan has been requested to help inform layout and the design of tree protection measures.

Outline tree protection measures are prescribed in relation to retained trees. Further details can be provided if required.

# CONTENTS

Page No.

SUMMARY	1
TREE SURVEY DETAILS	3
1    Scope of survey and report	3
2    Survey method	4
3    The site	4
4    Existing trees	6
5    Tree constraints	8
6    Outline tree protection requirements	9
7    Arboricultural recommendations	11

## Photographs

### APPENDICES

1	Tree Protection Measures
2	Tree Survey Schedule
3	Tree Survey and Constraints Plan (plan 1) Outline Tree Protection Plan (plan 2)
4	Cascade of tree quality conditions BS 5837: 2012

## ARBORICULTURAL REPORT

### former Panmure Hotel, Monifieth

Brief: I have been instructed to survey the single tree on site, a mature Whitebeam, in accordance with British Standard 5837:2012 '*Trees in relation to design, demolition and construction-recommendations*' and assess the constraints which it (and nearby trees) pose to future development of the site. Outline recommendations are provided concerning protection of retained trees.

## TREE SURVEY DETAILS

### 1 Scope of survey and report

- 1.1. This survey (and report) is concerned with the arboricultural aspects of the site only. The survey was carried out during November 2020.
- 1.2. It concerns the single mature tree on site. No other trees have been inspected.
- 1.3. The survey has been carried out following the guidelines detailed in British Standard 5837: 2012 '*Trees in relation to design, demolition and construction-recommendations*'.
- 1.4. With reference to Angus Council web site, the trees are not located within a Conservation Area. However, the Local Authority should be consulted to determine whether the trees are protected under Tree Preservation Order (TPO). No remedial tree work should be undertaken without first consulting with the Local Authority Planning Department.
- 1.5. Only trees of significant stature have been surveyed: trees with a stem diameter less than 75mm and dense shrub areas have been excluded.
- 1.6. No plant tissue samples have been taken and no internal investigation of the tree has been carried out.
- 1.7. No soil samples have been taken and or soil analysis carried out.
- 1.8. We have no detailed knowledge of existing or proposed underground services.
- 1.9. Tree location has been surveyed by others and is shown plotted on plan 1, the Tree Survey and Constraints Plan.



## 2. Survey method

- 2.1 The survey has been conducted from ground level with the aid of binoculars.
- 2.2 It is based on an assessment from ground level and examination of external features only – described as the ‘Visual Tree Assessment’ method per Mattheck and Breloer - stage 1 (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 2.3 I have estimated the height of each tree visually, having measured a sample of the trees using a hypsometer.
- 2.4 Trunk diameters of single stemmed trees have been measured at 1.5m above ground level.
- 2.5 The crown radii have been estimated by pacing and are given for the main compass points: north, south east and west.
- 2.6 Where access to trees was obstructed or obscured, measurements have been estimated.

## 3 The site

- 3.1 The site is located at the South Eastern outskirts of Monifieth and is at the North East end of the former Panmure Hotel. A narrow lane runs immediately beyond the north east boundary and the site is bounded by Princes Street at the North side. To the north east of the site is Grange and Broughty Golf Club House; the Monifieth Golf Links extends east of this. To the West and North West of the site is residential housing. Beyond the southern site boundary is an open car park; the railway runs east to west to the south of this. The site is bordered to the North and West by mixed residential housing.
- 3.2 The site includes a small single storey building and garage beside Princess Street and is marked by a low stone retaining wall along the North East boundary. The single tree on site, a mature Whitebeam, is located on the line of this wall (as seen at plate 1). A timber fence runs beside part of the wall and encloses the tree from the west side. The narrow site also includes monobloc parking areas associated with the Hotel and narrow areas of grass and shrubs. See plate 2.



Plate 1: View southerly of Whitebeam beside boundary wall and narrow tarmac lane beyond NE boundary. Note major crown bias to east, away from site

- 3.3 As well as the single tree on site, there is a group of 3 developing trees at the South East corner of the Hotel grounds (plate 3) and an area of tree cover at the West boundary of the Hotel, well out-with the site and not included in the assessment.
- 3.4 The topography on and adjacent site is relatively flat and even. Much of this is hardstanding as seen at plates 1 and 2. Soils appear to be mineral and relatively free draining.

#### **Development proposal**

- 3.5 I have not seen a development proposal for this site.



Plate 2: View Northerly of Whitebeam with monobloc area to east. Note unbalanced crown and previous pruning at lower crown.

## 4 Existing Trees

### **General observations**

- 4.1 The single tree on site is a mature Whitebeam, this tree is referenced T988 on plan. Three further trees located out-with the site have been survey for completeness; these are referenced T989 to 991.
- 4.2 The location of the trees is shown on the Tree Survey and Constraints Plan (appendix 3). The tree details are shown on the Tree Survey Schedule, appendix 2.
- 4.3 The Whitebeam is of large size for species and has an unbalanced crown, weighted east away from the site. It has a history of crown lift pruning, with several unoccluded pruning wounds. The tree is located adjacent areas of hardstanding on all sides and it is likely that rooting will have been disturbed in the past and may now be somewhat restricted. The tree can be viewed in

glimpses along Princess Street but is more prominent from the Golf Course and from the South.

#### **Other trees**

- 4.4 Trees T989 to 991 include 2 small Black Pine and a single Poplar. They are developing in a small landscape planter at the South East of the site and provide some screening from the adjacent car park, as seen at plate 3.



Plate 3: View southerly of small group of trees T989 to 991 including 2 Black Pine and a single Poplar. Trees are located beyond site boundary at South East corner of former Hotel grounds

#### **Tree condition and quality**

- 4.5 Although the assessment of a tree's condition is a subjective process, British Standard 5837: 2012 gives clear guidance on the appropriate criteria for categorising trees and the factors that assist the arboriculturist in determining the suitability of a tree for retention.
- 4.6 The tree is categorised according to BS 5837: 2012 as follows. (These can be viewed in full at Table 1 of BS 5837: 2012) – see appendix 4:-

**Category U:** Trees of poor condition, such that any existing value could be lost within ten years and which, in the current context, could be removed for reasons of sound arboricultural management.

**Category A:** Trees of high quality and value: in such a condition to make a substantial contribution to amenity (a minimum of forty years is suggested).

**Category B:** Trees of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested).

**Category C:** Trees of low quality and value which might remain for a minimum of 10 years, or young trees with uncertain potential.

4.7 I have recorded the Whitebeam, the only tree on site, as category B3. It has relatively short term potential due to species, location, and age, but provides some screening and visual amenity.

4.8 The 2 Black Pine (T990 and 991) are assessed B2 and the Poplar is recorded Category C.

#### **Tree work required**

4.9 No remedial tree work is recommended in the current context.

## **5 Tree constraints**

5.1 Following inspection of the tree, the information listed in appendix 2, the Tree Survey Schedule, has been used to provide constraints guidance based on the location of the tree, the crown spread and available rooting.

5.2 The Root Protection Areas (RPA): (the area where ground disturbance must be carefully controlled) have initially been established according to the recommendations set out in table 2 and section 5 of BS 5837: 2012. This is based on the trunk diameter. In some instances root spread and morphology is likely to differ due to ground conditions, structures and site history (as set out in BS 5837: 2012 at sections 4.62 and 4.63): for example the rooting on each side of the tree is likely to be restricted to some extent by past excavation in construction of the boundary wall and areas of nearby hardstanding.

5.3 The crowns spread (and tree height) represent the above ground constraint to development. The above and below ground constraints, as discussed above, are shown on the Tree Constraints Plan (see plan 1, appendix 3).

5.4 The Whitebeam, as a 'B' category tree, represents a material constraint to development. The tree has some visual impact although it is of relatively short term potential and could be replaced by new planting if required. The 3 trees located beyond the site boundary are not likely to be impacted by site development.

#### **Tree retention**

5.5 Successful tree retention on this site will depend on the effective implementation and design of tree protection measures as outlined in section 6 of this report, as well as the general layout design.

5.6 Further advice on avoiding conflict between tree roots and infrastructure can be provided as required.

## 6 Outline tree protection requirements

### **Root Protection Areas (RPAs) and Construction Exclusion Zones (CEZ)**

6.1 In order for retained trees to be protected during construction and to flourish post-development, it will be essential to prevent root severance or compaction of soils within the Root Protection Areas.

6.2 The RPA dimensions are provided on the tree survey schedule and are calculated for most trees using the trees diameter: with measurements taken at 1.5metres for trees with a single stem, and above the root flare for twin and multi-stemmed trees.

6.3 Robust protective barrier fencing should be erected, preferably at the limit of the RPA, or adjacent hard-standing (or in a position to be agreed once final construction details are available) to form Construction Exclusion Zones around retained trees. **This must be done before any construction activity takes place or machinery is brought to site.**

6.4 The design of fencing suitable for purpose and compliant with BS 5837 is given at appendix 1. The fencing shall be at least 2.1m high and comprise of standard 'Heras' welded mesh mounted on a scaffold framework. All fencing must be fixed in to the ground to withstand accidental impact from machinery and to ensure that the protective area is maintained. Ground protection can be used in conjunction with Tree Protective Fencing as allowed for in BS 5837: 2012.

6.5 Further information can be provided as required

### **Underground utilities**

6.6 Guidelines set out in the National Joint Utilities Group publication NJUG *Volume 4, Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees* must be adhered to during excavation works close to or partially within the RPAs.

6.7 NJUG Volume 4 can be downloaded at <http://www.njug.org.uk>.

## **Trees and construction: overview**

6.8 Tree rooting is widely misunderstood, and it is a surprising fact that typically, 80% of roots will be found in the upper half metre of soil and often extend well beyond the canopy spread. Threat to trees from development comes from:-

- Root severance and fracture
- Compaction of the soil, preventing gaseous exchange and moisture percolation
- Possible changes to moisture gradients due to surface water run-off or interception
- Physical damage to low branches, trunk and root crown

6.9 The consequences for the tree of such damage are:-

- Instability, if severe enough
- Entry points for pathogenic fungi at wounds and fractures
- Loss of vitality and predisposition to pathogens

All of these can lead to root death which can cause a general decline or possible death of the tree.

6.10 As well as the physical footprint of any new structure, allowance needs to be made for the essential space requirements for construction activity. This includes machinery access, material storage and parking.

## 7 ARBORICULTURAL RECOMMENDATIONS

- 7.1 **Tree works:** and removals recommended in this report should be carried out by suitably experienced tree surgeons. Tree felling and pruning should comply with BS 3998: 2010 'Tree Work'.
- 7.2 **Statutory wildlife obligations:** The Wildlife and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004 provide statutory protection to birds, bats and other species that inhabit trees. All tree work operations are covered by these provisions. Prior to undertaking any tree work, the trees should be inspected by a suitably qualified ecologist for the presence of Bat roosts. If Bats and/or roosts are identified, Scottish Natural Heritage (SNH) should be contacted, and an agreement made with regard to measures to be undertaken to protect Bats before undertaking any work which might constitute an offence.
- 7.3 **Tree protection measures:** should be used to protect the retained tree as indicated in this report. The implementation of these measures and subsequent adherence should be supervised by an arboricultural consultant/and or the Local Authority tree officer.
- 7.4 **Replacement tree planting :** Any tree removal required to facilitate development should be mitigated by new tree planting of good quality trees in line with the character of the area. Further information can provide if required.

Martin Langton  
Bsc (Hons), For, MICFor, CEnv



## Appendix 1: Tree protection measures

### Tree Protection Fencing

Specifications (specifically outlined by outline box)

#### **Heras Fencing**

Heras fencing describes the 2.1m galvanised steel mesh panelled fencing normally supplied with pre-cast concrete bases. Bases can be replaced with a fixed wooden frame to which panels are clamped/firmly fixed. For extra stability, scaffold poles/4 x 4 wooden posts can be firmed in to the ground as supporting posts and supporting struts are to be attached at a 45 degree angle on the 'tree side' of the fencing and fixed in to the ground, as required.

#### **1.5m (min) Chestnut Paling Fence on Scaffold**

Chestnut Paling to be affixed to a scaffold framework comprising two horizontal braces (top and bottom) supported by vertical scaffold posts driven firmly into the ground at 4.0m or less. Angled supporting struts are to be affixed 'tree-side' as appropriate.

#### **1.5m (min) Chestnut Paling on wooden supporting frame**

Stakes – 1.8m half round 100mm diameter untreated posts @ 1.8m centres (or as directed).

- 2 x 38 x 87mm rails (motorway)
- 1.2m Chestnut Paling will be industrially stapled to the rails

Extra wooden supports to be affixed at an angle on the tree side of the fence.

#### **2.4m Hoarding**

3.0m 100 x 100mm square wooden posts  
3 x 38 x 87mm wooden rails affixed to posts  
2.4m x 1200mm outside grade ply panels (12mm) affixed to rails.  
50 x 100mm angled supporting struts affixed internally (quantity as required).

(Supporting posts fixed into position using concrete. All posts holes to be hand excavated. Post holes to be no larger than 300 x 300mm.)

## Appendix 1: Tree protection measures continued

### Tree Protection Fencing

Default specification for protective barrier

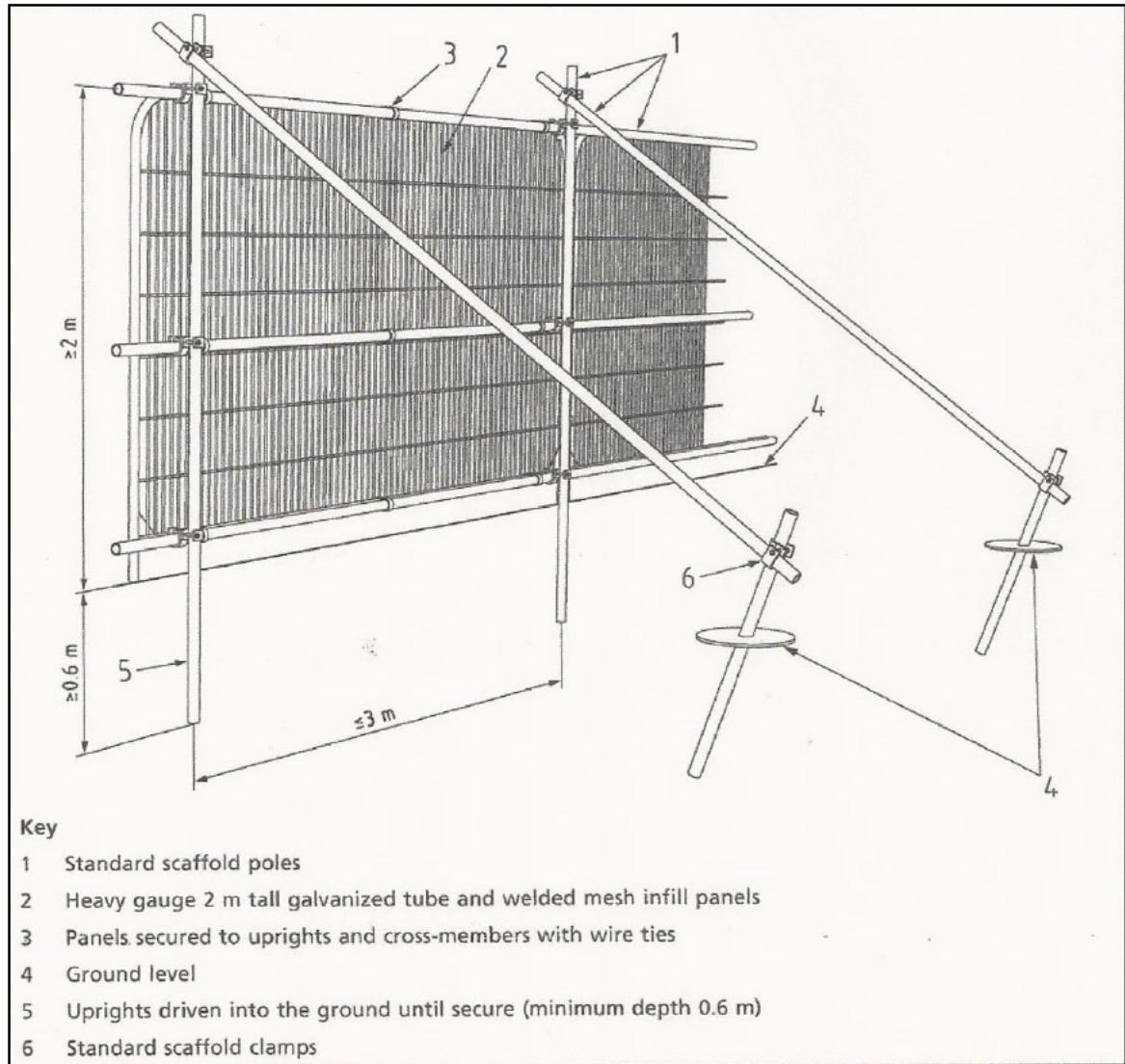
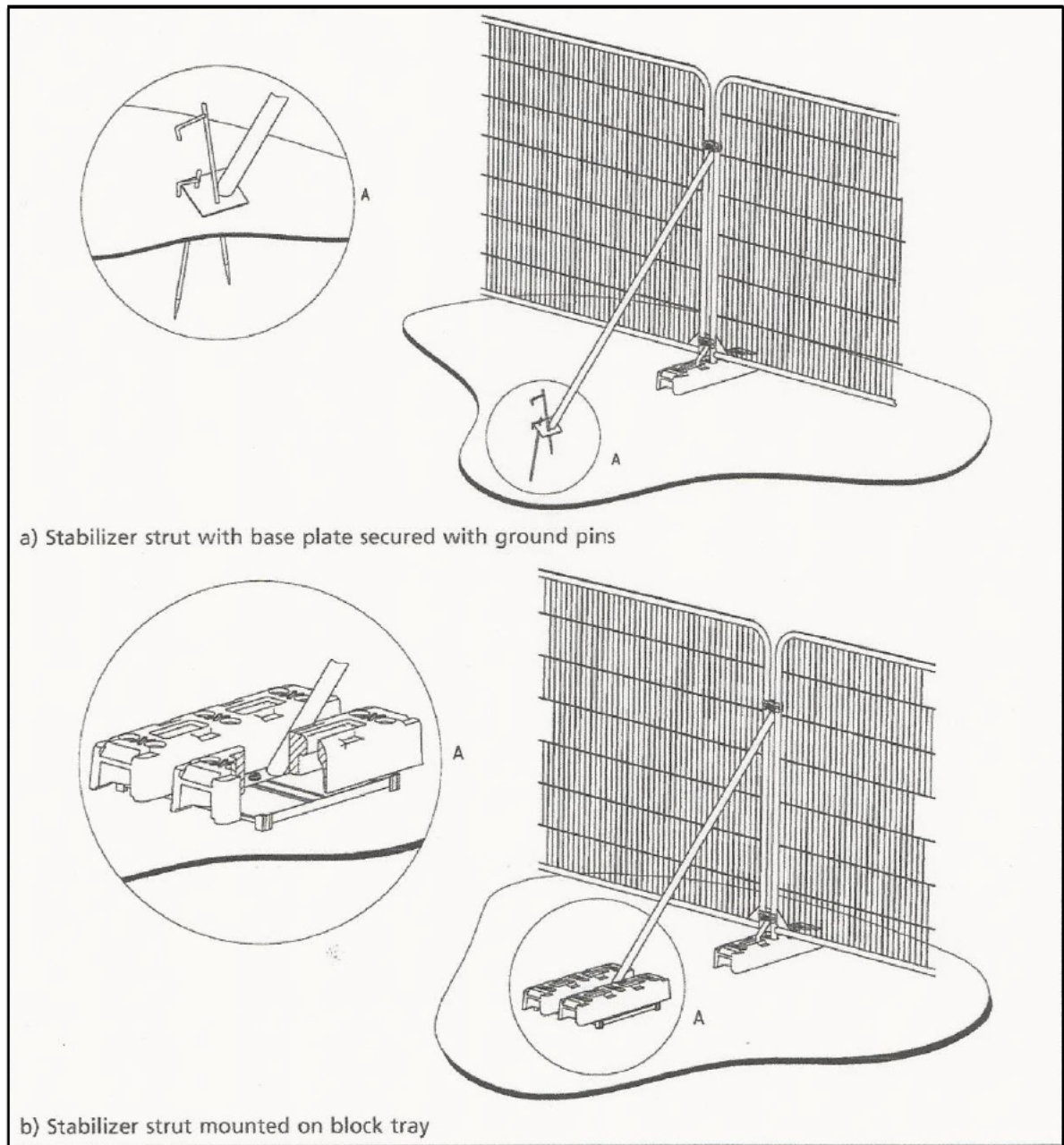


Figure 1: Tree Protective Fencing diagram from BS 5837: 2012

## Appendix 1 continued

Figure 3 Examples of above-ground stabilizing systems (from BS 5837: 2012)



## Appendix 2

### Tree Survey Schedule

## Appendix 3

### Tree Survey and Constraints Plan (Plan 1)

# Appendix 4: Cascade chart for tree quality assessment: BS 5837: 2012

© The British Standards Institution 2012 • 9

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
<b>Trees unsuitable for retention (see Note)</b>		
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>	See Table 2
<b>Trees to be considered for retention</b>		
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of at least 40 years	<p><b>1 Mainly arboricultural qualities</b></p> <p>Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)</p> <p><b>2 Mainly landscape qualities</b></p> <p>Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features</p> <p><b>3 Mainly cultural values, including conservation</b></p> <p>Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)</p>	See Table 2
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	<p>Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation</p> <p>Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality</p>	See Table 2
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	<p>Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories</p> <p>Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value, and/or trees offering low or only temporary/transient landscape benefits</p>	See Table 2

BRITISH STANDARD

BS 5837:2012

Millard Consulting,  
Seabraes, 18 Greenmarket,  
Dundee, DD1 4QB

t: 01382 227 380  
e: dundee@millardconsulting.co.uk  
w: millardconsulting.co.uk

Our Ref: AB/16074

5<sup>th</sup> November 2019

**Mr Kieran Mcadam**  
Jon Frullani Architect  
Unit 5  
District 10  
25 Greenmarket  
Dundee  
DD1 4QB

Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Dear Kieran,

## 2 No. PROPOSED HOUSES AT THE FORMER PANMURE HOTEL, MONIFIETH, ANGUS PRELIMINARY FLOOD RISK ASSESSMENT

Thank you for confirming that we should proceed with undertaking a preliminary flood risk assessment for the proposed housing development at the former Panmure Hotel in Monifieth. We have now completed the assessment and our findings are set out below.

### Project Description

The former Panmure Hotel is located off Tay Street in Monifieth, Angus. The former hotel building is currently being converted into 9 flats, however there is a proposal to construct 2 new houses within the former car parking and soft landscaped area of the hotel.

Access into the new houses will be taken from Tay Street which bounds the site to the south west.

The site location is shown bounded in red in Figure 1 below:



Figure 1 – Site location plan

An excerpt from Jon Frullani Architect drawing 5686\_P\_304 showing the proposed site layout for the development, is shown in Figure 2 below:



**Figure 2 - excerpt from Jon Frullani Architect drawing 5686\_P\_304 showing the proposed site layout for the development (Jon Frullani Architect, 2020)**

### **Scope and Methodology**

This preliminary flood risk assessment has been undertaken through the inspection of available mapping, liaison with SEPA and the consideration of available flood risk information.

A topographical survey has not been provided for the site, and hydraulic modelling has not been undertaken as part of this assessment.

This Flood Risk Assessment is carried out in accordance with the requirements of the Scottish Planning Policy (SPP) (Scottish Government, 2014).

### **Site Description**

The site is part of the site of the former Panmure Hotel in Monifieth, Angus. The former hotel building is currently being converted into 9 flats, however two new houses are proposed across an area of the site formerly used for car parking and soft landscaping.

The site is located at Ordnance Survey grid reference 350030, 732437, and is approximately 700m<sup>2</sup> in size. To the north west the site is bounded by Princes Street, while Tay Street bounds the site to the south west. The former Panmure Hotel building is located just beyond the north eastern boundary, while an access to the hotel building forms the south eastern boundary. A car park is located beyond the hotel building access to the south east serving the nearby Monifieth Golf Links, with a railway line located further beyond.

The site is within an urban area, however a short distance to the east, just beyond the former Panmure Hotel building, Monifieth Golf Links is located. The links is a substantial open area, which is relatively



flat in nature. The railway is located some 35m south east of the site. Beyond the railway line in a south easterly direction, approximately 250m from the site, Monifieth sands is located on the Tay Estuary.

A topographical survey on the site has not been undertaken, however by inspection the site is relatively flat, with a gradual slope towards Tay Street. It is estimated that the masonry wall along the boundary of the site with Tay Street, is approximately 0.9 to 1m higher than the footway midway along the boundary.

As well as the River Tay which is located some 250m south east of the site, the Monifieth Burn is located in close proximity. As it passes the site the Monifieth Burn is culverted. The culvert extends from the north eastern side of the junction between Ramsay Street and Brook Street, approximately 400m north east of the site, along Brook Street to its junction with Tay Street, before changing to a south south easterly direction, discharging into the River Tay beyond Marine Drive. The outfall location is approximately 90m south of the entrance to Riverview Caravan Park, which is situated between the Tay Estuary and the railway.

Upstream of the culvert, the Monifieth Burn has an open course generally, however there are several structures along its course facilitating access routes. From the inspection of Ordnance Survey mapping, a tributary channel joins the Monifieth Burn approximately 270m upstream of Ramsay Street. This tributary appears to run an open course for approximately 65m upstream of the Monifieth Burn, however would appear to be culverted upstream of this point.



**Photographs 1 – Looking north eastwards towards the site from Tay Street. The site extends across the grassed area in the centre of the photograph. As can be seen the site sits significantly higher than Tay Street. The top of the masonry boundary well is approximately 0.9m to 1m above the back of the footway in the vicinity of the large tree in the top left of the photograph.**



**Photograph 2 – A view of the Monifieth Burn culvert which runs past the site, at its upstream end at Ramsay Street.**



**Photograph 3 – Taken from the same location as Photograph 2, looking upstream on the Monifieth Burn**



**Photograph 4 – Outfall from Monifieth Burn onto Monifieth Sands in Tay Estuary**

### **Consideration of Flood Risk**

#### ***Regulatory Framework***

SEPA's "Flood Risk and Land Use Vulnerability Guidance" provides classifications for particular development uses, outlining which flood zones are generally suitable for the development of each classification. The uses are split into five classifications; most vulnerable, highly vulnerable, least vulnerable, essential infrastructure and water compatible. The guidance places dwellinghouses within the "highly vulnerable" category. Hotels are also within the "highly vulnerable" category.

The guidance splits land into four flood risk zones, which are as follows:

- Little or no risk of flooding (areas with less than 0.1% annual probability of flooding, or alternatively described as areas outwith the 1 in 1000 year return period flood extent)
- Low to medium risk of flooding (areas with between 0.1% and 0.5% annual probability of flooding, or alternatively described as the area between the 1 in 1000 year and 1 in 200 year flood extents)
- Medium to high risk within built up areas (areas with greater than 0.5% annual probability of flooding within an urban area)
- Medium to high risk within undeveloped and sparsely developed areas (areas with greater than 0.5% annual probability of flooding within undeveloped and sparsely developed areas)

Based on the aforementioned guidance, land uses within the "highly vulnerable" classification, i.e. proposed dwellinghouses and hotels, would generally be suitable outwith the 1 in 200 year flood extent.

Following the SEPA guidance, flood risk would need to be assessed across the site area for a 1 in 200 year flood event. The change in use from hotel to residential does not constitute an increase in vulnerability of use, but it must be ensured that the proposed development is acceptable with respect to flood risk.

### ***SEPA Flood Map***

The SEPA flood map shows the roads adjacent to the site being at risk of surface water flooding during a 1 in 200 year flood event, while the fluvial flood risk is shown surrounding the site. It appears the SEPA flood map shows a limited proportion of the site flooded by the fluvial 1 in 200 year flood extent.

### ***Additional Flood Risk Information***

In 2019 JBA Consulting completed a flood risk assessment on the Monifieth Burn in the vicinity of the site for Angus Council. The final report and output showing the 1 in 200 year flood extent, including climate change, has been obtained. The climate change allowance applied was 35%, in accordance with current SEPA guidance.

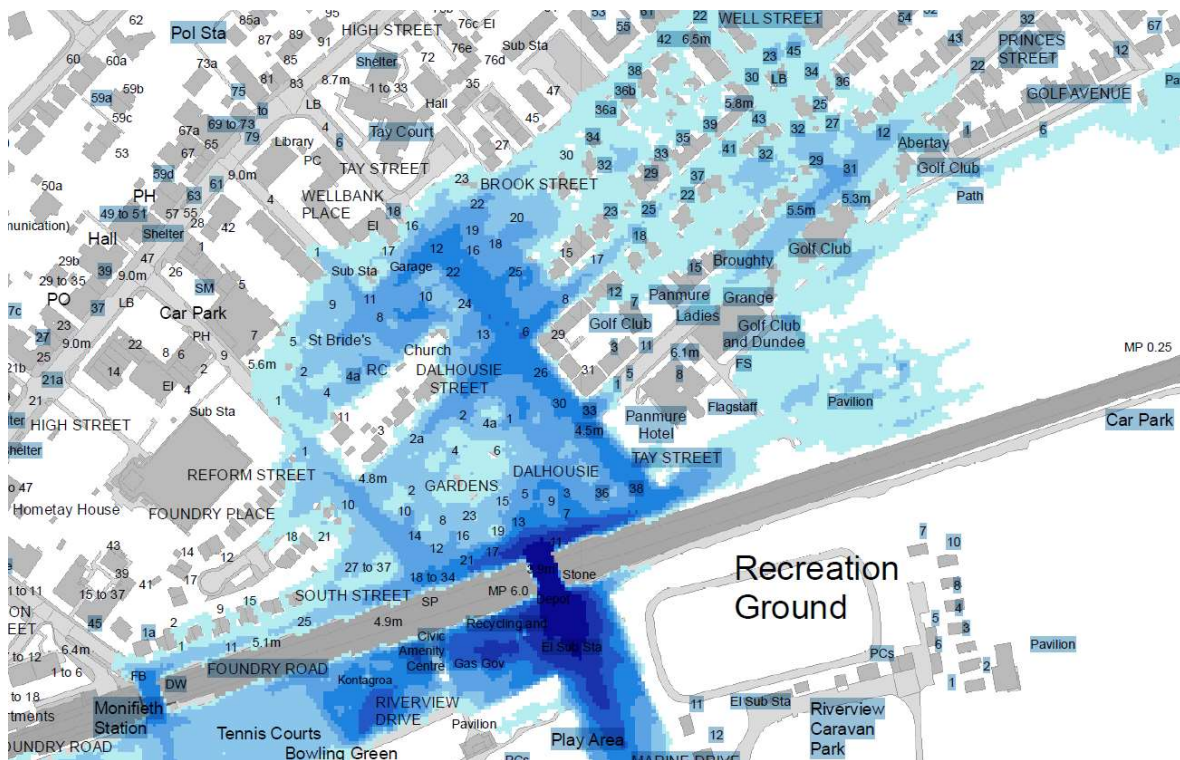
The report considers flood risk from the Monifieth Burn and the impact of high tide levels on the watercourse. The findings show that a limited proportion of the site is within the 1 in 200 year flood extent, including climate change, around its boundaries with adjacent roads. A significant proportion of the site is however shown to be outwith this flood extent.

The report results show a significant area of flooding in the vicinity of the site, with 116 buildings predicted to flood during a 1 in 200 year flood event.

The 1 in 200 year plus climate change flood extent defined by JBA Consulting shows maximum flood depths of between 0.75m and 1m on Tay Street adjacent to the site. Princes Street is also subject to flooding for this event along its boundary with the site, however flood depths reduce gradually moving north eastwards from Tay Street, with no flooding shown on the road adjacent to the former Panmure Hotel. Beyond the former hotel building in a north easterly direction, road levels fall, and flooding is again predicted on Princes Street, to a maximum level of between 0.5m and 0.75m.

Although the JBA report shows the majority of the site flood free, there is no flood free route of access/egress to and from the site during a 1 in 200 year flood event, including climate change. Vehicular access to the site would not be possible during a 1 in 200 year plus climate change flood event, with flood depths on Tay Street and Princes Street predicted to be too deep to allow access. Vehicles could get as close as Golf Avenue, where a pathway link exists to the site. The walkway from Golf Avenue to the site is shown to be flooded along part of its length, however flood depths are predicted to be between 0m and 0.25m deep, and hence it is expected that access along this route should be possible.

An excerpt from the JBA Consulting Q200 + climate change flood extent plan is shown in Figure 3 overleaf:



**Figure 2 – Excerpt from predicted Q200 + climate change flood extent plan (JBA Consulting, 2019)**

### ***Development Proposals – Site Occupancy Comparison***

When taking the former Panmure Hotel site in its entirety, the change of use from a hotel to housing does not constitute a change in vulnerability of use according to SEPA's Flood Risk and Land Use Vulnerability Guidance, which lists both hotels and houses within the "highly vulnerable" category.

During operation the hotel had 13 bedrooms; 11 double, 1 triple and 1 single, hence a total guest occupancy of 26 people. At night it is understood a minimum of 1 staff member would be in the hotel. The minimum number of people on site during the operation of the hotel was therefore 27 people.

A minimum of 17 times per year there were large parties or weddings in the hotel. These parties catered for up to 250 people, with increased staff numbers. The maximum staff number was 19 when weddings and large parties were being held. The maximum number of people on site is therefore calculated as 299, assuming no people attending the party or wedding were staying in the hotel.

The hotel is being redeveloped into 9, 2 bedroom flats, while the 2 new houses will have 4 bedrooms each. Assuming an average occupancy of 3 people per flat, and 4 people per house, a reasonable estimate of the number of the maximum number of people on site post development would be 35. Although this number is slightly higher than the maximum overnight occupancy of the hotel, it is significantly lower than the maximum number of people who would have been on site many times each year during parties and weddings.

### **Proposed Mitigation and Management of Flood Risk**

From the assessment of the JBA Consulting report, it can be said that the majority of the site is flood free during a 1 in 200 year flood event, including climate change. It can also be said that although flood free access/egress to and from the site is not predicted to be possible during this event, access is still expected to be possible due to the shallow flooding depths expected along the footway between the site and Golf Avenue.

The proposed houses should be constructed outwith the 1 in 200 year, plus climate change, flood extent, with finished floor levels no less than 0.6m above the adjacent predicted Q200 + climate change flood level. The relevant Q200 + climate change flood level has been requested from Angus Council, however this has not been received at the time of writing. The required data may need to be purchased from JBA Consulting, as well as the predicted flood outlines to enable detailed design drawings to be prepared. No landraising should be undertaken within the 1 in 200 year flood extent defined by JBA Consulting.

It is recommended that a Flood Action Plan be prepared to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn. The Plan will highlight the potential risk of flooding to surrounding roads, and ensure occupants are aware of both the flood risk, and the appropriate measures which should be implemented during a flood event.

### **Conclusions**

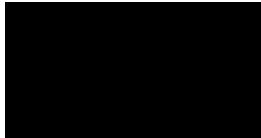
It is concluded that the site is developable with respect to flood risk, providing the mitigation measures recommended above are applied. The proposed development does not result in an increase in the vulnerability of site use, while it is suggested that the proposed occupancy numbers on site should be acceptable when compared to occupancy numbers for the previous hotel development.

To finalise the detailed design and enable finished floor levels to be confirmed, the predicted Q200 + climate change flood levels adjacent to the site should be obtained from Angus Council and JBA Consulting.

To ensure occupants are aware of the potential for flooding on surrounding roads, and of the appropriate measures which should be implemented during a flood event, it is recommended that a Flood Action Plan is prepared. The Plan should be made available to all site occupants, and a copy held in each property on site.

We trust the above is satisfactory at this time, however should you have any queries, please do not hesitate to contact us.

Yours sincerely,



Andrew Braid  
Millard Consulting

## Angus Council

<b>Application Number:</b>	<a href="#">20/00888/FULL</a>
<b>Description of Development:</b>	Erection of two dwellinghouses and associated works
<b>Site Address:</b>	Panmure Hotel Tay Street Monifieth Dundee DD5 4AX
<b>Grid Ref:</b>	350030 : 732431
<b>Applicant Name:</b>	Mr G Robertson

## Report of Handling

### Site Description

The application site measures approximately 790sqm and is located within the grounds of the former Panmure Hotel, which has now been converted into 9 flats. The application site is located adjacent to the west boundary of the former hotel building on a grassed area which was approved as amenity space for the flats. There are mature trees along the northern and western site boundary which are subject to a tree preservation order. The application site is bound to the north and west by residential properties across the public roads and to the east and south by the grounds of the flatted development.

### Proposal

The proposal seeks planning permission for the erection 2no. dwellings on the site. The proposed houses would be detached 1.5 storey properties (with upper floor accommodation in the roof space) and these would be 7.1m in height to the ridge. The materials proposed would be an off white render on the walls, a concrete tiled roof and white UPVC windows and doors. The information indicates that the gardens would be enclosed by 1.8m high timber fences. The dwellings would use the existing vehicular access to the flats off Tay Street and the dwellings would front onto Tay Street, with parking to the rear. The application form indicates that the houses would connect to the public foul drainage network and public water supply. The information submitted does not make it clear how surface water would be managed.

### Amendments

Amended Proposed Site Plan (drawing number 5686\_P\_304 Rev E), Amended Proposed Floor Plans (drawing number 5686\_P\_305 Rev A); Amended Proposed Elevations Plan (drawing number 5686\_P\_306); Amended Proposed Context Elevations Plan (drawing number 5686\_P\_307 Rev B); Amended Proposed Extended Site Plan (drawing number 5686\_P\_308 Rev A); submitted on 23/06/21 supersedes the drawings previously submitted. These drawings changed/clarified aspects of the layout including an alteration of the building positions, clarification that vehicular parking would be provided to the east of the proposed dwellings and confirming that the existing vehicular access to the former Panmure Hotel building on Tay Street would be utilised to access the proposed housing, and identifying boundary treatments.

### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 22 January 2021 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

## Planning History

[17/00974/FULL](#) for Conversion of Existing Hotel to Form Nine Flats and Associated Alterations was determined as "approved subject to conditions" on 21 February 2018. This planning permission identified the area which is currently proposed for development as amenity space to serve the 9 flats formed in the former Panmure Hotel.

[18/00964/FULL](#) for Erection of Two Dwellinghouses and Associated Works was "Withdrawn" on 13 February 2019. That application proposed two detached dwellings in a similar location to those proposed in the current application.

[22/00122/FULL](#) for Conversion of existing store to dwellinghouse with alterations to 2B Princes Street was "approved subject to conditions" on 04 July 2022.

Angus Council Tree Preservation Order 2021 No.2 was confirmed by Angus Council Development Standards Committee on 15 June 2021. This tree preservation area applies to the grounds of the former Panmure Hotel and includes the trees within the current application site. [Report 206/21](#) refers to the prominent mixed mature broadleaved trees along the boundaries of the site with both Tay Street and Princes Street.

## Applicant's Case

Letter From Millard Consulting Engineers dated the 05/11/19:

- Describes that a preliminary flood risk assessment was completed and this has been undertaken through the inspection of available mapping, liaison with SEPA and the consideration of available flood risk information. A topographical survey has not been provided for the site, and hydraulic modelling has not been undertaken as part of this assessment;
- Describes the site and context and states the site is flat with a gradual slope towards Tay Street;
- As well as the River Tay which is located some 250m south east of the site, the Monifieth Burn is located in close proximity. As it passes the site the Monifieth Burn is culverted. The outfall location is approximately 90m south of the entrance to Riverview Caravan Park which is situated between the Tay Estuary and the railway;
- Upstream of the culvert, the Monifieth Burn has an open course generally, however there are several structures along its course facilitating access routes. From the inspection of Ordnance Survey mapping, a tributary channel joins the Monifieth Burn approximately 270m upstream of Ramsay Street. This tributary appears to run an open course for approximately 65m upstream of the Monifieth Burn, however would appear to be culverted upstream of this point.
- Describes the regulatory framework and refers to SEPA's "Flood Risk and Land Use Vulnerability Guidance";
- Notes the guidance places dwellinghouses within the "highly vulnerable" category and that hotels are also within the "highly vulnerable" category;
- States that following the SEPA guidance, flood risk would need to be assessed across the site area for a 1 in 200 year flood event.
- The SEPA flood map shows the roads adjacent to the site being at risk of surface water flooding during a 1 in 200 year flood event, while the fluvial flood risk is shown surrounding the site. It appears the SEPA flood map shows a limited proportion of the site flooded by the fluvial 1 in 200 year flood extent.
- Notes in 2019 JBA Consulting completed a flood risk assessment on the Monifieth Burn in the vicinity of the site for Angus Council;
- Notes that although the JBA report shows the majority of the site flood free, there is no flood free route of access/egress to and from the site during a 1 in 200 year flood event, including climate change. Vehicular access to the site would not be possible during a 1 in 200 year plus climate change flood event, with flood depths on Tay Street and Princes Street predicted to be too deep to allow access. Vehicles could get as close as Golf Avenue, where a pathway link exists to the site. The walkway from Golf Avenue to the site is shown to be flooded along part of its length, however flood depths are predicted to be between 0m and 0.25m deep, and hence it is expected that access along this route should be possible;
- When taking the former Panmure Hotel site in its entirety, the change of use from a hotel to housing does not constitute a change in vulnerability of use;
- Proposed mitigation suggests that the proposed houses should be constructed outwith the 1 in 200



year, plus climate change, flood extent, with finished floor levels no less than 0.6m above the adjacent predicted Q200 + climate change flood level. No land raising should be undertaken within the 1 in 200 year flood extent defined by JBA Consulting;

- Recommended that a Flood Action Plan be prepared to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn;
- Concluded that the site is developable with regards to flood risk, providing the mitigation measures recommended are applied. The proposed development does not result in an increase in the vulnerability of site use, while it is suggested that the proposed occupancy numbers on site should be acceptable when compared to occupancy numbers for the previous hotel development.
- To finalise the detailed design and enable finished floor levels to be confirmed, the predicted Q200 + climate change flood levels adjacent to the site should be obtained from Angus Council and JBA Consulting.

Tree Survey & Arboricultural Report for Trees at Former Panmure Hotel, Monifieth Dated November 2020:

- Indicates that the site survey relates to the small single storey garage. One mature tree to the east of the former hotel has been surveyed, along with three further trees to the south east of the former hotel. The report states that the trees have been assessed in the current context according to their suitability for retention in relation to BS 5837:2012 'Trees in relation to design, demolition and construction-recommendations' and in relation to development proposals for the site. The tree is a mature Whitebeam, of large size for species. It is sited at the edge of the car park of the former Hotel and adjacent a tarmac lane and is currently partially fenced off. The above and below ground tree constraints have been plotted on the Tree Survey and Constraints plan, which accompanies this report at appendix 3. These include root protection areas (RPA), and crown spread. Outline tree protection measures are prescribed in relation to retained trees.

The tree survey does not include detailed information relating to existing trees within the application site and appears to relate to a different development proposal.

## Consultations

**Scottish Environment Protection Agency** - objects in principle to the application on the basis that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. SEPA notes the comments offered by the roads department and agrees in full with these.

SEPA has indicated that in the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases.

**Roads (flooding)** - objects to the application. Notes that the location of the proposed development lies partially within the medium probability of the fluvial (Monifieth Burn) and very close to the medium probability of the surface water flood envelope as given on SEPA's indicative flood map. In addition, in the recent study by JBA, the area of the proposed development is shown to be partially within the 0.5% AP (200 year) event with 35% uplift to account for climate change of the Fluvial Flood Map for the Monifieth Burn. The site is therefore likely to be at risk of flooding during an event of this return period. Roads notes that it is not clear how it is proposed to deal with the surface water from the proposed development, given that Scottish Water will not accept any surface water connections into their combined sewer system in the area.

In respect of the flood risk information submitted by the applicant, roads notes that the report acknowledges the risk to flooding and states that *'the change in use from hotel to residential does not constitute an increase in vulnerability of use, but it must be ensured that the proposed development is acceptable with respect to flood risk'*. However, roads has indicated that the erection of the two dwellinghouses and associated works are proposed in the vacant part of the site. A Flood Action Plan is proposed to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn as there will be issues with vehicular access to the site during a 1 in 200 year plus climate change flood event.

Roads reviewed the amended plans submitted on the 23/06/21 and indicated that their response remains the same.

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

**People Directorate - Education** - There was no response from this consultee at the time of report preparation.

**Aberdeenshire Council Archaeology Service** - No archaeological mitigation is required.

**Service Manager Housing** - No objection. Note that the total number of residential properties in the wider site would increase as a result of development, taking the total number of houses within the former hotel curtilage to greater than 10. As a result, affordable housing requires to be delivered at a rate of 25% of the cumulative site total.

**Parks & Burial Grounds** - No objections. Notes the development lies on the site for the conversion of the former Panmure Hotel to 9 units (17/00974/FULL refers). This brings the total to 11 units on the site and subsequently the open space provision should be calculated collectively.

In accordance with Policy PV2 of the Local Plan a minimum provision of 2.43 hectares of open space per 1000 head of population is required, for a development of 11 units this equates to 668 square metres of usable open space (60.75 square metres per dwelling). The narrow grass area along a line of car parking cannot be classed as either usable or safe open space. It should therefore not be considered as open space serving the development. States that as the development is covered by the Blue Seaway play area a contribution towards formal play space will not be required. However a contribution towards public park/amenity open space in Monifieth should therefore be provided, which for 11 units on the overall site would amount to £5,698.

**Roads (Traffic)** - No objections subject to conditions requiring visibility splays and maintenance of these splays.

**Scottish Water** - No objections but indicate that they will not accept a surface water connection to the public sewer.

## **Representations**

24 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 24 objected to the proposal and 0 supported the proposal.

The main points of concern are summarised as follows:

- Development not in keeping with character and pattern of development
- Impact on trees which are protected by TPO and lack of information relating to trees within the site
- Noise and disruption during construction works
- Traffic, access and parking issues
- Amenity Impacts (loss of privacy, outlook, light and overshadowing)
- Adverse impact on built heritage
- Lack of information to identify impacts resulting from the development
- Impacts on natural environment and wildlife
- Proposal is contrary to planning policy
- Loss of garden ground associated with adjacent flatted development (as approved as part of application 17/00974/FULL)
- Flood risk and lack of surface water drainage details
- Loss of open space
- Requirement for affordable housing provision
- No details of recycling and waste management facilities
- Consultees previously indicated a lack of support for the application

## **Development Plan Policies**

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

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy DS5 : Developer Contributions  
Policy TC2 : Residential Development  
Policy TC3 : Affordable Housing  
Policy PV2 : Open Space within Settlements  
Policy PV5 : Protected Species  
Policy PV7 : Woodland, Trees and Hedges  
Policy PV12 : Managing Flood Risk  
Policy PV15 : Drainage Infrastructure

## **TAYplan Strategic Development Plan**

### Policy 2 – Shaping Better Quality Places

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

### **Assessment**

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

Policy DS1 in the Angus Local Development Plan (ALDP) states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

They key issues in this case relate to:-

1. Whether the proposal would be consistent with the character and pattern of development in the surrounding area;
2. Whether the proposed houses could be constructed without unacceptably impacting on the amenity of existing housing, including the impact on flats within the former Panmure Hotel building;
3. The impact of the proposal on trees which are subject to a Tree Preservation Order, and whether adequate information has been submitted to illustrate that impact and the potential for associated impacts on protected species; and
4. Whether the proposed houses would be subject to an acceptable level of flood risk, having regard to the advice provided by consultees.

### **Compatibility with the character and pattern of development**

Policy TC2 indicates that proposals for new residential developments in development boundaries will be supported where the proposal is consistent with the character and pattern of development in the surrounding area. Policy DS3 indicates that 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. It promotes development which is distinct in character and identity, and supports development which retains and sensitively integrates important townscape and landscape features. The [Design and Placemaking Supplementary Guidance](#) indicates that development proposals should *retain, enhance and integrate existing important features which provide a place with a particular identity such as hillocks, buildings, paths, woodland, trees, hedgerows, walls and water bodies*; and *incorporate views of locally important features and landmarks to reinforce a sense of place*.

The application site is located in an older part of Monifieth close to its links area. Princess Street is dominated by sandstone villas with boundary walls and hedging on its north side and larger buildings including golf clubs and the former Panmure Hotel on its south side. Tay Street provides one of the main routes between the town centre and the links area, and provides access to the golf courses. The former Panmure Hotel building is a large sandstone property set within grounds which contain mature trees and

stone boundary walls. The trees and boundary walls and the space around the building on its west and south sides provide an important component of the attractive setting of the building, which is a locally important landmark on a main route to the links area. The former hotel building, the space around the building and the mature trees and stone boundary walls contribute positively to the sense of place in this part of Monifieth.

The application proposes two detached houses to the west of the former hotel building. The location of the proposed houses would require the removal of mature trees and the siting of the houses and the associated loss of mature trees would significantly disrupt views towards the building from Tay Street. The proposal would have an adverse effect on a prominent view of a locally important landmark building, contrary to the Design and Placemaking Supplementary Guidance.

The design of the proposed houses is also inconsistent with the character and pattern of development in the surrounding area. This is partly due to the choice of external materials and the large expanses of timber fencing proposed. However, any housing in the location proposed is likely to adversely impact on the setting of the former hotel building and the sense of place in this part of Monifieth. The proposal is contrary to policies TC2 and DS3 and the associated supplementary guidance as it proposes development which is not consistent with the character and pattern of development in the surrounding area, obstructing a prominent view of a locally important landmark building, and the development would adversely impact on the sense of place in this part of Monifieth.

### **Impact on the amenity of existing housing**

Policy TC2 indicates that proposals for new residential development must not result in an unacceptable impact on surrounding amenity. Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the amenity of existing or future occupiers of adjoining or nearby properties.

The application proposes the development of housing on an area which was approved as amenity space/garden ground serving the nine flats approved through application 17/00974/FULL for conversion of the hotel. The proposal would result in the loss of the main useable amenity space which was approved to serve the 9 flats in the former hotel, adversely impacting on the residential environment of those properties. The proposal would also result in a 1.8m high timber fence surrounding the garden ground of the proposed houses around 7m from the main lounge window serving the north westerly most ground floor flat inside the former hotel (47 Tay Street), which has a large bay window facing west. At 7m from the main living room window serving the flat, the 1.8m high timber fence would have an overbearing and oppressive impact on the outlook of that property. The proposal would result in an unacceptable impact on the residential environment of existing housing within the former hotel through loss of its main useable amenity space and through the installation of fencing close to its main living room window. The proposal is therefore contrary to policies TC2 and DS4.

### **Impact on trees and protected species**

Policy TC2 indicates that proposals for new residential development must not result in an unacceptable impact on the natural environment. Policy PV5 requires consideration of potential impacts on protected species, including European Protected Species. Policy PV7 relates to trees and indicates that trees which contribute to landscape and townscape setting may be protected through a Tree Preservation Order. It indicates that trees that contribute to amenity will be protected and indicates that development proposals should retain trees, and undertake tree surveys where appropriate.

The existing trees within the site are protected by a Tree Preservation Order (TPO). The plans submitted show the proposed houses extremely close to the position of existing trees within the site and the trees would require to be removed to accommodate houses in the proposed location. The tree survey submitted does not provide any survey information relating to trees within the application site. The trees within the site were recently deemed worthy of protection through TPO and, as noted earlier in this report, are considered to be important features in terms of their contribution to the townscape and sense of place of the area, and to the setting of the former hotel building which is a local landmark. No information has been submitted relating to the condition of these trees nor to show that the trees could co-exist with the proposed houses and their removal would have an adverse impact on the area. The proposal is therefore contrary to Policy

PV7.

No information has been submitted in relation to the potential for the trees to contain bat roosts. It cannot therefore be concluded that the removal of trees would not adversely impact on protected species. On that basis, the proposal has not demonstrated compliance with Policy PV5.

### **Flood risk**

The remaining key issue relates to flood risk. The site lies within an area which is identified on SEPA Flood Maps as being at medium risk of river flooding; and parts of the site are also identified as being at medium risk of surface water flooding. The site is currently vacant garden ground and contains no building(s).

Paragraph 256 of Scottish Planning Policy indicates that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. It indicates that piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

Policy 2 of TAYplan indicates that in order to deliver better quality development and places which respond to climate change, development proposals should be resilient and future-ready with a presumption against development in areas vulnerable to flood risk. It indicates that development proposals should assess the probability of risk from all sources of flooding. Policy PV12 *Managing Flood Risk* indicates that to reduce potential risk from flooding there will be a general presumption against built development proposals on the functional floodplain; which involve land raising on the functional flood plain; or which would materially increase the probability of flooding to existing or planned development. It indicates that development in areas known or suspected to be at the upper end of low to medium risk or medium to high risk may be required to undertake a flood risk assessment which should demonstrate (amongst other things) that flood risk can be managed both within and outwith the site; and access and egress to the site can be provided that is free of flood risk.

Information was submitted in support of the application in the form of a preliminary flood risk assessment which indicates that the site is developable providing the mitigation measures recommended are applied, including a control on the finished floor level of the proposed houses and requiring a Flood Action Plan to advise site occupants of the route which should be used to move off site during times of flood from the Monifieth Burn.

SEPA has reviewed the information submitted by the applicant and has objected in principle to the proposal on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy. Angus Council's Roads Service note the location of the proposed development lies partially within the medium probability of the fluvial flood envelope (Monifieth Burn) and very close to the medium probability of the surface water flood envelope as given on SEPA's indicative flood map. They note that in the recent study by JBA, the area of the proposed development is shown to be partially within the 0.5% annual probably (1 in 200 year) event with 35% uplift to account for climate change of the Fluvial Flood Map for the Monifieth Burn and comment that the development is likely to be at risk of flooding during an event of this return period.

The information submitted by the applicant acknowledges the risk to flooding and states that '*the change in use from hotel to residential does not constitute an increase in vulnerability of use, but it must be ensured that the proposed development is acceptable with respect to flood risk*'. However, the housing is proposed on a vacant part of the site and the proposed requirement for a Flood Action Plan acknowledges that there will be issues in providing access and egress to the site which is free of flood risk during a 1 in 200 year plus climate change flood event. Both SEPA and the council's roads - flooding service object to the proposal on the grounds of flood risk. The application proposes development on the functional floodplain and has not demonstrated that access and egress to the site can be provided that is free of flood risk. The proposal is accordingly contrary to Policy 2 of TAYplan and Policy PV12 of the local development plan.

### **Other development plan considerations**

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

In terms of the residential environment to be provided, the plot sizes would be comparable with others in the area. Adequate space would be provided for vehicle parking and bin and recycling storage. A reasonable quantity of private garden ground would be provided. While that garden ground serving the houses would be overlooked by property within the former hotel at a distance which is less than the minimum set out in council guidance, this relationship is similar to the relationship between other property and garden ground in the area surrounding the site and is not unacceptable on that basis.

The site is located within an area of local archaeological interest associated with the former use of the site as a hotel dating back to the 19<sup>th</sup> century. The archaeology service has been consulted on the proposal and has indicated that no archaeological mitigation is required. The proposal would not result in any unacceptable direct impacts on cultural heritage.

In terms of impacts on access and infrastructure, while roads have expressed concerns relating to potential issues accessing and egressing the site during a flooding event, they have no objection to the proposal in respect of the level of parking proposed or the capacity of the local road network to accommodate development. The proposed water supply and foul drainage arrangements are acceptable, but it is unclear what the arrangements for surface water management would be. Were the proposal otherwise acceptable, that matter could be dealt with via a planning condition requiring sustainable management of surface water within the site.

Policy TC2 requires new residential development to include provision for affordable housing in accordance with Policy TC3. Policy TC3 indicates that Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha. Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares, the SG indicates that the affordable housing requirement will be applied based on the overall capacity of the site.

Policy DS5 indicates that developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure. Policy PV2 relates to open space provision within settlements and requires developments of 10 or more residential units to provide and/or enhance open space at a level of 2.43HA per 1000 head of population. It indicates that *in circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.*

Angus Council's [Developer Contributions and Affordable Housing Supplementary Guidance](#) (2018) provides guidance on the approach to developer contributions from residential development. It indicates:

*Contributions will not usually be sought for residential development of less than 10 units, however where the site is for less than 10 units but exceeds 0.5ha then contributions will be sought. Should phased developments' cumulative impact result in development which exceeds this level, or where a site forms part of a larger parcel of land with capacity for 10 units or more then contributions may be sought.*

The site is located within the grounds of the former Panmure Hotel which has been converted to 9 flats. That development remained below the threshold to provide affordable housing, open space and other developer contributions. However, the proposed two houses (as well as the converted garage building to the north east of the hotel approved through application 22/00122/FULL) would result in the total number of units in the grounds of the former hotel exceeding 10, triggering the requirement for affordable housing, open space and education contributions towards Monifieth High School on the basis of the overall capacity of the site. This matter could be dealt with by planning condition were the proposal otherwise acceptable.

While the proposal accords with some aspects of development plan policy, it fails to comply with policies designed to ensure that development is consistent with the character and pattern of development in the surrounding area; that development does not unacceptably impact on the amenity of existing housing, that development does not adversely affect important trees and protected species; and that development is not subject to an acceptable level of flood risk. Accordingly, it is considered that the application proposes development which is not of an appropriate scale and nature and it is therefore contrary to Policy DS1.

## **Material considerations**

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

The majority of the comments raised have been addressed earlier in this report, where it is concluded that the proposed development is not consistent with the character and pattern of development in the surrounding area, and would obstruct a prominent view of a locally important landmark building adversely impacting on the sense of place in this part of Monifieth. Concerns relating to the loss of trees that are protected by TPO are noted. The tree survey submitted does not provide relevant information relating to trees within the application site. It has also not been demonstrated that the development would not result in unacceptable impacts on protected species in those trees.

The roads service is satisfied in respect of the proposed parking arrangements and the capacity of the local road network to accommodate development, but has cautioned about the ability to achieve access and egress to the site which is free from flood risk. Amenity issues associated with the loss of garden ground for flats in the converted hotel, and due to the proximity of proposed timber fencing to the main living room windows of an existing property are identified earlier in the report. Other amenity impacts are not unacceptable, and impacts associated with the construction process are not uncommon in existing built up areas and are of a temporary nature.

The proposal would not unacceptably impact on cultural heritage including surrounding listed buildings; but it has not been demonstrated that it would not unacceptably impact on the natural environment including impacts on trees and potential impacts on protected species which may use those trees to roost. Lack of information/clarity regarding the proposed accesses to the houses has been resolved through the submission of amended plans. Issues relating to rights of access are a civil matter.

Scottish Water has indicated that there is capacity in the public network for water supply and foul drainage. Appropriate arrangements for the management of surface water could be secured via planning condition. There is adequate space within the proposed plots for bin and recycling storage.

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. While it is acknowledged that there would be some economic and social benefit in the delivery of new housing, the development of residential property on a site which is subject to flood risk is not considered to contribute to sustainable development. Adverse impacts associated with new residential development which is subject to an unacceptable level of flood risk would significantly outweigh the benefits of the proposal when assessed against wider policies in the SPP.

The proposal is contrary to policies of the development plan. It is subject to an in-principle objection from SEPA on the grounds of flood risk. There are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

## **Human Rights Implications**

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

## **Decision**

The application is refused

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

1. The proposal is contrary to Policy 2 of TAYplan and Policy PV12 of the Angus Local Development Plan (2016) because the proposed residential development would be subject to an unacceptable level of flood risk due to its location on an undeveloped piece of land within the functional flood plain.
2. The proposal is contrary to policy DS3 and TC2 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance (2018) because the development is not consistent with the character and pattern of development in the surrounding area, would obstruct a prominent view of a locally important landmark building, and would adversely impact on the sense of place in this part of Monifieth.
3. The proposal is contrary to policies PV7 and PV5 of the Angus Local Development Plan (2016) because the development would result in the loss of trees that contribute to the townscape and amenity of the area, and insufficient information has been submitted to demonstrate that the loss of these trees would not impact on protected species.
4. The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) as it would result in an unacceptable impact on the residential environment of adjacent housing within the former hotel through the loss of its main useable amenity space; and because the development would adversely impact on the amenity of 47 Tay Street as a result of the close proximity of proposed boundary treatments to its main living room windows.
5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because it proposes development which is not of an appropriate scale and nature and is not in accordance with relevant policies of the local development plan, namely policies DS3, DS4, TC2, PV5, PV7 and PV12.

### **Notes:**

Case Officer: James Wright  
Date: 26 July 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 DS5 : Developer Contributions

Developer contributions may be sought from all types of development where proposals individually or in combination result in a need for new, extended or improved public services, community facilities and infrastructure.

Contributions may be financial or in-kind, and will be proportionate in scale to the proposed development and the tests set out in national policy and guidance.

Where contributions cannot be secured through a planning condition, a Section 75 agreement or other legal agreement will be required.

Contributions may be sought for the following:

- o Open Space, biodiversity enhancement and green infrastructure, including infrastructure relating to the water environment and flood management;
- o Education;
- o Community Facilities;
- o Waste Management Infrastructure; and
- o Transport Infrastructure.

The Council will consider the potential cumulative effect of developer contributions on the economic viability of individual proposals.

Supplementary Guidance will be prepared, consistent with requirements of Scottish Government policy on planning obligations currently set out in Circular 3/2012, to provide additional information and guidance on how developer contributions will be identified and secured. This will include the levels of contribution or methodologies for their calculation, including thresholds, exemptions and viability considerations. Whilst the exact nature of contributions will be negotiated at the time of application, potential areas of contribution are highlighted in site allocation policies where known.

## 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 PV7 : Woodland, Trees and Hedges

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

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

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

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

#### Policy PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- o that flood risk can be adequately managed both within and outwith the site;
- o that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- o access and egress to the site can be provided that is free of flood risk; and
- o where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In

areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

#### Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

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

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

#### Policy TC3 : Affordable Housing

Angus Council will seek to secure the delivery of affordable housing equivalent to 25% of the total number of residential units proposed on all residential sites of 10 or more units, or where a site is equal to or exceeds 0.5ha.

Where a qualifying site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will be applied based on the overall capacity of the site.

Angus Council will work in partnership with developers and consider innovative and flexible approaches to secure delivery of an appropriate affordable housing contribution. Where appropriate, Section 75 or other legal agreements may be used.

Details of the scale and nature of the affordable housing contribution sought from individual sites, including tenure, house size and type, will be subject to agreement between the applicant and Angus Council taking into account:

- o local housing needs (set out in the current Housing Needs and Demand Assessment);
- o physical characteristics of the site;
- o development viability; and
- o availability of public sector funding.

The Affordable Housing Policy Implementation Guide sets out how the Council will implement this policy and secure the delivery of Affordable Housing in line with the provisions of Scottish Planning Policy and guidance.

#### Policy PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the

Proposals Map) will only be permitted where:

- o the proposed development is ancillary to the principal use of the site as a recreational resource; or
- o it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- o the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- o replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided\*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

\*In line with the Six Acre Standard (National Playing Fields Association)

## **TAYplan Strategic Development plan**

### **Policy 2 SHAPING BETTER QUALITY PLACES**

To deliver better quality development and places which respond to climate change, Local Development Plans, design frameworks masterplans/briefs and development proposals should be:

**A. Place-led** to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets\*, natural processes, the multiple roles of infrastructure and networks, and local design context.

**B. Active and healthy by design** by ensuring that:

- i. the principles of lifetime communities (p. 17) are designed-in;
- ii. new development is integrated with existing community infrastructure and provides new community infrastructure/facilities where appropriate;
- iii. collaborative working with other delivery bodies concentrates and co-locates new buildings, facilities and infrastructure; and,
- iv. transport and land use are integrated to:
  - a. reduce the need to travel and improve accessibility by foot, cycle and public transport and related facilities;
  - b. make the best use of existing infrastructure to achieve an active travel environment combining different land uses with green space; and,
  - c. support land use and transport integration by transport assessments/ appraisals and travel plans where appropriate, including necessary on and off-site infrastructure.

**C. Resilient and future-ready** by ensuring that adaptability and resilience to a changing climate are built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels;
- ii. assessing the probability of risk from all sources of flooding;

- iii. the implementation of mitigation and management measures, where appropriate, to reduce flood risk; such as those envisaged by Scottish Planning Policy, Flood Risk Management Strategies and Local Flood Risk Management Plans when published;
- iv. managing and enhancing the water systems within a development site to reduce surface water runoff including through use of sustainable drainage systems and storage;
- v. protecting and utilising the natural water and carbon storage capacity of soils, such as peat lands, and woodland/other vegetation;
- vi. Identifying, retaining and enhancing existing green networks and providing additional networks of green infrastructure (including planting in advance of development), whilst making the best use of their multiple roles; and,
- vii. design-in and utilise natural and manmade ventilation and shading, green spaces/networks, and green roofs and walls.

**D. Efficient resource consumption** by ensuring that:

- i. waste management solutions are incorporated into development;
- ii. high resource efficiency is incorporated within development through:
  - a. the orientation and design of buildings and the choice of materials to support passive standards; and,
  - b. the use of or designing in the capability for low/zero carbon heat and power generating technologies and storage to reduce carbon emissions and energy consumption; and,
  - c. the connection to heat networks or designing-in of heat network capability.

Footnotes

*\*Natural and historic assets: Landscapes, habitats, wildlife sites and corridors, vegetation, biodiversity, green spaces, geological features, water courses and ancient monuments, archaeological sites and landscape, historic battlefields, historic buildings, townscapes, parks, gardens and other designed landscapes, and other features (this includes but is not restricted to designated buildings or areas).*



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100343287-001

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

## Type of Application

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

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

## Description of Proposal

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

Erection of 2 dwelling houses in the ground of former Panmure Hotel, Monifieth.

Is this a temporary permission? \*

Yes  No

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

Yes  No

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent



## Agent Details

Please enter Agent details

Company/Organisation:	JON FRULLANI ARCHITECT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	JON	Building Name:	UNIT 5, DISTRICT 10,
Last Name: *	FRULLANI	Building Number:	
Telephone Number: *	01382224828	Address 1 (Street): *	25 GREENMARKET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	DUNDEE
Fax Number:		Country: *	UNITED KINGDOM
		Postcode: *	DD1 4QB
Email Address: *	jon@jfarchitect.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	G	Building Number:	2
Last Name: *	Robertson	Address 1 (Street): *	Mill Place
Company/Organisation		Address 2:	Tarland
Telephone Number: *		Town/City: *	Aberdeenshire
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB34 4YG
Fax Number:			
Email Address: *	jon@jfarchitect.co.uk		

## Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

732436

Easting

350027

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

795.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Ground to recently converted former panmure hotel.

## Access and Parking

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

Yes  No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

**Water Supply and Drainage Arrangements**

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

**Assessment of Flood Risk**

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

**Trees**

Are there any trees on or adjacent to the application site? \*  Yes  No

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

**Waste Storage and Collection**

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Storage and collection provisions for waste to be to Angus councils recommendations and requirements.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: JON FRULLANI

On behalf of: Mr G Robertson

Date: 22/12/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr JON FRULLANI

Declaration Date: 22/12/2020

## Payment Details

Online payment: 258751

Payment date: 22/12/2020 09:50:06

Created: 22/12/2020 09:50



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

PLANNING PERMISSION REFUSAL  
REFERENCE : 20/00888/FULL

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

With reference to your application dated 13 January 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Erection of two dwellinghouses and associated works at Panmure Hotel Tay Street Monifieth Dundee DD5 4AX for Mr G Robertson**

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

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

1. The proposal is contrary to Policy 2 of TAYplan and Policy PV12 of the Angus Local Development Plan (2016) because the proposed residential development would be subject to an unacceptable level of flood risk due to its location on an undeveloped piece of land within the functional flood plain.
2. The proposal is contrary to policy DS3 and TC2 of the Angus Local Development Plan (2016) and the Design and Placemaking Supplementary Guidance (2018) because the development is not consistent with the character and pattern of development in the surrounding area, would obstruct a prominent view of a locally important landmark building, and would adversely impact on the sense of place in this part of Monifieth.
3. The proposal is contrary to policies PV7 and PV5 of the Angus Local Development Plan (2016) because the development would result in the loss of trees that contribute to the townscape and amenity of the area, and insufficient information has been submitted to demonstrate that the loss of these trees would not impact on protected species.
4. The proposal is contrary to policies TC2 and DS4 of the Angus Local Development Plan (2016) as it would result in an unacceptable impact on the residential environment of adjacent housing within the former hotel through the loss of its main useable amenity space; and because the development would adversely impact on the amenity of 47 Tay Street as a result of the close proximity of proposed boundary treatments to its main living room windows.
5. The proposal is contrary to Policy DS1 of the Angus Local Development Plan (2016) because it proposes development which is not of an appropriate scale and nature and is not in accordance with relevant policies of the local development plan, namely policies DS3, DS4, TC2, PV5, PV7 and PV12.

**Amendments:**

- 1 Amended Proposed Site Plan (drawing number 5686\_P\_304 Rev E), Amended Proposed Floor Plans (drawing number 5686\_P\_305 Rev A); Amended Proposed Elevations Plan (drawing number 5686\_P\_306); Amended Proposed Context Elevations Plan (drawing number 5686\_P\_307 Rev B); Amended Proposed Extended Site Plan (drawing number 5686\_P\_308 Rev A) ; submitted on 23/06/21 supersedes the drawings previously submitted. These drawings changed aspects of the layout including clarification on vehicular access points and boundary treatments.

Dated this **24 August 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
<b>Development Standards Committee/Full Council</b>	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>
<b>Delegated Decision</b>	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<i>Local Review Body – See details on attached Form 2</i>
<b>Other Decision</b>	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>

## 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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

**PLANNING****Your experience with Planning**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**OUTCOME:** Outcome of the application:

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

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

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

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

## **APPENDIX 3**

# **FURTHER LODGED REPRESENTATIONS**

**From:** [REDACTED]  
**To:** [Sarah Forsyth](mailto:ForsythSL@angus.gov.uk)  
**Subject:** Re: Application for Review - 2B Princes Street Monifieth  
**Date:** 17 November 2022 09:49:21

---

Sorry Sarah my mistake  
The one I'm objecting to is for the two houses at the front  
The other one makes sense I have no objection  
Many thanks  
Bruce

Sent from my iPhone so apologies for any spelling mistakes, grammatical or typographical errors

On 17 Nov 2022, at 09:23, Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Mr Rayner

Thank you for your email. Please be advised that these further comments will not be considered by the Committee as it is too late.

I do however note your reference to the Panmure Apartments and would refer you to my email of 8 November in relation to the following application

**Application for Review – Refusal of Planning Permission for Erection of Two Dwellinghouses and Associated Works at Panmure Hotel, Tay Street, Monifieth – Mr G Robertson  
Application No 20/00888/FULL - DMRC-12-22**

Should you wish to submit your comments in relation to the Panmure Hotel application for review, please let me know.

I hope the above is helpful.

Kind regards

Sarah

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

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

---

**From:** Bruce Rayner <[REDACTED]>  
**Sent:** 16 November 2022 22:29  
**To:** Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)>  
**Subject:** Re: Application for Review - 2B Princes Street Monifieth

Dear Sarah

Thank you for your email and the links to the reports. I reiterate my objections to this application and having seen the appeal do so in the strongest possible terms.

My previous objections to the development at Panmure Apartments still stands however I again reiterate the following in addition to supporting the refusal by ACC:-

1. Loss of Light and Overshadowing - The dimensions highlighted and an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.

2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.
3. The proposed access and exit to the 2 proposed houses is from a narrow road in front of Panmure Apartments where residents require to walk to their own parking spaces in addition to putting household waste/recycling in appropriate bins. With a potential for a minimum of 4 cars there is no width to the narrow road and would have the potential of creating a nuisance to both homes and owners of the apartments.
4. The proposed access/exit for all residents on Tay Street will be further compromised by the erection of a 1.8 metre fence will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence, wall and trees. Cars exiting Princes Street onto Tay Street will also have significant reduced vision due to the fencing.
5. All trees within the proposed development area have had TPO's place on them. Furthermore, in his appeal Mr Robertson states that the trees will provide camouflage for the two houses when view from Tay Street. Given all but one of the trees are deciduous, the argument if valid at all would only have merit for the time the trees are actually in leaf. For those of us of course living in the main building the argument is totally bogus. The fact that Mr Robertson is relying on trees to hide his proposed development, argues the case that he acknowledges the building is an eyesore that requires camouflage.
6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel), Ladies Panmure Golf Club, Tay Street property between Dalhousie Street and Princes Street and Princes Street houses built circa 1900.
7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in keeping with adjacent properties.
8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access/egress.
9. Housing, Scottish Water, Sepa and Roads have previously objected to this application.
10. Recent determination by ACC (22/00122/FULL) for contributions towards the new Monifieth High School and public spaces has shown a contribution in excess of £120k prior to commencement of build therefore any approval of such new build should require a similar minimum contribution of said amount.

As a final aside - Mr Robertson and the developers sold the apartments in the old Panmure Hotel without these buildings having erected or even approved. I have to question the timing and the nature of this application as perhaps being on the one hand a marketing ploy to make the Panmure Hotel flats seem more picturesque to potential buyers and on the other an attempt to circumnavigate the requirement to provide social housing had it been submitted at the time the original application was made. To suggest that building 2 houses of this nature on this spot of land in this area is going to contribute to the local environment rather than simply be a way of exploiting the resource for extra profit is in my view completely fallacious.

Kind regards

Bruce Rayner  
41 Tay Street

---

**From:** Sarah Forsyth <[ForsythSl@angus.gov.uk](mailto:ForsythSl@angus.gov.uk)>

**Date:** Tuesday, 15 November 2022 at 08:28

**To:**

**Subject:** Application for Review - 2B Princes Street Monifieth

Dear Sir/Madam

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

**Application for Review seeking Removal of Condition 1 of Planning Permission Ref 22/00122/FULL – Conversion of Existing Store to Dwellinghouse with Alterations to 2B Princes Street at Store Building, Princes Street, Monifieth – GFS Consulting (Scotland) Ltd**



**Application No 22/00122/FULL - DMRC-11-22**

I refer to the above application for review and write to advise that a remote meeting of the council's Development Management Review Committee will take place on **Monday 21 November 2022 at 2.00 pm** where the application will be considered.

The meeting will be held via Microsoft Teams. A copy of the report to be considered will be available via the following link later today  
[https://www.angus.gov.uk/council\\_and\\_democracy/committees/forthcoming\\_council\\_meetings](https://www.angus.gov.uk/council_and_democracy/committees/forthcoming_council_meetings)

In order to fully comply with the terms of the Council's Standing Orders, meetings **must** be held in public, except in relation to exempt item(s). I am writing to advise you that the meeting will therefore be streamed live and the recording put on the Council's You Tube channel following conclusion of the meeting so that members of the public can view the proceedings accordingly.

Whilst the meeting of the DMRC is a public meeting, the Regulations do not allow the making of oral representations. Therefore interested parties are requested to follow the live stream of the meeting via the following link <https://www.youtube.com/channel/UCO9GvOkRW5LL35zRQK-JgZw>. The meeting will be 'live' at 2.00 pm and you may require to refresh the link.

You will be advised of the committee's decision in relation to the application.

If you have any questions in relation to the above, please do not hesitate to contact me.

Kind regards

Sarah

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

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Re: Application for Review - Panmure Hotel, Tay Street, Monifieth  
**Date:** 08 November 2022 11:49:11  
**Importance:** High

---

Dear Sarah,

My previous objections to the development at Panmure Apartments still stands however I again reiterate the following in addition to supporting the refusal by ACC:-

1. Loss of Light and Overshadowing - The dimensions highlighted and an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.
2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.
3. The proposed access and exit to the 2 proposed houses is from a narrow road in front of Panmure Apartments where residents require to walk to their own parking spaces in addition to putting household waste/recycling in appropriate bins. With a potential for a minimum of 4 cars there is no width to the narrow road and would have the potential of creating a nuisance to both homes and owners of the apartments.
4. The proposed access/exit for all residents on Tay Street will be further compromised by the erection of a 1.8 metre fence will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the of fence, wall and trees. Cars exiting Princes Street onto Tay Street will also have significant reduced vision due to the fencing.
5. All trees within the proposed development area have had TPO's place on them.
6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel), Ladies Panmure Golf Club, Tay Street property between Dalhousie Dalhousie Street and Princes Street and Princes Street houses built circa 1900.
7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in keeping with adjacent properties.
8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access/egress.
9. Housing, Scottish Water, Sepa and Roads have previously objected to this application.
10. Recent determination by ACC (22/00122/FULL) for contributions towards the new Monifieth High School and public spaces has shown a contribution in excess of £120k prior to commencement of build therefore any approval of such new build should require a similar minimum contribution of said amount.

Regards

Derek Sim

On 8 Nov 2022, at 10:08, Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Erection of Two Dwellinghouses and Associated Works at Panmure Hotel, Tay Street, Monifieth – Mr G Robertson**  
**Application No 20/00888/FULL - DMRC-12-22**

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

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

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

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

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

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

Kind regards

Sarah

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

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

<20\_00888\_FULL-REFUSED-3317764.pdf>

**From:** [REDACTED]  
**To:** [Sarah Forsyth](mailto:ForsythSL@angus.gov.uk)  
**Subject:** Re: Application for Review - Panmure Hotel, Tay Street, Monifieth  
**Date:** 08 November 2022 17:31:11

---

Hi Sarah,

Apologies for a further email however I wish to make a further comment.

The very original application was for 9 apartments and 2 houses. This was subsequently amended as it would have required 25% of the total build to be affordable homes.

The most recent application was also deemed to have breached the requirement for affordable houses as highlighted by your own Planning Committee subsequently, I believe, the current application should be considered in this light.

Kind regards

Derek

On 8 Nov 2022, at 11:55, Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Derek

Thank you for your email and further comments which will be considered by the Review Committee in due course.

I shall be in contact again once a date for the meeting has been established.

Kind regards

Sarah

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

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

---

**From:** Derek Sim <[REDACTED]>  
**Sent:** 08 November 2022 11:49  
**To:** Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)>  
**Subject:** Re: Application for Review - Panmure Hotel, Tay Street, Monifieth  
**Importance:** High

Dear Sarah,

My previous objections to the development at Panmure Apartments still stands however I again reiterate the following in addition to supporting the refusal by ACC:-

1. Loss of Light and Overshadowing - The dimensions highlighted and an 1.8 metre fence around the whole area this will create a substantial loss of light and overshadowing.
2. The fencing around the properties will be positioned immediately in front of Panmure Apartments therefore the buildings and fencing in front of all properties will result in an unsightly barrier, reduced natural light and overlooking/loss of privacy.
3. The proposed access and exit to the 2 proposed houses is from a narrow road in front of Panmure Apartments where residents require to walk to their own parking spaces in addition to putting household waste/recycling in appropriate bins. With a potential for a minimum of 4 cars there is no width to the narrow road and would have the potential of creating a nuisance to both homes and owners of the apartments.
4. The proposed access/exit for all residents on Tay Street will be further compromised by the erection of a 1.8 metre fence will create a potential highway safety danger to pedestrians, cyclists and cars onto Tay Street due to impaired vision from the fence, wall and trees. Cars exiting Princes Street onto Tay Street will also have significant reduced vision due to the fencing.
5. All trees within the proposed development area have had TPO's place on them.
6. The two proposed properties' design, appearance and materials being used is not in keeping within the site boundary and is incompatible to a Historic Monifieth Building (The Panmure Hotel), Ladies Panmure Golf Club, Tay Street property between Dalhousie Street and Princes Street and Princes Street houses built circa 1900.
7. The 1.8m fencing around both properties will give a stockade visual appearance which is not in keeping with adjacent properties.
8. Any development will involve heavy plant and other associated vehicles with relevant disturbance, noise and nuisance for many months to residents with restricted access/egress.
9. Housing, Scottish Water, Sepa and Roads have previously objected to this application.
10. Recent determination by ACC (22/00122/FULL) for contributions towards the new Monifieth High School and public spaces has shown a contribution in excess of £120k prior to commencement of build therefore any approval of such new build should require a similar minimum contribution of said amount.

Regards

Derek Sim

On 8 Nov 2022, at 10:08, Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013  
Application for Review – Refusal of Planning Permission for  
Erection of Two Dwellinghouses and Associated Works at  
Panmure Hotel, Tay Street, Monifieth – Mr G Robertson  
Application No 20/00888/FULL - DMRC-12-22**

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

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

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

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

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

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

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 |  
[ForsythSl@angus.gov.uk](mailto:ForsythSl@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)  
Work pattern: Mon, Tues (am) & Thurs

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

<20\_00888\_FULL-REFUSED-3317764.pdf>



**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Panmure Apartments planning decision review  
**Date:** 08 November 2022 11:41:39

---

Good morning Sarah,

Thankyou for your email regarding the above. I feel there is very little to add to my original representation other than to say that I feel all my original comments remain valid and that I remain firmly of the opinion that further building on this particular area of ground would be overdevelopment and would spoil what is at present a very attractive development that sits well within the original grounds of the Panmure Hotel and indeed within the surrounding area and so would urge the Development Management Review Committee to reject this unwelcome request.

Yours Sincerely,

Ian Chalmers.

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** RE: Application for Review - Panmure Hotel, Tay Street, Monifieth  
**Date:** 08 November 2022 11:22:41

---

Good morning Sarah,

Firstly, thank you for bringing this to my attention. I expect the other residents of the Panmure Hotel development will share my sentiment. I would like to reiterate my objections to this planning application.

- We love living here and the construction of two houses in the grounds of what is the Panmure Hotel will spoil the views of the grand hotel from both Princes St and Tay street for local residents and also visitors
- Proposed style and building materials. These are not sympathetic nor complimentary to the existing sandstone Panmure Hotel development, the site boundary walls, the Panmure Ladies Golf and the adjoining houses.
- Proposed vehicular access will be via the existing Panmure Hotel development main entrance and around and in front of the main Panmure Hotel building and main door. This is already a narrow pathway used for both residents and pedestrians either visiting or accessing their parking bays, bin recess and the development gardens. Under the proposed plans, cars will access the 2 houses would have to drive round past the main door of the Panmure Hotel development. There is not sufficient room for motor traffic and pedestrians.
- The pitched roofs of the two dwellings will be very close to the main Panmure Hotel development, blocking out the view, restricting natural light and reducing privacy for those residents who's windows will face straight onto the two houses.
- 1.8m fence - This will ruin the current aesthetic of a spacious garden area with low lying boundary wall. The fence will be so close to the main building apartments, blocking out light, spoiling the open aspects for residents and reducing visibility for pedestrians either walking through the development where cars will be accessing the houses under the proposed plans.
- Access on to/from Tay street and Princes Street will be compromised. These are already busy thoroughfares with golfers, caravans, dog walkers, cyclists, kids off to the play park. Obscuring the view with a 1.8m fence and two houses will be dangerous for pedestrians and car users.
- Construction - works will involve 9+ months of disturbance, pollution and inconvenience for residents who will have restricted access and egress via Tay Street.
- Loss of green space - The mature trees have TPOs and are protected for the enjoyment of the local community. Any construction will no doubt impact this, where these mature trees will have to be felled.
- Traffic is already heavy and parking is a nightmare for local residents. Additional traffic to and from the proposed houses and also the construction site will only add to this predicament.
- Impact on existing services – The drainage system and sewers are already impacted during heavy rains. More hard construction and two houses will only add to issues experienced by residents in this part of old Monifieth, with drains overflowing, backing up and flooding.

Can you please advise if the applicant has made any changes to their plans as part of their appeal or are they unchanged from those that were refused by Planning?

Best regards,  
Simon Campbell



---

**From:** Sarah Forsyth <ForsythSL@angus.gov.uk>  
**Sent:** 08 November 2022 10:08  
**Subject:** Application for Review - Panmure Hotel, Tay Street, Monifieth  
**Importance:** High

**Caution:** External email. Do not open attachments or click links, unless this email comes from a known sender and you know the content is safe.

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Erection of Two Dwellinghouses and Associated Works at Panmure Hotel, Tay Street, Monifieth – Mr G Robertson**  
**Application No 20/00888/FULL - DMRC-12-22**

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

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

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

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

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

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

Kind regards

Sarah

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

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

Atos is a trading name used by the Atos group. The trading entity is registered in England and Wales: Atos IT Services UK Limited (registered number 01245534). The registered office is located at: Second Floor, MidCity Place, 71 High Holborn, London, WC1V 6EA. The VAT No. is: GB232327983.

This e-mail and the documents attached are confidential and intended solely for the addressee and may contain confidential or privileged information. If you receive this e-mail in error, you are not authorised to copy, disclose, use or retain it. Please notify the sender immediately and delete this email from your systems. As emails may be intercepted, amended or lost, they are not secure. Atos therefore can accept no liability for any errors or their content. Although Atos endeavours to maintain a virus-free network, we do not warrant that this transmission is virus-free and can accept no liability for any damages resulting from any virus transmitted. The risks are deemed to be accepted by everyone who communicates with Atos by email.

**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** RE: Application for Review - Panmure Hotel, Tay Street, Monifieth  
**Date:** 08 November 2022 12:45:36

---

Thanks for your reply Sarah. My list of objections still stand and I appreciate if these are again taken into consideration by the Planning Committee considering the appeal:

- We love living here and the construction of two houses in the grounds of what is the Panmure Hotel will spoil the views of the grand hotel from both Princes St and Tay street for local residents and also visitors
- Access for the proposed 2 dwellings will use the existing main entrance, paved driveways and grounds as a means of access. These grounds were developed for the use and enjoyment by the existing 9 dwellings. The applicant has given no consideration to existing Panmure Hotel residents now losing in part some of the shared grounds and pathways to 2 new houses under this application. I expect that these dwellings will not be contributing to the upkeep of the communal grounds that they will utilise should permission be granted to build.
- A subsequent planning application for a single house on the Panmure Hotel site replacing an existing garage/store has conditions in place where the same developer has been asked to contribute significantly to affordable housing, contribute to the new Monifieth High School and also contribute to local parks and recreation. I would expect that this application for two far larger dwellings on pristine green space would require at least a similar contribution.
- Proposed style and building materials. These are not sympathetic nor complimentary to the existing sandstone Panmure Hotel development, the site boundary walls, the Panmure Ladies Golf and the adjoining houses.
- Proposed vehicular access will be via the existing Panmure Hotel development main entrance and around and in front of the main Panmure Hotel building and main door. This is already a narrow pathway used for both residents and pedestrians either visiting or accessing their parking bays, bin recess and the development gardens. Under the proposed plans, cars will access the 2 houses would have to drive round past the main door of the Panmure Hotel development. There is not sufficient room for motor traffic and pedestrians.
- The pitched roofs of the two dwellings will be very close to the main Panmure Hotel development, blocking out the view, restricting natural light and reducing privacy for those residents who's windows will face straight onto the two houses.
- 1.8m fence - This will ruin the current aesthetic of a spacious garden area with low lying boundary wall. The fence will be so close to the main building apartments, blocking out light, spoiling the open aspects for residents and reducing visibility for pedestrians either walking through the development where cars will be accessing the houses under the proposed plans.
- Access on to/from Tay street and Princes Street will be compromised. These are already busy thoroughfares with golfers, caravans, dog walkers, cyclists, kids off to the play park. Obscuring the view with a 1.8m fence and two houses will be dangerous for pedestrians and car users.
- Construction - works will involve 9+ months of disturbance, pollution and inconvenience for residents who will have restricted access and egress via Tay Street.
- Loss of green space - The mature trees have TPOs and are protected for the enjoyment of

the local community. Any construction will no doubt impact this, where these mature trees will have to be felled.

- Traffic is already heavy and parking is a nightmare for local residents. Additional traffic to and from the proposed houses and also the construction site will only add to this predicament.
- Impact on existing services – The drainage system and sewers are already impacted during heavy rains. More hard construction and two houses will only add to issues experienced by residents in this part of old Monifieth, with drains overflowing, backing up and flooding.

Best regards,  
Simon Campbell.

---

**From:** Sarah Forsyth <ForsythSL@angus.gov.uk>  
**Sent:** 08 November 2022 11:53  
**To:** Simon Campbell <[REDACTED]>  
**Subject:** RE: Application for Review - Panmure Hotel, Tay Street, Monifieth

**Caution:** External email. Do not open attachments or click links, unless this email comes from a known sender and you know the content is safe.

Dear Simon

Thank you for your email and further comments which will be considered by the Review Committee in due course.

An appeal made to the Review Committee is against the original decision by the planning authority and therefore the application is the same as made previously with no amendment.

I shall be in contact again once a date for the meeting has been established.

Kind regards

Sarah

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

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

---

**From:** Simon Campbell [REDACTED] >  
**Sent:** 08 November 2022 11:23  
**To:** Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)>  
**Subject:** RE: Application for Review - Panmure Hotel, Tay Street, Monifieth

Good morning Sarah,

Firstly, thank you for bringing this to my attention. I expect the other residents of the Panmure Hotel development will share my sentiment. I would like to reiterate my objections to this planning application.

- We love living here and the construction of two houses in the grounds of what is the Panmure Hotel will spoil the views of the grand hotel from both Princes St and Tay street for local residents and also visitors
- Proposed style and building materials. These are not sympathetic nor complimentary to the existing sandstone Panmure Hotel development, the site boundary walls, the Panmure Ladies Golf and the adjoining houses.
- Proposed vehicular access will be via the existing Panmure Hotel development main entrance and around and in front of the main Panmure Hotel building and main door. This is already a narrow pathway used for both residents and pedestrians either visiting or accessing their parking bays, bin recess and the development gardens. Under the proposed plans, cars will access the 2 houses would have to drive round past the main door of the Panmure Hotel development. There is not sufficient room for motor traffic and pedestrians.
- The pitched roofs of the two dwellings will be very close to the main Panmure Hotel development, blocking out the view, restricting natural light and reducing privacy for those residents who's windows will face straight onto the two houses.
- 1.8m fence - This will ruin the current aesthetic of a spacious garden area with low lying boundary wall. The fence will be so close to the main building apartments, blocking out light, spoiling the open aspects for residents and reducing visibility for pedestrians either walking through the development where cars will be accessing the houses under the proposed plans.
- Access on to/from Tay street and Princes Street will be compromised. These are already busy thoroughfares with golfers, caravans, dog walkers, cyclists, kids off to the play park. Obscuring the view with a 1.8m fence and two houses will be dangerous for pedestrians and car users.
- Construction - works will involve 9+ months of disturbance, pollution and inconvenience for residents who will have restricted access and egress via Tay Street.
- Loss of green space - The mature trees have TPOs and are protected for the enjoyment of the local community. Any construction will no doubt impact this, where these mature trees will have to be felled.
- Traffic is already heavy and parking is a nightmare for local residents. Additional traffic to and from the proposed houses and also the construction site will only add to this predicament.
- Impact on existing services – The drainage system and sewers are already impacted during heavy rains. More hard construction and two houses will only add to issues experienced by residents in this part of old Monifieth, with drains overflowing, backing up and

flooding.

Can you please advise if the applicant has made any changes to their plans as part of their appeal or are they unchanged from those that were refused by Planning?

Best regards,  
Simon Campbell



---

**From:** Sarah Forsyth <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)>  
**Sent:** 08 November 2022 10:08  
**Subject:** Application for Review - Panmure Hotel, Tay Street, Monifieth  
**Importance:** High

**Caution:** External email. Do not open attachments or click links, unless this email comes from a known sender and you know the content is safe.

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Erection of Two Dwellinghouses and Associated Works at Panmure Hotel, Tay Street, Monifieth – Mr G Robertson**  
**Application No 20/00888/FULL - DMRC-12-22**

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

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

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

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

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



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

Kind regards

Sarah

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

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

Atos is a trading name used by the Atos group. The trading entity is registered in England and Wales: Atos IT Services UK Limited (registered number 01245534). The registered office is located at: Second Floor, MidCity Place, 71 High Holborn, London, WC1V 6EA. The VAT No. is: GB232327983.

This e-mail and the documents attached are confidential and intended solely for the addressee and may contain confidential or privileged information. If you receive this e-mail in error, you are not authorised to copy, disclose, use or retain it. Please notify the sender immediately and delete this email from your systems. As emails may be intercepted, amended or lost, they are not secure. Atos therefore can accept no liability for any errors or their content. Although Atos endeavours to maintain a virus-free network, we do not warrant that this transmission is virus-free and can accept no liability for any damages resulting from any virus transmitted. The risks are deemed to be accepted by everyone who communicates with Atos by email.

**Atos is a trading name used by the Atos group. The trading entity is registered in England and Wales: Atos IT Services UK Limited (registered number 01245534). The registered office is located at: Second Floor, MidCity Place, 71 High Holborn, London, WC1V 6EA. The VAT No. is: GB232327983.**

This e-mail and the documents attached are confidential and intended solely for the addressee and may contain confidential or privileged information. If you receive this e-mail in error, you are not authorised to copy, disclose, use or retain it. Please notify the sender immediately and delete this email from your systems. As emails may be intercepted, amended or lost, they are not secure. Atos therefore can accept no liability for any errors or their content. Although Atos endeavours to maintain a virus-free network, we do not warrant that this transmission is virus-free and can accept no liability for any damages resulting from any virus transmitted. The risks are deemed to be accepted by everyone who communicates with Atos by email.

**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Application for Review - Panmure Hotel  
**Date:** 08 November 2022 13:51:38

---

Dear Sarah

With regard to the planning application lodged by Mr G Robertson for the erection of two dwelling houses at Panmure Hotel I wish to confirm my objection to it.

My wife and I reside at 47 Tay Street and the proposed buildings and 6ft boundary fence would be a mere 7 meters from my house entrance. I am told I do not have a right to a view but I believe I am entitled to an outlook and to a reasonable amount of light.

Since the trees are now under the Tree Preservation Order entry to the buildings have been changed from Tay Street to entry from a side road in the Panmure site. The drives to these houses would now be a very close 8 meters to my bedroom windows. The fumes from vehicles would be directly in line to our sleeping arrangements. My wife is asthmatic and would certainly not benefit from this arrangement.

All my previous objections to these proposals still stand.

Extremely concerned.

S Scott Blyth

**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Re: Point to consider  
**Date:** 23 November 2022 13:19:37

---

Dear Sarah

I hope I am not too late in submitting further points regarding application for houses at Panmure Hotel Site.

The points listed below come from my son, who is a director in a large building firm, and who has my wife and my interest at heart. Some of the points have been put forward before but require reiterating again.

Hoping this is in order.

Kind regards

S Scott Blyth

On 23 Nov 2022, at 09:37, Mark Blyth <[m.blyth@robertson.co.uk](mailto:m.blyth@robertson.co.uk)> wrote:

Dad

A few more points, probably most of them will be covered already.

Points to note from Review Statement.

1. Although property is 15m from front of House 47, 1.8m less than 6 meters away.
2. Car entry to the proposed houses would involve manoeuvring to within 1.5 meters of 47 Tay Street Windows and Sitting area.
3. Trees to North of Site (Princess Street) roots will be damaged due to proximity of excavation for house foundations, damaging the tree and the stability of the tree.
4. No alternative Amenity Space available on site with the proposed new houses over massing available space.
5. Planning Application Drg 5686.200.2b Application 17/00974/Full shows the are as Amenity Space, any development would require an amendment to that previously approved scheme.
6. Everybody is aware that West Developments are behind this submission / appeal with it being a blatant attempt to find a way around having to build 2 affordable homes as per their original submission of 9 apartments and 2 homes (18/00964/Full)
7. Materials proposed not in line with the existing Building within the Site Boundary
8. The 'vehicle access' providing access to the proposed houses is not of suitable construction / width / turning / access
9. The position of the Houses would be to the detriment of the public viewing a historic prominent Monifieth building.
10. Since the new development has opened the Amenity Space has become a popular space for a wide variety and species of birds along with Bats. No Bat survey has been considered.
11. Policy TC2 intimates developments will be supported 'where the site is not protected for another use' however on this occasion the Trees are already

protected and the Land has clearly been identify, maintained and protected as Amenity Space.

12. The proposed development has an unacceptable impact on the Natural Environment, surrounding amenity and access. ( a survey of local residents confirms this)
13. The land to the South of Princess Street and East of Tay Street is not Residential, is made up of Golf Courses and Recreational Space with the exiting Hotels appearance retained during development. New Houses within this area is contrary to the existing use.
14. There is conflicting Land use as planning approval 18/0964/Full clearly identifies the effect areas as Amenity Space, which formed part of the approved scheme.
15. There is not adequate space within the proposed New Houses for Turning of vehicles.
16. The proposed Houses blocks the view of a prominent A listed Monifieth Golf Links starters box.
17. Local walkers and dogs walkers use the footpath in front of the existing Hotel (Number 47 Tay Street) the proposed new development would create significant more traffic to this area, to the danger of users.
18. The removal of 4 tress would be 50% of mature trees within the proposed area.
19. The photo (Figure 3) within the appeal is at least 5 years out of date and doesn't not give a true reflection of the current trees. Had the person raising the appeal visited the site they would have been aware of the current ambience.
20. 570m2 of Amenity Space does not exist, this is car parking a requirement of a previous planning application.
21. Adverse impact on 47 Tay Street due to the proximity. I would suggest the applicant checks distances as their claim is wholly inaccurate.
22. Cars / Vans / Vehicles would be approximately 1.5m away from windows / outside seating area of 47 Tay Street when entering / existing the proposed new properties driveways causing considerable discomfort / fumes / noise and also Safety concerns due to reversing vehicles.

Mark

**Mark Blyth BSc MRICS**

Commercial Director  
Robertson Construction

Office: 01382 787400

Mobile: [REDACTED]

[m.blyth@robertson.co.uk](mailto:m.blyth@robertson.co.uk)

<image001.png>

Robertson House, I George Buckman Drive, Dundee DD2 3SP

[Website](#) | [LinkedIn](#) | [Twitter](#) | [YouTube](#)

<image002.png> <image003.png>

**[Robertson: assuring a sustainable future since 1966](#)**

IMPORTANT NOTICE: This E-mail and any attachment is intended for the above-named addressee only and may be confidential. If you have received this message by mistake, please notify us by return e-mail and to [itsecurity@robertson.co.uk](mailto:itsecurity@robertson.co.uk); or telephone Robertson on 01786 431600. Do not copy this e-mail message, distribute or disclose it to anyone else or take any action in reliance upon it. Please then delete it from your system. WARNING: Whilst our e-mail transmission mechanism is encrypted, and messages are encrypted at rest on servers, individual messages may not be directly encrypted. It may therefore be liable to compromise. It is your responsibility to scan this message for viruses. Viruses and compromises are inherent risks in relation to e-mail. To the extent permitted by law, we do not accept any liability for any virus infection and/or external compromise of security in relation to email. We may monitor all incoming and outgoing emails in line with current legislation. Please bear this in mind when e-mailing us. Robertson Companies as detailed below are Registered in Scotland with the registered office at 10 Perimeter Road, Elgin, IV30 6AE. Companies and Registration Numbers  
Robertson Group Limited SC060077 Robertson Homes Limited SC151825 Robertson Construction Eastern Limited SC249936 Robertson Construction Northern Limited SC249934 Robertson CE Limited SC249935 Robertson Construction Central Scotland Limited SC249933 Robertson Construction Tayside Limited SC292999 Robertson Construction Group Limited SC347921 Robertson Property Limited SC103160 Robertson Timber Engineering Limited SC166924 Robertson Facilities Management Limited SC185956 Robertson Capital Projects Limited SC227159 Robertson Regeneration Limited SC303903 Robertson Partnership Homes Limited SC21135

**Disclaimer**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).