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

#### ANGUS COUNCIL

#### REPORT NO 85/23

#### DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 9 MARCH 2023

#### LAND 40M NORTH OF LUMMINGTON STEADING HOUSE, BRATHINCH, BRECHIN

#### 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 a dwellinghouse, application No 22/00376/FULL, at Land 40m North of Lummington Steading House, Brathinch, Brechin.

#### 1. **RECOMMENDATIONS**

It is recommended that the Committee:-

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

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

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

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

#### 3. CURRENT POSITION

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

#### 4. FINANCIAL IMPLICATIONS

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

#### 5. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

#### 6. CONSULTATION

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

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

Report Author: Sarah Forsyth E-Mail: LEGDEM@angus.gov.uk List of Appendices: Appendix 1 – Submission by Planning Authority Appendix 2 – Submission by Applicant

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

#### APPLICATION NUMBER – 22/00376/FULL

#### APPLICANT- MR K WHITECROSS & MS K CARNEGIE

#### PROPOSAL & ADDRESS – ERECTION OF A DWELLINGHOUSE AND ANCILLARY WORKS AT LAND 40M NORTH OF LUMMINGTON STEADING HOUSE BRATHINCH BRECHIN

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#### **Angus Council**

Application Number:	22/00376/FULL
Description of Development:	Erection of a Dwellinghouse and Ancillary Works
Site Address:	Land 40M North Of Lummington Steading House Brathinch Brechin
Grid Ref:	358275 : 764859
Applicant Name:	Mr & Ms K & K Whitecross & Carnegie

#### Report of Handling

#### Proposal

Planning permission is sought for the erection of a dwellinghouse and ancillary works.

The proposed one and a half storey dwellinghouse would measure around 6.7 metres in height, 17.7 metres in length and 7 metres in depth. The roof would be finished in natural slate and the external walls would be finished in a combination of larch cladding and stone.

The house would utilise the existing vehicular access off the U429 road. 4 vehicular parking spaces and vehicular turning arrangements would be provided in the site.

Water supply would be via the public water main with private foul drainage and a surface water soakaway.

#### Amendments

The proposal was amended to alter the design of the dwellinghouse. Drawing No. JDC - 1597 - 003 Rev C amends and supersedes all previous versions of that drawing; Drawing No. JDC - 1597 - 002 Rev C amends and supersedes all previous versions of that drawing; and Drawing No. JDC - 1597 - 001 Rev C amends and supersedes all previous versions of that drawing.

#### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 15 July 2022 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**

None.

#### Applicant's Case

A statement was submitted in support of the proposal which identifies the following: -

- Looking at historic maps of the site dating back to the late 1800's, the site has always been part of Lummington Farm. In the late 1990's when the steading building was converted into a dwellinghouse, the farm was then split by a vehicular access which left the site and its contents as a brownfield plot.

Evidence of storage buildings and other remains on the site point to a use within the farms history and it is now overgrown and neglected. There has been no planning activity in or around the site since the conversion of the steading building back in the late 1990's when the farm was presumably made defunct.

- The proposed dwellinghouse would be of traditional country cottage appearance, scale and high-quality design which would respond to the generous proportions of the site in its rural setting. It has been designed with traditional scale, fenestration and materials that would all complement and enhance each other and the surrounding built environment. The proposal would be positioned ideally to take advantage of the sun path and the views.

- The site would have ample amenity space with large areas of garden laid to grass. Planting would be kept simple and appropriate by using similar local trees and bushes to create a clear but soft boundary. The forecourt would be laid to paving blocks and a stone chip driveway would delineate the parking, driveway and pedestrian areas. A sweeping tree lined driveway would be formed to the entrance of the dwellinghouse.

- The proposal offers an opportunity to remediate a countryside brownfield site which was previously part of Lummington Farm. The site appears to show evidence of previous farming activity. The proposal would improve the visual amenity in the immediate area and would provide a rounding off of residential properties.

#### Consultations

Health & Safety Executive - has confirmed no objection.

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

Roads (Traffic) - has confirmed no objection.

**Scottish Water** - has confirmed no objection but has provided advisory comments in relation to proposed water supply, foul drainage and surface water drainage arrangements.

Plant Protection Cadent - There was no response from this consultee at the time of report preparation.

#### Representations

1 letters of representation were received, of which 1 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 0 supported the proposal.

The main points raised are summarised as follows:

- a septic tank which is connected to Lummington Steading is located in the site and provides drainage for that property and could be affected by the proposal.

- there were no previous buildings on the application site and that the remains of a building which are currently on the site are from the demolition of a small, dilapidated shed/barn which was located adjacent to Lummington Farmhouse which was demolished about 15 years ago.

- the land and rubble/sheet material to the west of the shipping container are not located in the planning application site boundary and were placed there after other works.

- it is unclear how the proposal complies with Policy TC2 in the Angus Local Development Plan (2016) (ALDP), including the visual compatibility with adjacent stone built properties.

#### **Development Plan Policies**

#### Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities Policy DS3 : Design Quality and Placemaking Policy DS4 : Amenity Policy TC2 : Residential Development Policy PV6 : Development in the Landscape Policy PV15 : Drainage Infrastructure Policy PV18 : Waste Management in New Development Policy PV20 : Soils and Geodiversity Policy PV21 : Pipeline Consultation Zones

#### TAYplan Strategic Development Plan

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

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

#### Assessment

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

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

Policy TC2 supports housing in countryside locations where it falls within at least one of a number of categories. The Countryside Housing Supplementary Guidance (CHSG) (2016) provides further information on the detailed application of the policy.

The proposal does not comply with any of the circumstances where Policy TC2 indicates a new house in the countryside will be supported. The proposal would not involve: -

- the retention, renovation or acceptable replacement of an existing dwelling;
- the conversion of a non-residential building;
- the 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;
- the rounding off of an established building group of 3 or more existing dwellings;
- an essential worker house supported by appropriate evidence of need; and
- a gap site as defined by the ALDP.

Supporting information submitted by the applicant suggests that the proposal offers an opportunity to remediate a brownfield site which was previously part of the farm, and suggests that the development would improve the visual amenity of the area and provide a rounding off of residential properties.

The supplementary guidance is clear that the regeneration or redevelopment of brownfield sites will only be permitted where the development delivers <u>significant</u> visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. It indicates that the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment.

No evidence has been submitted to suggest that the site is subject to land contamination or is in a land use which is incompatible with the residential and agricultural activities which surround the site. The supporting information (including the site photographs submitted) suggests that the site contains a metal shipping container, which is not a building, but a movable chattel. It has a very limited visual impact from outside of the site and could be moved and reused elsewhere. Beyond that, the photographs suggests that there are some limited remnants of demolition waste on or adjacent to the site, but (as suggested in the representation) there is no evidence to suggest that the site previously contained a building. The site does not contain a derelict building where removal would benefit the amenity of the area. Redevelopment of the site would not deliver a significant visual or environmental improvement and the proposal does not attract support from that aspect of Policy TC2.

Similarly, the proposal cannot meet the terms of the 'rounding off' test which allows a new house where a proposal would round off of an established building group of 3 or more existing dwellings. There are two existing dwellings at Lummington which does not meet the definition of a building group. The two houses that are currently in situ are located to the south of the access track and neither house is located in the large parcel of land to the north of the track and south of the tree line. Allowing a house at the eastern side of that larger area to the north of the track could create a rounding off opportunity for additional greenfield development in the remaining land to the west, contrary to Criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria contained in the CHSG.

The principle of a house on the site does not comply with any of the circumstances which allow a new house in the countryside. The proposal is therefore contrary to the development plan.

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

There are no surrounding land uses which are incompatible with the residential use of the site. The house would provide a satisfactory residential environment for the would-be householders, with space for the provision of waste and recycling storage and the parking of vehicles, and adequate garden ground. The house would be sufficiently distant from other property to avoid any significant privacy or amenity issues. The proposal would result in no significant direct or indirect impacts on the natural or built environment and the roads service has no objection to the proposed access arrangements. The landscaping and boundary treatments proposed are acceptable.

The proposed drainage arrangements are satisfactory for a dwelling outside of an area served by public drainage infrastructure, and the detail would be regulated through the building warrant process. The concern raised in the representation relating to potential impacts on the drainage infrastructure of Lummington Steading could be resolved by a planning condition requiring a scheme to ensure that any impacts on neighbouring drainage are investigated and impacts mitigated to ensure the continued provision of drainage for that property.

The proposed dwelling would provide an acceptable design solution when considered against the Design and Placemaking Supplementary Guidance. The site is located within the national grid high pressure gas pipeline consultation zone but the Health and Safety Executive has confirmed no objection in relation to the proposal. The proposal raises no significant issues when considered against the other policies including the Appendix 3 Countryside Housing Development Criteria (other than as addressed above).

While the proposal accords with some aspects of development plan policy, the principle of a house on the site does not comply with any of the circumstances where new housing is permitted in the Angus countryside and the proposal is contrary to the development plan.

In relation to material considerations, it is relevant to have regard to the comments submitted in a representation where they are not already addressed above, and to the content of Scottish Planning Policy (SPP).

The foregoing assessment concludes that the proposal does not accord with Policy TC2, and the comments submitted relating to the history of the site and the limited extent of environmental degradation within it are noted. The design of the proposed house is considered to be acceptable when considered against council guidance and the external materials of timber lining and natural stone with a slate roof are considered to be compatible with the external finishes of the two existing dwellings to the south of the track.

Paragraph 33 of SPP states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Paragraph 29 sets out a series of principles to help guide whether a proposal would contribute to sustainable development, including (amongst other things): giving due weight to net economic benefit and responding to economic issues; supporting good design and the six qualities of successful places; making efficient use of land; supporting delivery of accessible housing; supporting climate change mitigation; having regard to the principles for sustainable land use; protecting and enhancing natural heritage; avoiding over development and protecting amenity.

There would be some economic benefit associated with the development of a house on the site. However, the proposal would be on a site outwith a settlement and where there are no services or regular or convenient public transport to support new housing. Its location would encourage private car use, and the proposal would not provide accessible housing. Therefore, the proposal overall is not be considered to be sustainable and would not find support from the SPP presumption.

While the adopted local development plan is now out of date, it remains the starting point for decision-making and the foregoing assessment against that is set out above. The proposed house is in an unsustainable location in circumstances which are not supported in the local development plan. As a result, the benefits do not significantly or demonstrably justify overturning the development plan position on housing in the countryside.

In conclusion, the proposal is contrary the local development plan approach to housing in the countryside. The proposal would not contribute to sustainable development and would encourage private car use. There are no material considerations which justify approval of planning permission contrary to the provisions of the development 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 TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance as it is not compatible with any of the circumstances where a new house in the countryside is permitted

#### Notes:

Case Officer: Walter Wyllie Date: 1 November 2022

#### **Appendix 1 - Development Plan Policies**

#### Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

#### Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.

o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.

o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.

o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.

o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

#### Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;

• The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and

• Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

All proposals for new residential development\*, including the conversion of non-residential buildings must:

o be compatible with current and proposed land uses in the surrounding area;

o provide a satisfactory residential environment for the proposed dwelling(s);

o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and

o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

o the site is not allocated or protected for another use; and

o the proposal is consistent with the character and pattern of development in the surrounding area.

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

o retention, renovation or acceptable replacement of existing houses;

o conversion of non-residential buildings;

o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;

o single new houses where development would:

o round off an established building group of 3 or more existing dwellings; or

o meet an essential worker requirement for the management of land or other rural business.

o in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and

o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.

o the restoration or replacement of traditional buildings.

o the development of new large country houses.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes. \*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9. Policy PV6 : Development in the Landscape

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

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

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

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

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

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

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

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

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

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

#### Policy PV20 : Soils and Geodiversity

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

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

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

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

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

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

#### Policy PV21 : Pipeline Consultation Zones

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

#### ANGUS COUNCIL

#### PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

 22/00376/FULL

 Tick boxes as appropriate

ROADS

No Objection

(Comments to follow within 14 days)

Date

Interest

	07	22
	07	~~
11		

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

Tuesday, 12 July 2022



Local Planner Planning Service Angus Council Forfar DD8 1AN Development Operations The Bridge Buchanan Gate Business Park Cumbernauld Road Stepps Glasgow G33 6FB

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



Dear Customer,

40M North Of Lummington, Brathinch, Brechin, DD9 7RA Planning Ref: 22/00376/FULL Our Ref: DSCAS-0068700-F2P Proposal: Erection of a Dwellinghouse and Ancillary 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. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

#### Water Capacity Assessment

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

This proposed development will be fed from Lintrathen Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via <u>our</u> <u>Customer Portal</u> or contact Development Operations.

#### Waste Water Capacity Assessment

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

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

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

#### Next Steps:

#### All Proposed Developments

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

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

#### Non Domestic/Commercial Property:

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

#### Trade Effluent Discharge from Non-Domestic Property:

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

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

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

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

Yours sincerely,

Angela Allison Development Services Analyst <u>PlanningConsultations@scottishwater.co.uk</u>

#### **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."

Angus County Buildings Market Street Forfar Angus DD8 3LG

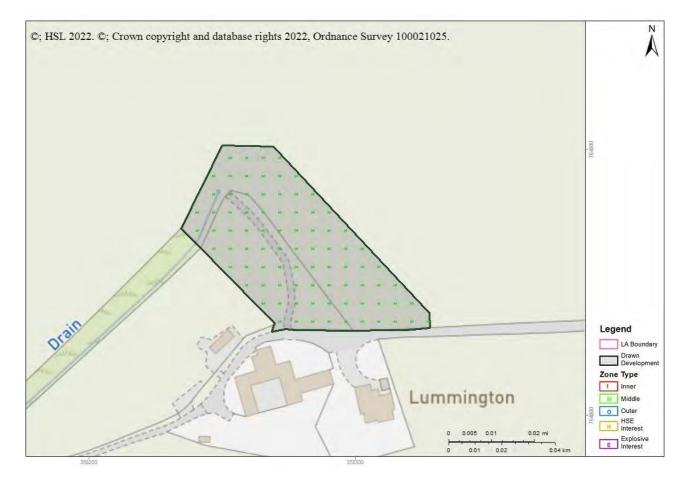


#### Advice : HSL-221031104511-269 Crosses Consultation Zone

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

#### Your Ref: 22/00376/FULL

**Development Name:** Erection of a Dwellinghouse and Ancillary Works **Comments:** Land 40M North Of Lummington Brathinch Brechin



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

This advice report has been generated using information supplied by Damian Brennan at Angus on 31 October 2022.

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

• 8365\_2642 National Grid Gas PLC

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL HSL-221031104511-269 Date enquiry processed :31 October 2022 (358276,764862) also accepts no liability if you do not consult with the pipeline operator.

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

Angus County Buildings Market Street Forfar Angus DD8 3LG



ΔCΖ

#### Advice : HSL-221031104511-269 DO NOT ADVISE AGAINST

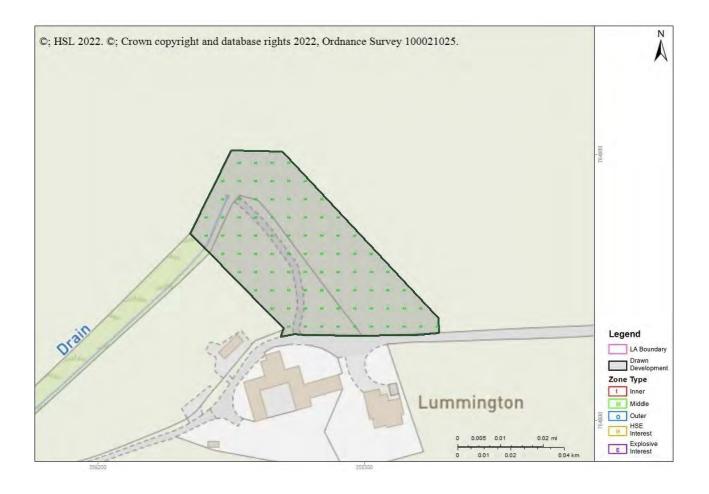
#### Your Ref: 22/00376/FULL

**Development Name:** Erection of a Dwellinghouse and Ancillary Works **Comments:** Land 40M North Of Lummington Brathinch Brechin

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

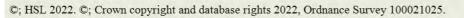
The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice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

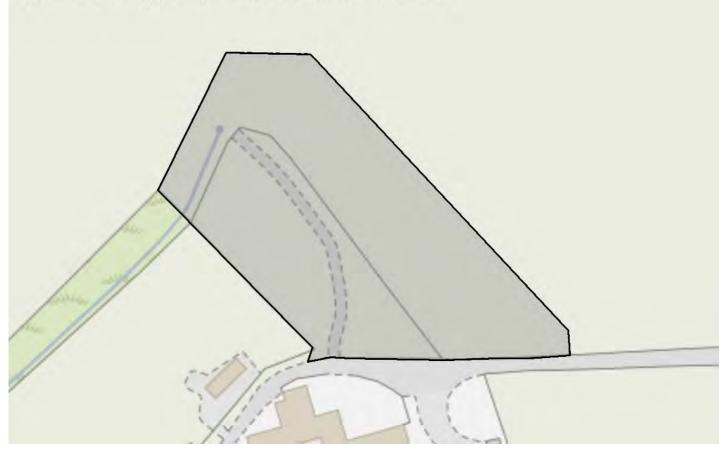
# HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



#### Breakdown:

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





#### Pipelines

• 8365\_2642 National Grid Gas PLC

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

• The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

• The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

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

This advice report has been generated using information supplied by Damian Brennan at Angus on 31 October 2022.

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

### **Comments for Planning Application 22/00376/FULL**

AC5

#### **Application Summary**

Application Number: 22/00376/FULL Address: Land 40M North Of Lummington Brathinch Brechin Proposal: Erection of a Dwellinghouse and Ancillary Works Case Officer: Walter Wyllie

#### **Customer Details**

Name: Mr GRAHAM DALLAS Address: Lummington Steading House Brechin

#### **Comment Details**

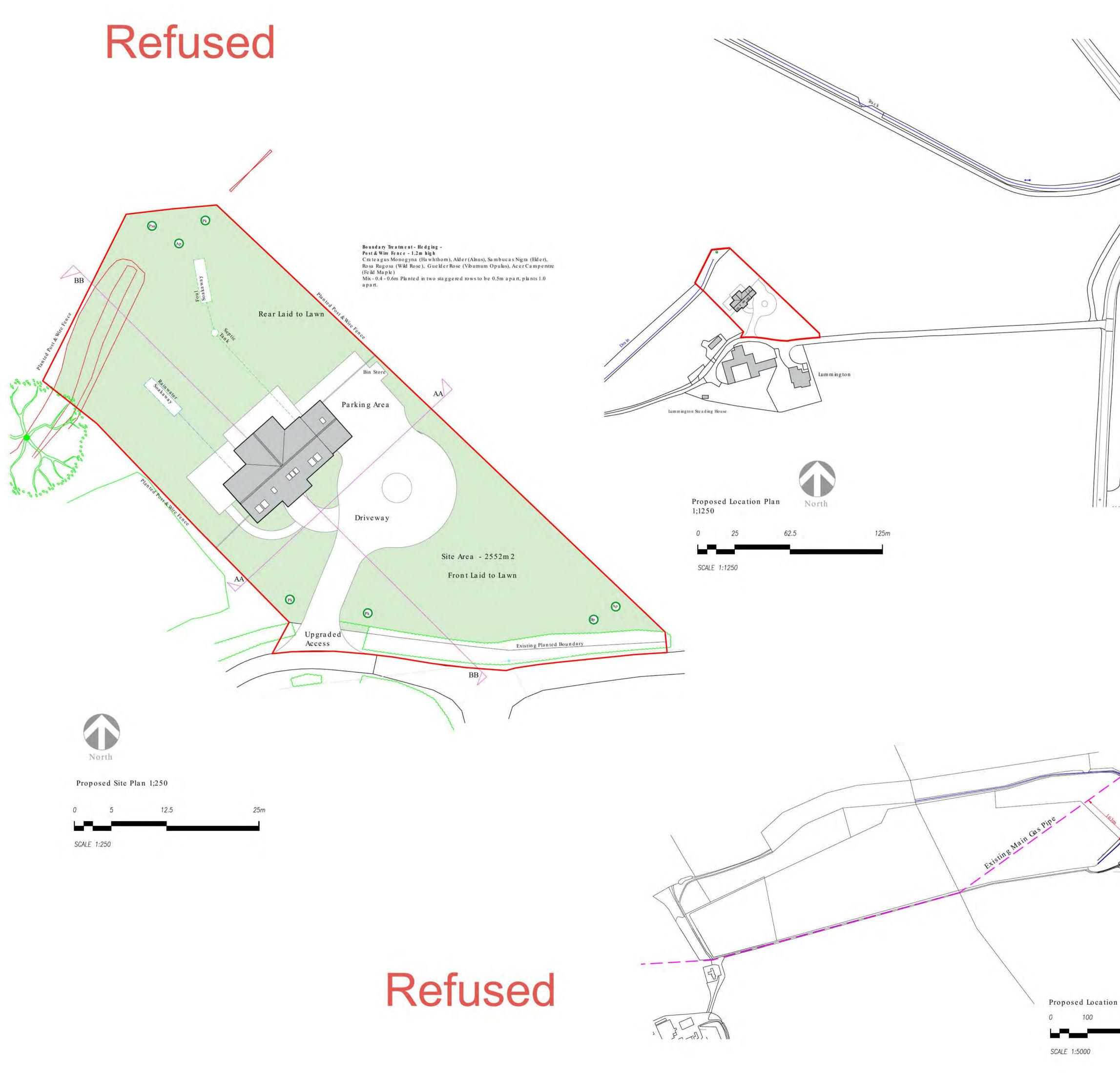
Commenter Type: Member of Public Stance: Customer made comments neither objecting to or supporting the Planning Application Comment Reasons: Comment:A few thoughts and observations on the planning application.

The septic tank that is connected to my property is located within the plot of ground depicted within this application. This was installed prior to the land being divided and was part of the planning permission to convert the steading building into accommodation granted in 1994/95. I have a deed of heritable and irredeemable access to use and service the tank. The Septic tank is registered with SEPA Ref: CAR/R/1116054 and is located at National Grid Reference NO 5827 6484.

I can confirm there are building remains on the site, but the building was not originally located there. There was a small, dilapidated shed/barn adjacent to the farmhouse which was demolished and deposited on its current location about 15 years ago. To my knowledge there were no previous buildings on the site.

I can also state that with respect to figure 3B within the Full Supporting Statement, the land and rubble/sheet materials on the viewer's side of the shipping container is not located within the area subject to application but to the adjacent property. Again, the rubble is not native to the location and was placed there after other works.

I would be interested to understand the application's compliance with Policy TC2, including the visual compatibility with adjacent stone-built properties.





This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Do not scale this drawing for construction purposes.

#### Landscaping

The landscaped areas have been planted with coastal, salt tolerant varieties of trees and shrubs.

Hedges have been designed to create a soft boundary to enclose the newly formed residential plot and integrate the site into the existing land scape

#### Planting Schedule

- 1. Top soil to be sprayed with glyphosphate when grass and broadleaf perennials are actively growing, before the shrub planting.
- 2. Shrub beds will be rotavated, and a slow release fertilizer added. Container grown and bare-root shrubs will be planted in the first planting season following completion of the gardens or public space areas.
- 3. All grass seeding to be carried out May September.

4. Open space areas to be sown with No 3 amenity grass seed.

All Planting indicated on the approved plans shall be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.



#### Tre e Planting Acerplatanoides Betula pendula Prunus kanzam

Prunus sa rg e ntii

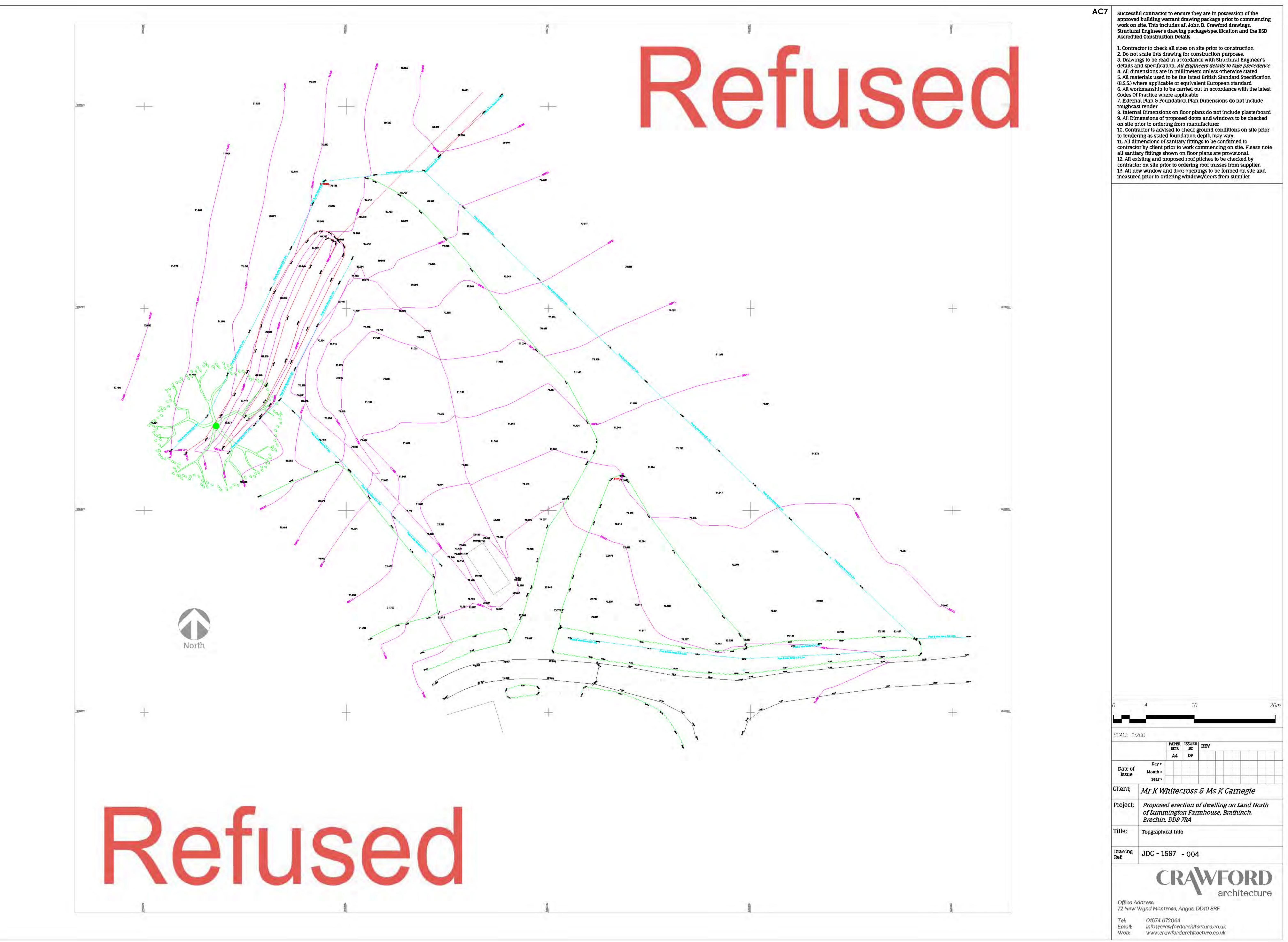
1.8 - 2.1m Norway Maple 1.8 - 2.1 m Silve r Birc h 1.8 - 2.1m Japanese Cheny 1.8 - 2.1m Sargent Cheery

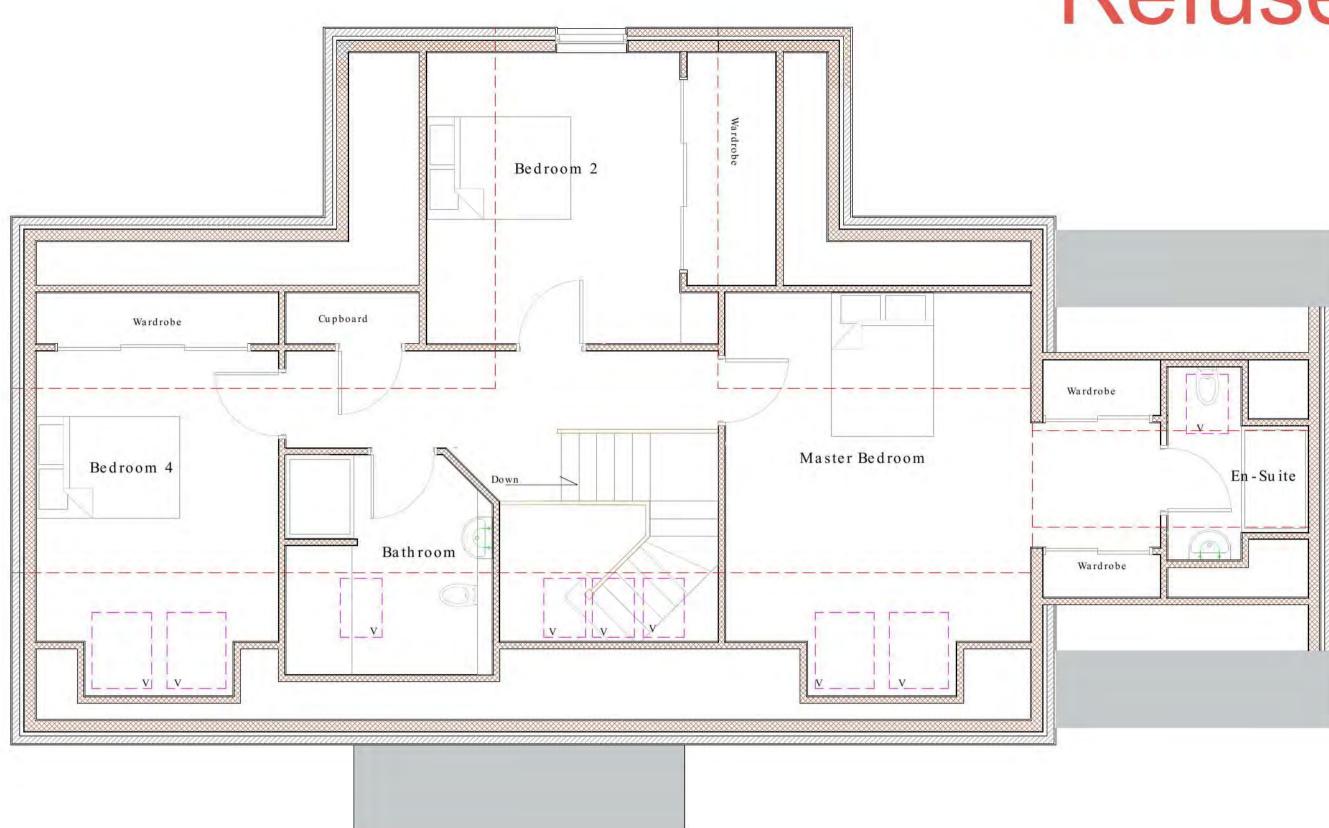
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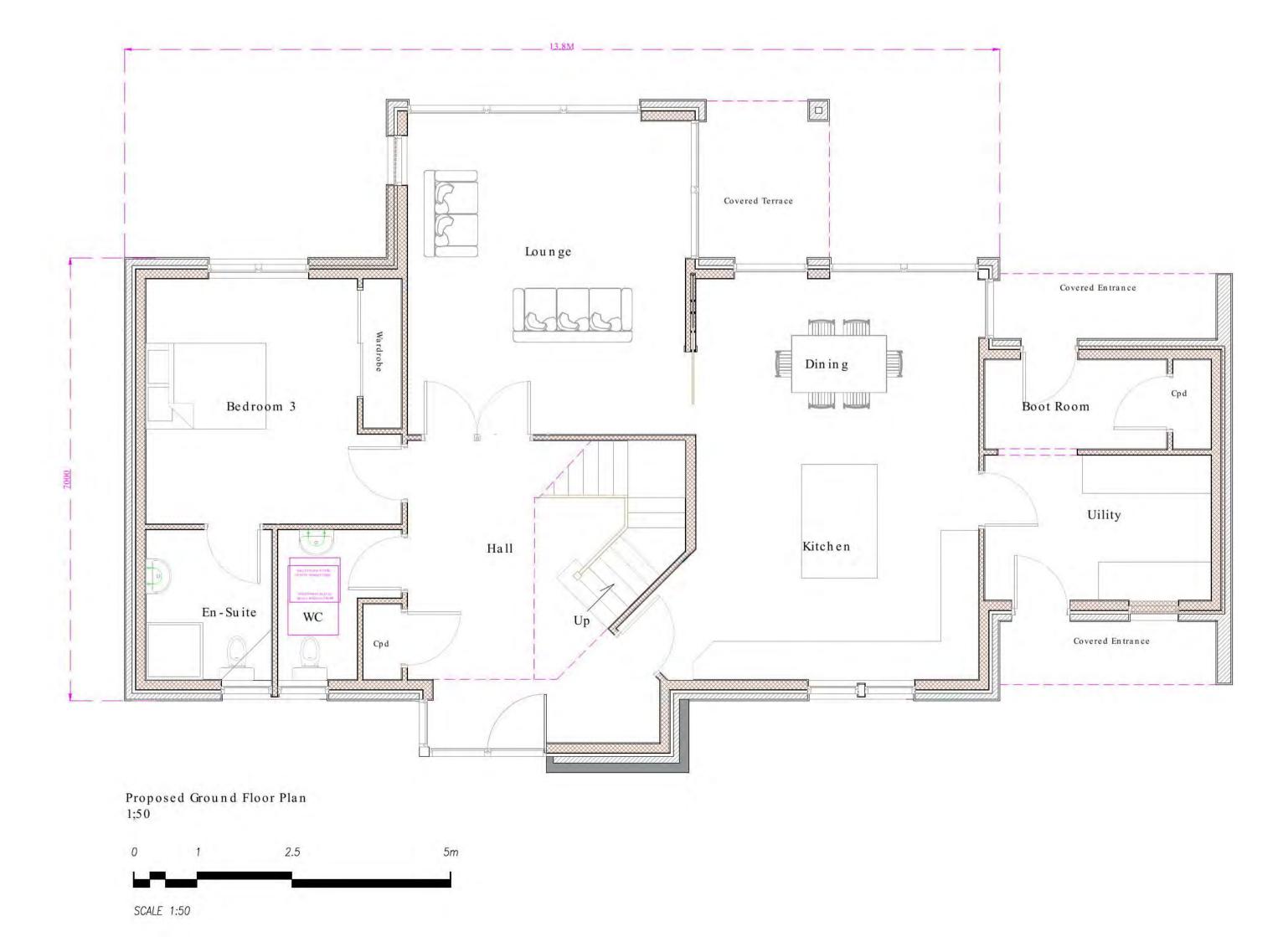
Office Address: 72 New Wynd Montrose, Angus, DD10 8RF

Tel: 01674 672064 Email: info@crawfordarchitecture.co.uk Web: www.crawfordarchitecture.co.uk





Proposed First Floor Plan 1;50



# Refused



# AC7

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Project;       Proposed erection of dwelling on Land North of Lummington Farmhouse, Brathinch, Brechin, DD9 7RA         Title;       Proposed Floor Plans         Drawing       LDC = 1597 = 0.01		Year >			22	22	1.1.1		14
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This drawing is solely for the purposes of obtaining



10m 0 5 SCALE 1:100





0 4 20m 10 SCALE 1:200



ELEMENT       PROPOSED CONSTRUCTION MATERIAL         External Walls       Scottish Larch Cladding & Denfind Natural Six         Roof       Natural Blue Slate         Windows & Doors       Grey Alucid Windows         Rain water Goods       Black UPVC         Boundary Treatment       Post & Wire Fence Planted	Extern al Walls       Scottish Larch Cladding & Denfind Natural Ste         Roof       Natural Blue Slate         Win dows & Doors       Grey Alucad Windows         Rain water Goods       Black UPVC         Boun dary Treatment       Post & Wire Fence Planted	Donot			ng for	constr	uction	ı pu
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Finished Floor Level

Angus	
zxngus	Council

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100567251-002

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

#### **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)

Proposed Erection of Dwelling Replacement application form/plans for 22/00376/FULL

Is this a temporary permission? *	Yes X 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 Ves – Started Ves - 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	S		
Company/Organisation:	John D. Crawford Ltd		
Ref. Number:	JDC/1597	You must enter a Bu	uilding Name or Number, or both: *
First Name: *	John	Building Name:	
Last Name: *	Crawford	Building Number:	72
Telephone Number: *	01674672064	Address 1 (Street): *	New Wynd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Montrose
Fax Number:		Country: *	Scotland
		Postcode: *	DD10 8RF
Email Address: *	admin@johndcrawford.co.uk		
🗵 Individual 🗌 Orga	ual or an organisation/corporate entity? *		
Applicant Det			
Please enter Applicant de			
Title:	Other	You must enter a Bu	uilding Name or Number, or both: *
Other Title:	Mr & Ms	Building Name:	Balrownie Farm
First Name: *	Kevin & Kara	Building Number:	
Last Name: *	Whitecross & Carnegie	Address 1 (Street): *	Menmuir
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Brechin
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD9 7RG
Fax Number:			
Email Address: *	info@crawfordarchitecture.co.uk		

Site Address	Details						
Planning Authority:	Angus Council						
Full postal address of the	site (including postcode where availab	le):					
Address 1:	LUMMINGTON FARMHOUSE						
Address 2:	BRATHINCH						
Address 3:							
Address 4:							
Address 5:							
Town/City/Settlement:	BRECHIN						
Post Code:	DD9 7RA						
Please identify/describe t	he location of the site or sites						
Northing	764803	Easting	358307				
Pre-Application	on Discussion						
Have you discussed your	proposal with the planning authority? *	*	Ves X No				
Site Area							
Please state the site area	: 2552.00						
Please state the measurement type used:							
Existing Use							
Please describe the current or most recent use: * (Max 500 characters)							
Vacant Ground							
Access and P	arking						
Are you proposing a new	altered vehicle access to or from a pub	olic road? *	Yes X No				
If Yes please describe an you propose to make. You	d show on your drawings the position o u should also show existing footpaths a	of any existing. Altered or new and note if there will be any im	access points, highlighting the changes pact on these.				

Are you proposing any change to public paths, public rights of way or affecting any public right of acce	ss? * 🗌 Yes 🛛 No					
If Yes please show on your drawings the position of any affected areas highlighting the changes you plarrangements for continuing or alternative public access.	ropose to make, including					
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0					
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)? *	4					
Please show on your drawings the position of existing and proposed parking spaces and identify if thes types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	se are for the use of particular					
Water Supply and Drainage Arrangements						
Will your proposal require new or altered water supply or drainage arrangements? *	X Yes No					
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *						
Yes – connecting to public drainage network						
No – proposing to make private drainage arrangements						
Not Applicable – only arrangements for water supply required						
As you have indicated that you are proposing to make private drainage arrangements, please provide	further details.					
What private arrangements are you proposing? *						
New/Altered septic tank.						
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).						
Other private drainage arrangement (such as chemical toilets or composting toilets).						
What private arrangements are you proposing for the New/Altered septic tank? *						
Discharge to land via soakaway.						
Discharge to watercourse(s) (including partial soakaway).						
Discharge to coastal waters.						
Please explain your private drainage arrangements briefly here and show more details on your plans a	nd supporting information: *					
Septic tank to soakaway						
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	X Yes No					
Note:-						
Please include details of SUDS arrangements on your plans						
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.						

Are you proposing to connect to the public water supply network? *
X Yes
<ul> <li>No, using a private water supply</li> <li>No connection required</li> </ul>
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? *
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? *
Trees
Are there any trees on or adjacent to the application site? *
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)? *
If Yes or No, please provide further details: * (Max 500 characters)
See plans
Residential Units Including Conversion
Does your proposal include new or additional houses and/or flats? *
How many units do you propose in total? * 1
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? *
Schedule 3 Development
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country I Yes X No Don't Know Planning (Development Management Procedure (Scotland) Regulations 2013 *
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 S	Service Employee/Elected Member Interest	
	the applicant's spouse/partner, either a member of staff within the planning service or an the planning authority? *	Yes X No
Certificate	s and Notices	
	D NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPME COTLAND) REGULATION 2013	NT MANAGEMENT
	st be completed and submitted along with the application form. This is most usually Certifica icate C or Certificate E.	te A, Form 1,
Are you/the applica	ant the sole owner of ALL the land? *	X Yes No
Is any of the land p	art of an agricultural holding? *	Yes X No
Certificate	Required	
The following Land	Ownership Certificate is required to complete this section of the proposal:	
Certificate A		
Land Ov	wnership Certificate	
Certificate and Noti Regulations 2013	ice under Regulation 15 of the Town and Country Planning (Development Management Pro	cedure) (Scotland)
Certificate A		
I hereby certify that	t –	
lessee under a leas	er than myself/the applicant was an owner (Any person who, in respect of any part of the lar se thereof of which not less than 7 years remain unexpired.) of any part of the land to which e period of 21 days ending with the date of the accompanying application.	
(2) - None of the la	nd to which the application relates constitutes or forms part of an agricultural holding	
Signed:	John Crawford	
On behalf of:	Mr & Ms Kevin & Kara Whitecross & Carnegie	
Date:	16/06/2022	
	Please tick here to certify this Certificate. *	

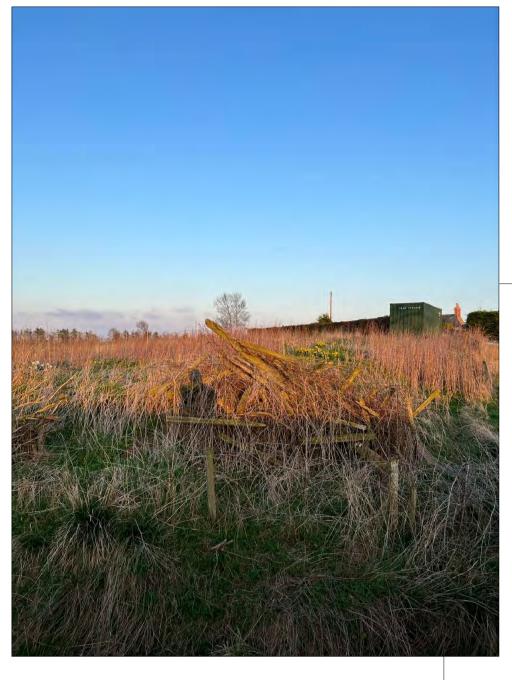
Checklist – Application for Planning Permission
Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary 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? *
b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *
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 X Not applicable to this application
Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
<ul> <li>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? *</li> <li>Yes No X Not applicable to this application</li> </ul>
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 X 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? *
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.
Cross sections.
Roof plan.
Master Plan/Framework Plan.
Landscape plan.
Photographs and/or photomontages.
Cother.
If Other, please specify: * (Max 500 characters)

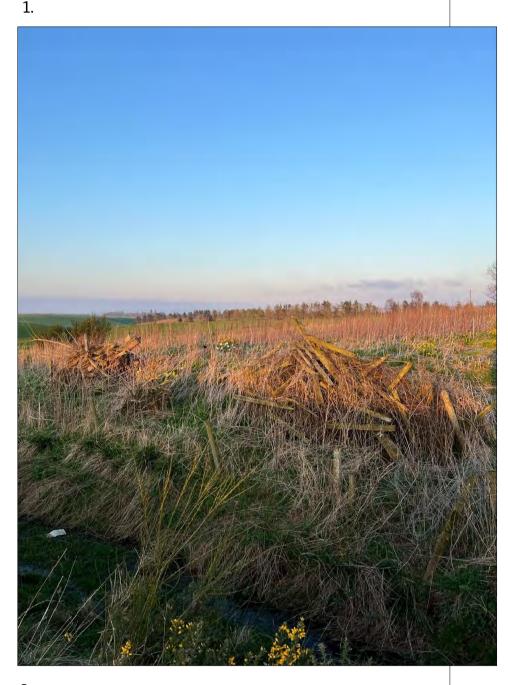
Provide copies of the following documents if applicable:						
A copy of an Environmental Statement. *	Yes X N/A					
A Design Statement or Design and Access Statement. *	🗌 Yes 🛛 N/A					
A Flood Risk Assessment. *	🗌 Yes 🛛 N/A					
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	🗌 Yes 🛛 N/A					
Drainage/SUDS layout. *	🗌 Yes 🔀 N/A					
A Transport Assessment or Travel Plan	🗌 Yes 🛛 N/A					
Contaminated Land Assessment. *	🗌 Yes 🛛 N/A					
Habitat Survey. *	🗌 Yes 🛛 N/A					
A Processing Agreement. *	🗌 Yes 🔀 N/A					
Other Statements (please specify). (Max 500 characters)						
Declare – For Application to Planning Authority						
L the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying						

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.

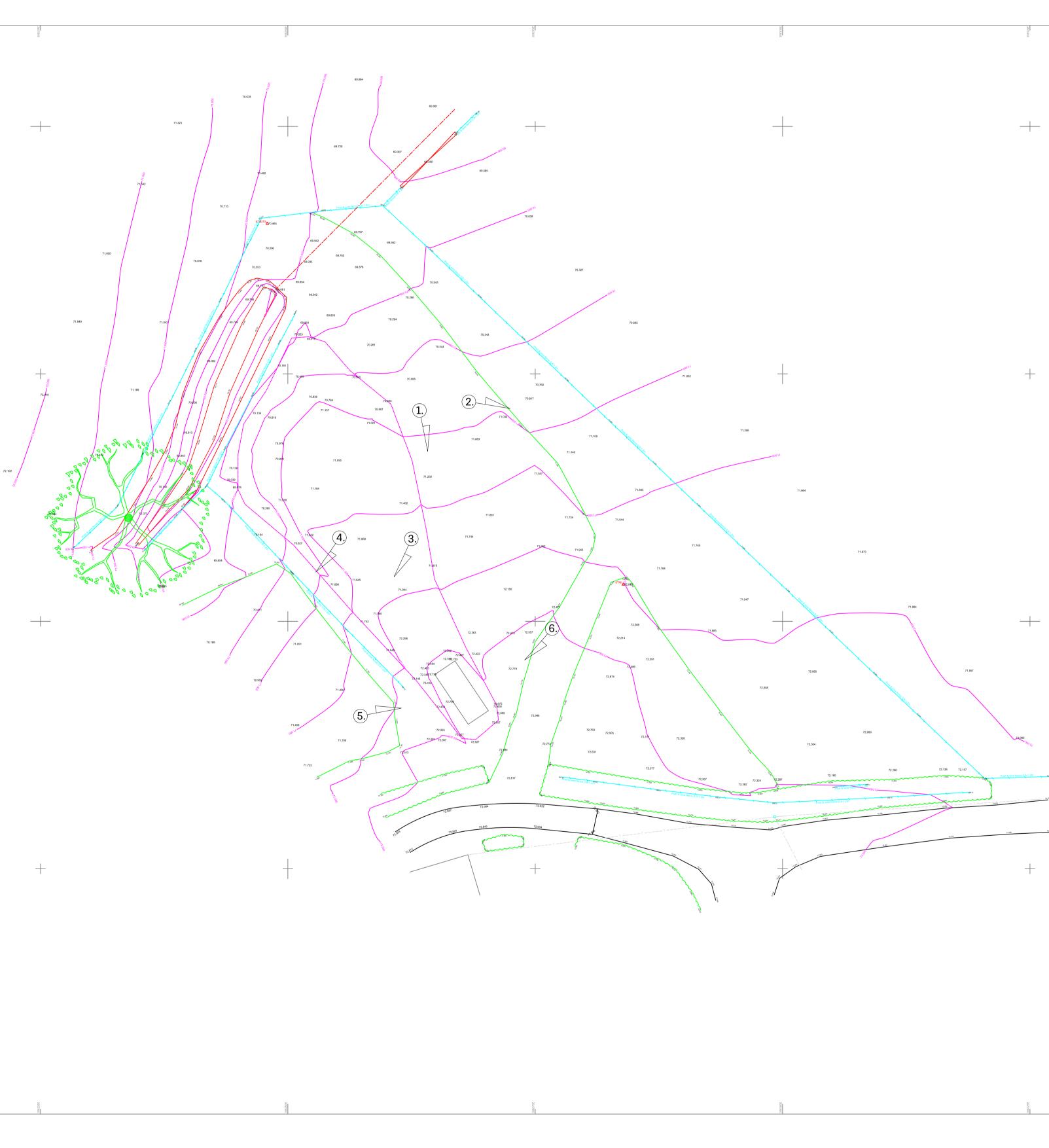
Declaration Name: Mr John Crawford

Declaration Date: 16/06/2022

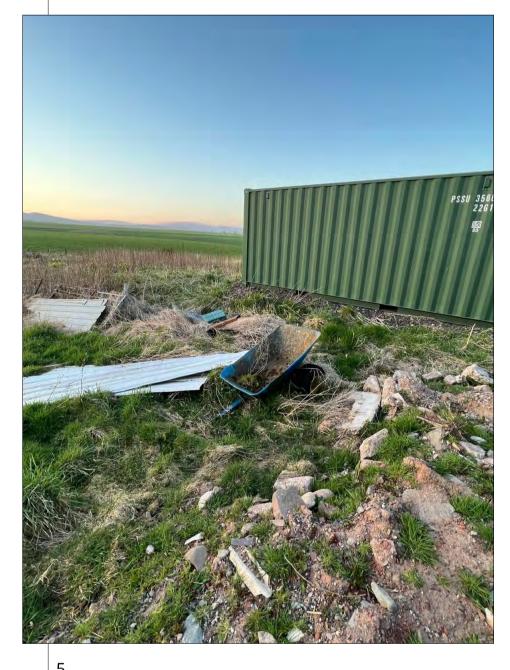














Successful contractor to ensure they are in possession of the approved building warrant drawing package prior to commencing work on site. This includes all John D. Crawford drawings, Structural Engineer's drawing package/specification and the BSD Accredited Construction Details

Accredited Construction Details
1. Contractor to check all sizes on site prior to construction
2. Do not scale this drawing for construction purposes.
3. Drawings to be read in accordance with Structural Engineer's details and specification. *All Engineers details to take precedence*4. All dimensions are in millimeters unless otherwise stated
5. All materials used to be the latest British Standard Specification
(B.S.S.) where applicable or equivalent European standard
6. All workmanship to be carried out in accordance with the latest Codes Of Practice where applicable
7. External Plan & Foundation Plan Dimensions do not include roughcast render
8. Internal Dimensions on floor plans do not include plasterboard
9. All Dimensions of proposed doors and windows to be checked on site prior to ordering from manufacturer
10. Contractor is advised to check ground conditions on site prior to tendering as stated foundation depth may vary.
11. All dimensions of sanitary fittings to be confirmed to contractor by client prior to work commencing on site. Please note all sanitary fittings shown on floor plans are provisional.
12. All existing and proposed roof pitches to be checked by contractor on site prior to ordering roof trusses from supplier.
13. All new window and door openings to be formed on site and measured prior to ordering windows/doors from supplier



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Date of Issue	Day > Month > Year >	A4	DP							
Client;	Mr K Whitecross & Ms K Carnegie									
Project;	<i>Proposed erection of dwelling on Land North of Lummington Farmhouse, Brathinch, Brechin, DD9 7RA</i>									
Title;	Photographs									
Drawing Ref;	JDC - 1	597	- 007							
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#### ANGUS COUNCIL

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



#### PLANNING PERMISSION REFUSAL REFERENCE : 22/00376/FULL

To Mr & Ms K & K Whitecross & Carnegie c/o John Crawford 72 New Wynd Montrose DD10 8RF

With reference to your application dated 7 July 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

#### Erection of a Dwellinghouse and Ancillary Works at Land 40M North Of Lummington Steading House Brathinch Brechin for Mr & Ms K & K Whitecross & Carnegie

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

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

1. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance as it is not compatible with any of the circumstances where a new house in the countryside is permitted.

#### Amendments:

1. The proposal was amended to alter the design of the dwellinghouse. Drawing No. JDC - 1597 - 003 Rev C amends and supersedes all previous versions of that drawing; Drawing No. JDC - 1597 - 002 Rev C amends and supersedes all previous versions of that drawing; and Drawing No. JDC - 1597 -001 Rev C amends and supersedes all previous versions of that drawing.

Dated this **2 November 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

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

#### PLANNING DECISIONS

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

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

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

#### Notification of initiation of development (NID)

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

#### Notification of completion of development (NCD)

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

#### Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council Angus House Orchardbank Business Park Forfar DD8 1AN

Telephone03452 777 780E-mail:planning@angus.gov.ukWebsite:www.angus.gov.uk



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

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

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

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

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

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



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

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

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

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

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

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

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



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#### Your experience with Planning

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

Q.1 I was given t	the advice and he	elp I needed to submit r	my application/r	epresentation:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.2 The Council	kept me informed	about the progress of	the application t	hat I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.3 The Council	dealt promptly wi	th my queries:-			
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.4 The Council	dealt helpfully wit	h my queries:-			
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.5 I understand	l the reasons for th	e decision made on th	e application the	at I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.6 I feel that I w	vas treated fairly a	nd that my view point	was listened to:-		
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
OVERALL SATISFACTIO	N: Overa	all satisfaction with the	service:		
•		••		d taking everything int cil in processing your ap	
Very satisfied	Fairly satisfied	d Neither Satisfie Dissatisfie		rly Dissatisfied Ve	ery Dissatisfied
			G		
OUTCOME: Ou	utcome of the app	plication:			
Q.8 Was the app	plication that you h	nad an interest in:-			
Granted Permission/	'Consent	Refused Permis	sion/Consent	Withdr	awn
Q.9 Were you the:	- Applican	t Agent		Third Party objector wh made a representation	

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

# Walter K Wyllie

From: Graham Dallas < Sent: Wednesday, August 17, 2022 8:41 pm To: John Crawford <john@crawfordarchitecture.co.uk> Subject: 22/00376/FULL | Erection of a Dwellinghouse and Ancillary Works | Land 40M North Of Lummington Brathinch Brechin

Good evening John,

I was passed your details in regards to the property development.

I met with the Applicants to discuss my concerns, mainly regarding the location of my septic tank as I highlighted in my comments to the planning application. Suggestions were made about about a potential shared septic system or relocation at no cost, either of these options would be acceptable to me.

If you need anything further please let me know.

Thanks Graham

Graham Dallas



AC11

# CRAVFORD architecture



# DESIGN, ACCESS & SUPPORTING STATEMENT

Project Title

Proposed Erection of Dwelling at Land North of Lummington Farmhouse, Brathinch, Brechin, DD9 7RA

Applicant

Mr K Whitecross and Ms K Carnegie

JDC Reference

JDC/1597

1.0 INTRODUCTION Brief Services

2.0 THE SITE Location + character Access History

3.0 PLANNING Planning History Planning policies and guidelines

4.0 DESIGN ANALYSIS Design Overview Amenity Space & Landscaping Precedent Study Conclusion

# Introduction -

Crawford Architecture on behalf of Mr K Whitecross and Ms C Carnegie have prepared this Statement in support of a full planning application lodged to Angus Council for Erection of Dwelling at Land North of Lummington Farmhouse, Brathinch, Brechin, DD9 7RA.

The purpose of this Design Statement is to illustrate the concept behind the detailed planning proposals and how this fit in with national and local policy and guidelines for design.

# Brief

The brief for this development was to create a modest four-bedroom rural styled dwelling on the site to take full advantage of the views and to create a family home. The brief also includes for an integral double garage.

# Services

Foul drainage is proposed to go to a septic tank and soakaway on the site. Rainwater runoff is proposed to go to a separate rainwater soakaway on the site with possible harvesting of rainwater for reuse. Shown on plan.

# 2.0 THE SITE

Location & Character

The application site is located 3 miles North of Brechin. Access to the site is a via a track off a B road from Brechin to Reidhall.

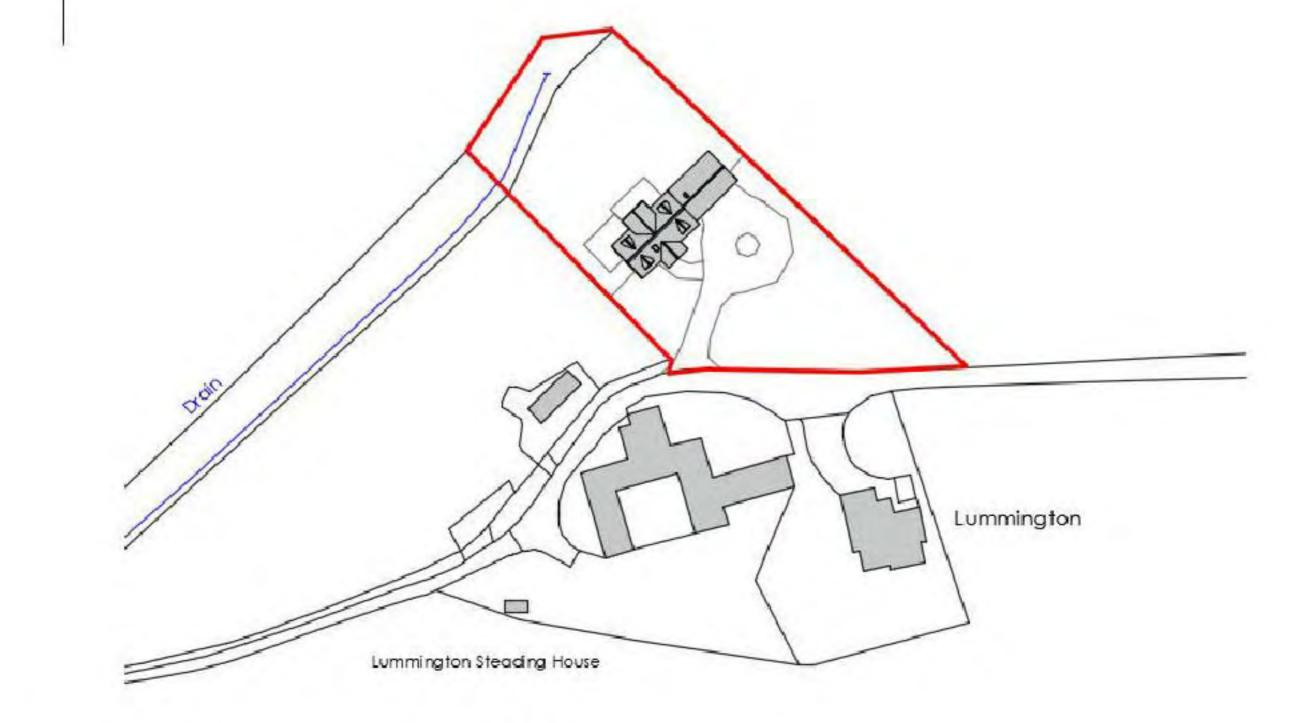
The clients own the entire application site of 2552m2 which lies within the safeguard area of a nearby gas pipe - location of which is shown on site plan.

The site is bounded on the all sides by a post and wire fence which is proposed to be planted as per the landscape proposals noted on site plan.

The site is open and fairly exposed on the Eastern, Southern and Northern sides whereas the Western side has a large wooded area and bushes.



Figure 1 – Location Plan – Site shown red.



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### Figure 2 – Site Plan

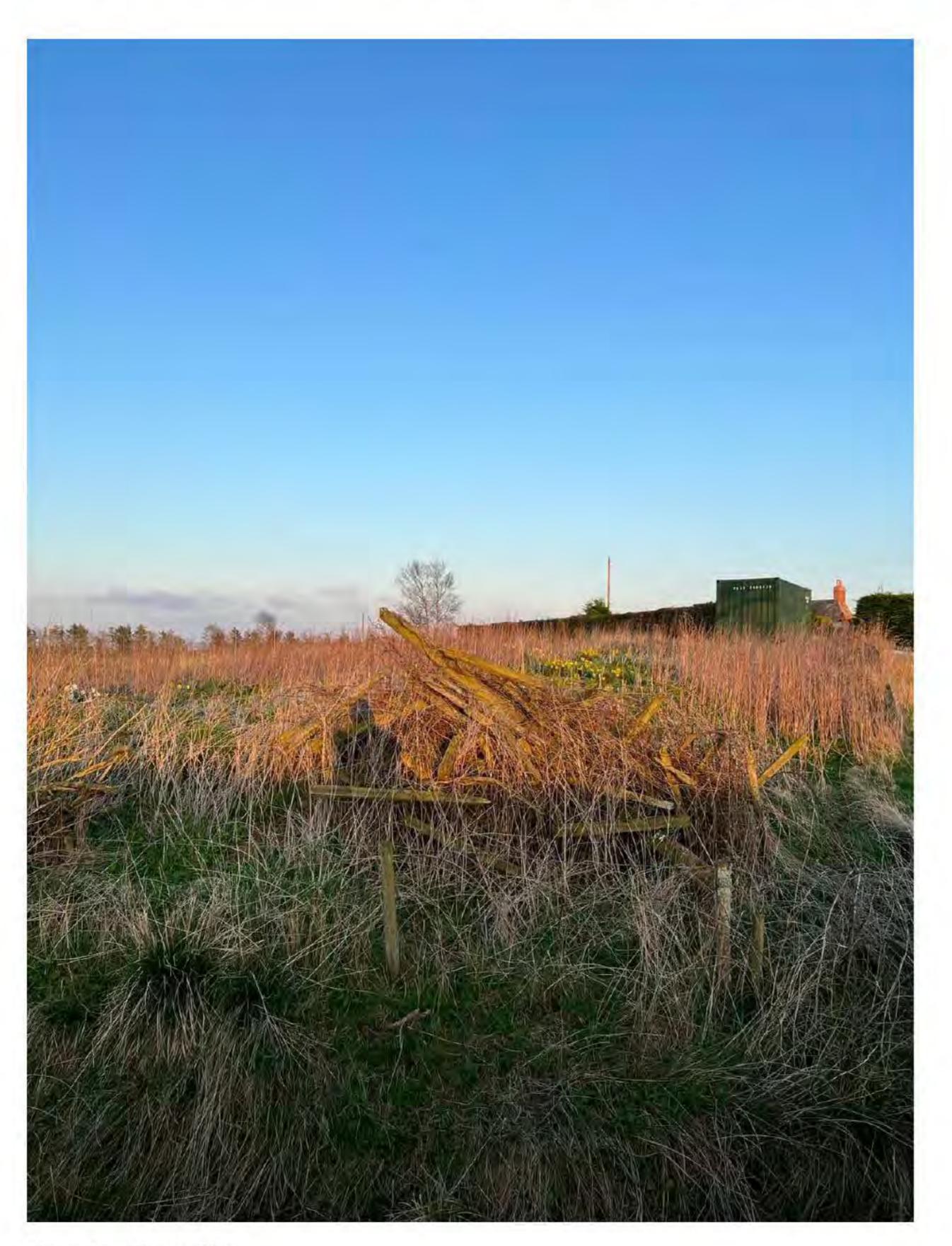


Figure 3a – Photo of Site

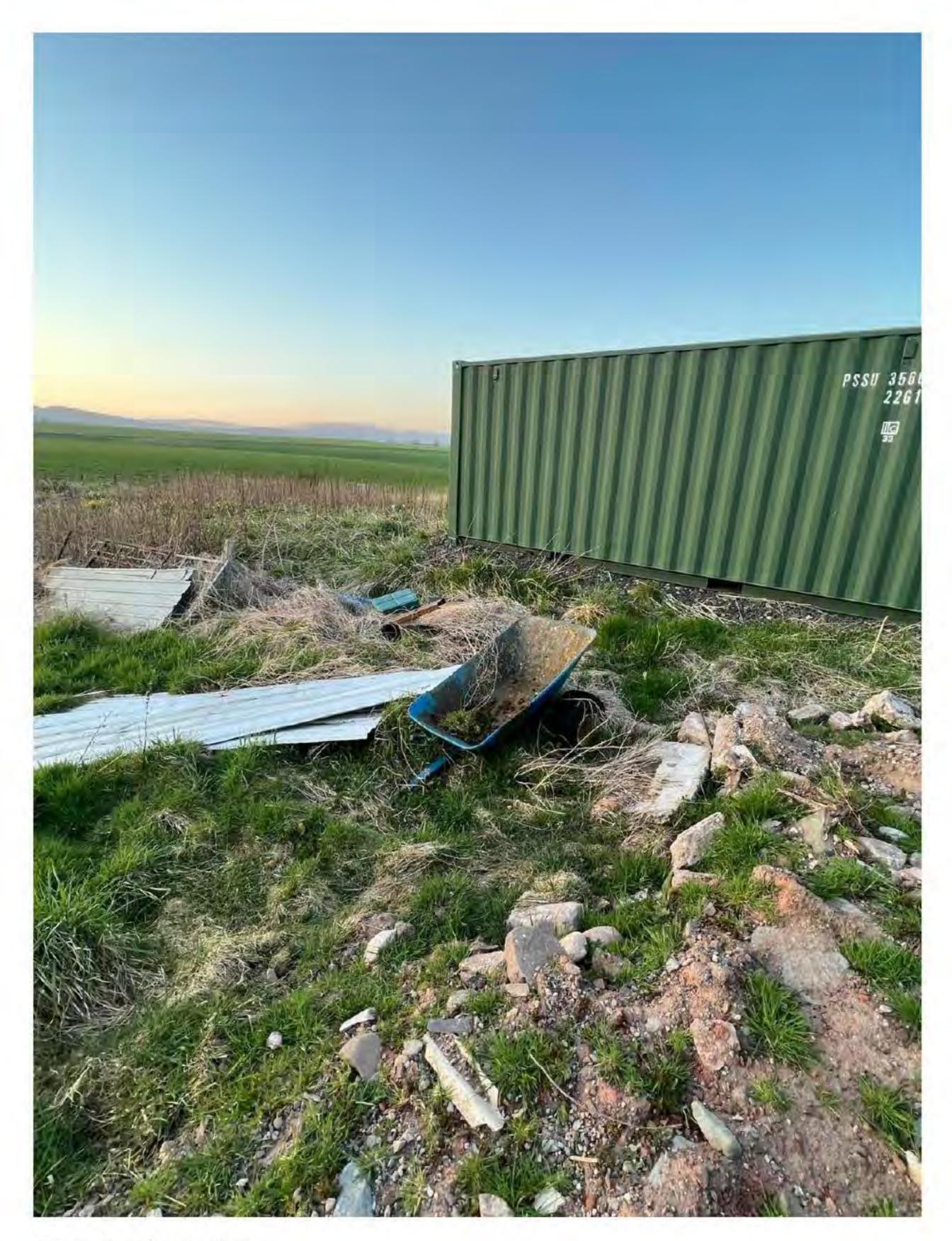


Figure 3b – Photo of Site



Figure 3c – Photo of Site

7|Page

# History

Looking at historic maps of the site dating back to the late 1800's the site has always been part of the Lummington Farm curtilage and it seems to be in the late 1990's when the seating building was converted into houses that the site was then split by a access road leaving the application site and its contents as a Brownfield plot. Evidence of storage buildings and other remains on the site point to a use within the farms history which is now overgrown and neglected.



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### Figure 4 – Map from 1862



Figure 5 – Map from 1925

# **3.0 PLANNING**

There has no planning activity in or around the site since the conversion of the steading back in the late 1990's, when the farm was presumably made defunct and the land and buildings around the application site made residential.

# Planning Policies & Local Plan.

The following local and national policies were taken into account during the design process;

Scottish Government's Planning Advice Note: PAN 72: Housing in the Countryside.

### 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:

- 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.
- 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.
- 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.
- Adaptable: Where development is designed to support a mix of compatible uses and

- accommodate changing needs.
- 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.

### Policy TC2 Residential Development

All proposals for new residential development\*, including the conversion of non-residential buildings must:

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

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

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;
- regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;

- single new houses where development would:
  - round off an established building group of 3 or more existing dwellings; or
  - meet an essential worker requirement for the management of land or other rural business.
  - in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

### COUNTRYSIDE HOUSING SUPPLEMENTARY GUIDANCE

Regeneration or Redevelopment of Brownfield Sites Regeneration or redevelopment of brownfield sites will only be permitted where the development delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use; the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment. The number of new houses that will be acceptable on rural brownfield sites depends on: I the extent of environmental degradation, contamination and derelict buildings;

- I the overall size of the previously developed area of land;
- I the scope for improvements to visual amenity; and
- the character of the surrounding landscape/built environment.
- I compliance with applicable detailed Criteria (e.g. standard of access required).

Development will be up to a maximum of four new houses, except where a marginally greater number (e.g. five) would be in the public interest and social, economic or environmental considerations override concerns associated with building large numbers of houses in the

countryside e.g. landscape impact; a lack of support for towns and villages.

The entire area of brownfield land must be remediated. New houses should be built on brownfield land, unless there are good planning reasons for doing otherwise (e.g. to achieve a satisfactory design solution). In this case, the whole area of brownfield land must also be remediated. The following supporting information may be requested under the terms of Policy TC2: statement of the planning history for the site/building. This should as a minimum include information on previous land use. The former presence of any buildings/structures on the site should be noted and their particulars (scale, sitting, form, design, colour and use of materials) described. The present condition of the site/building should be shown using contemporary photographs and any other information as may be appropriate (e.g. evidence of contamination, detailed survey plans showing ground floor, other floors and elevations). a statement to justify demolition of a building may also be requested. This may be provided by a structural engineer, although if the building was/is proposed to be demolished for reasons unrelated to its structural integrity, this may not be appropriate. In this case, support for demolition should be provided by any other suitably qualified individual; who this may be will depend on the reasons. given for demolition. This list is not exhaustive and other surveys or supporting information may be requested on a case-by-case basis.

# 4.0 DESIGN & ANALYSIS

# **Design Overview**

The proposed building is a private residence of traditional country cottage appearance, scale and high-quality design which responds to the generous proportions of the rural setting of the site.

Like many rural homes in Angus, this has been designed with traditional scale, fenestration and materials that all complement and enhance each other and the surrounding built environment.

The materials proposed for the dwelling will be to use traditional locally sourced finishes where appropriate. Denfind stone from Angus, Natural Blue Slate roof and a Scottish larch will be used to compliment the other buildings in the immediate area.

Feature stone gables will break up an elongated elevation which takes its scale from similar rural buildings in the area. The rest of the property will be finished in a Scottish larch cladding. The stone will provide a robust and traditional element to the house.

# Views & Sun Path

The plot is positioned ideally to take advantage of the sun path and views. Internally the house layout includes for all main living accommodation on the Northwest, South West and South East Elevations which again take advantage of the solar gain from the sun path. All ancillary spaces like Utility etc are on the North East side of the plan beside the garage.



# Amenity Space & Landscaping

The proposed house will have ample amenity space within the site boundary and benefit from large open areas of garden laid to grass.

Planting will be kept simple and appropriate for the area using similar local trees and busines to what features on site at present and adding to the existing planted boundary to create a clear but soft boundary line for the property.

The front forecourt will be laid to paving blocks and to a stone chipping driveway of varying styles to delineate parking, drive and pedestrian areas. The intention would be to create a sweeping tree lined driveway to the main entrance of the house.

# Conclusion

In consideration of the above, we feel that the site offers an opportunity to remediate a countryside brownfield site which previously was part of the Lummington Farm which appears to show evidence of previous farming activity. This will improve the visual amenity in the immediate area and provide a rounding off of residential properties.

Prepared by

David R Paton M.Arch Bsc(Hons)

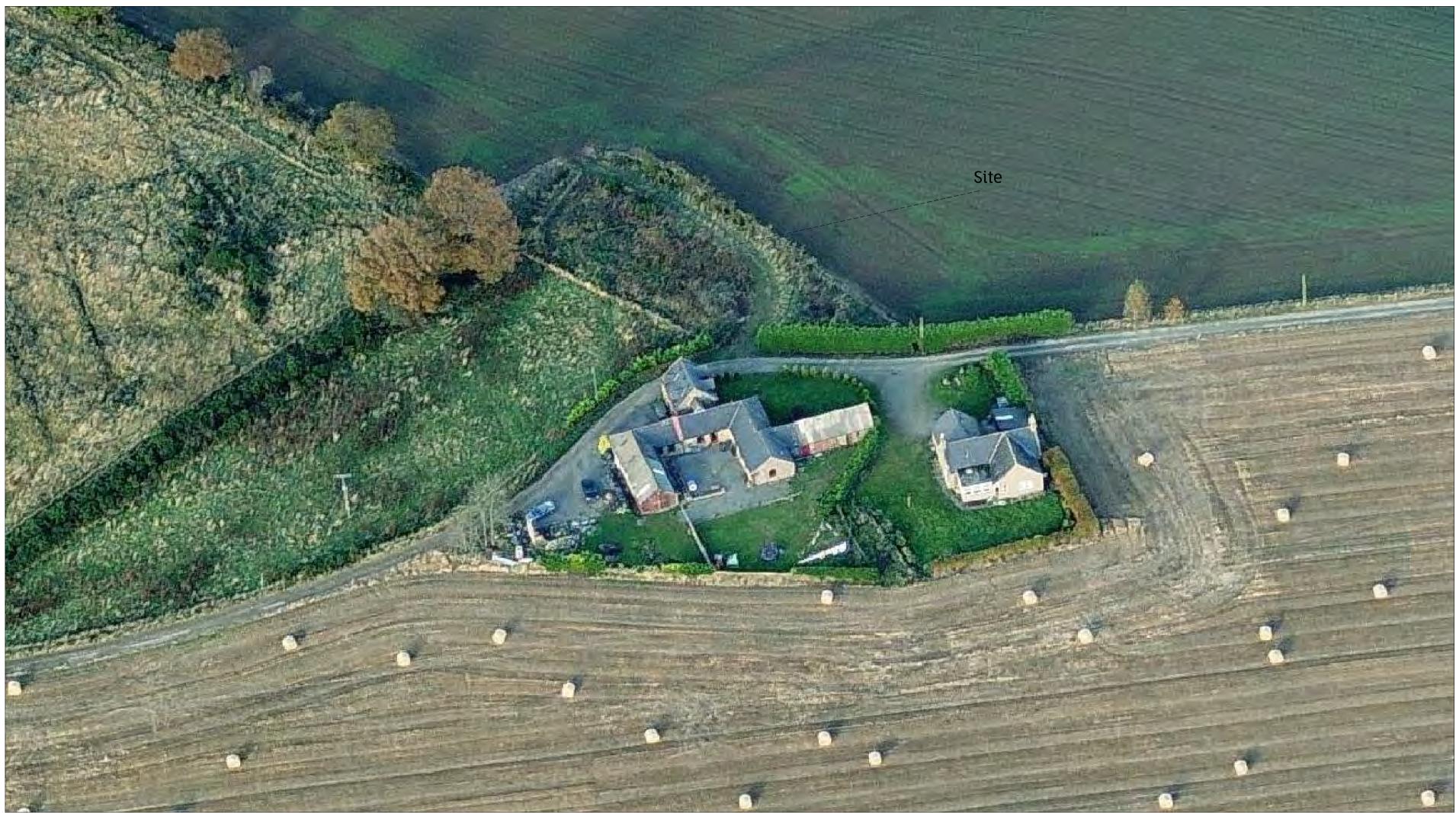
Associate Director

Crawford Architecture

72 New Wynd Montrose DD10 8RF | 01674 672064 |

On behalf of Mr K Whitecross & Mrs C Carnegie.

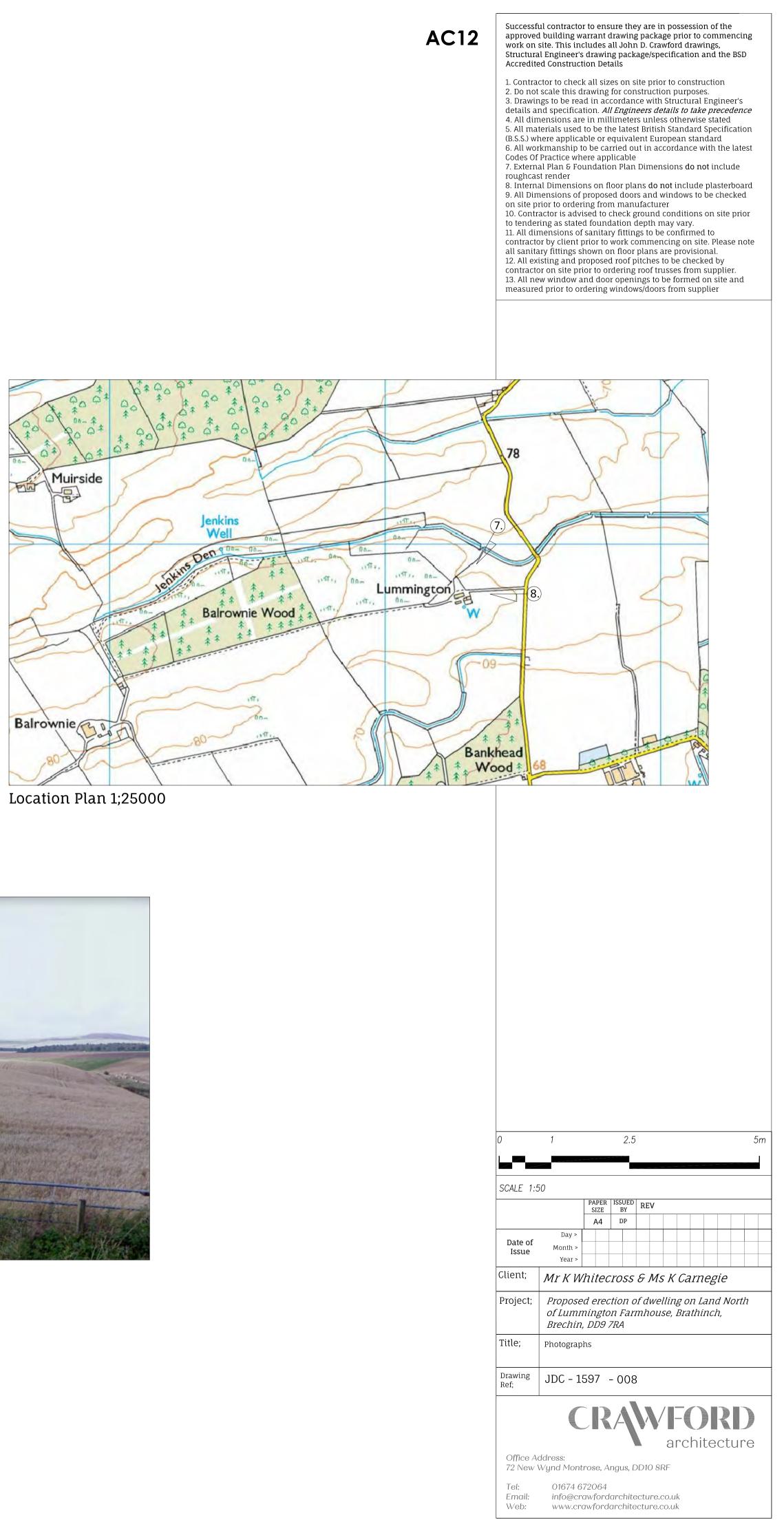
Crawford Architecture trust that this document along with the planning application and other supporting documentation attached shall be sufficient in order to progress our proposed development application. Crawford Architecture have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.



Drone Image of Site



Photo 7







#### **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

#### APPLICATION FOR REVIEW – LAND 40M NORTH OF LUMMINGTON STEADING HOUSE, BRATHINCH, BRECHIN

#### APPLICATION NO 22/00376/FULL

#### **APPLICANT'S SUBMISSION**

Page No

- ITEM 1 Notice of Review
- ITEM 2 Appeal Statement
- ITEM 3 Decision Notice
- ITEM 4 Report of Handling
- ITEM 5 Proposed Plans, Elevations & Site Plan
- **ITEM 6** Topographical Info
- **ITEM 7** Photographs x 2

	Angus	ouncil	
Angus House Orchardbar plnprocessing@angus.go	nk Business Park Forfar DD8 1AN  Tel: 013 w.uk	07 473360  Fax: 0130	7 461 895 Email:
Applications cannot be va	lidated until all the necessary documentatio	on has been submitted	and the required fee has been paid.
Thank you for completing	this application form:		
ONLINE REFERENCE	100567251-005		
	e unique reference for your online form only ease quote this reference if you need to con		rity will allocate an Application Number when ority about this application.
	Agent Details n agent? * (An agent is an architect, consult .in connection with this application)	tant or someone else a	acting
Agent Details			
Please enter Agent detail	S		
Company/Organisation:	John D. Crawford Ltd		
Ref. Number:	JDC/1597	You must enter a B	uilding Name or Number, or both: *
First Name: *	John	Building Name:	
Last Name: *	Crawford	Building Number:	72
Telephone Number: *	01674672064	Address 1 (Street): *	New Wynd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Montrose
Fax Number:		Country: *	Scotland
		Postcode: *	DD10 8RF
Email Address: *	admin@johndcrawford.co.uk		
Is the applicant an individ	ual or an organisation/corporate entity? *		
🛛 Individual 🗌 Orga	nisation/Corporate entity		

Applicant Det	tails			
Please enter Applicant de	etails			
Title:	Other	You must enter a Bu	uilding Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	0	
First Name: *	К&К	Building Number:	0	
Last Name: *	Whitecross & Carnegie	Address 1 (Street): *	Balrownie Farm	
Company/Organisation		Address 2:	Menmuir	
Telephone Number: *		Town/City: *	Brechin	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	DD9 7RG	
Fax Number:				
Email Address: *	admin@crawfordarchitecture.co.uk			
Site Address	Details			
Planning Authority:	Angus Council			
Full postal address of the site (including postcode where available):				
Address 1:	LUMMINGTON FARMHOUSE			
Address 2:	BRATHINCH			
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:	BRECHIN			
Post Code:	DD9 7RA			
Please identify/describe	the location of the site or sites			

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)
Proposed Erection of Dwelling
Type of Application
What type of application did you submit to the planning authority? *
<ul> <li>Application for planning permission (including householder application but excluding application to work minerals).</li> <li>Application for planning permission in principle.</li> <li>Further application.</li> <li>Application for approval of matters specified in conditions.</li> </ul>
What does your review relate to? *
<ul> <li>Refusal Notice.</li> <li>Grant of permission with Conditions imposed.</li> <li>No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</li> </ul>
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
We feel that the application does accord with Policy TC2 contrary to the refusal document in that there is evidence enough that the site could be classed as Brownfield and that it would deliver the remediation of a former part of a farm holding and deliver a visual improvement to the immediate area and also establishes a building group of 4 dwellings.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the		
Proposed Elevation / Proposed Plans / Appeal Statement / Topographical Survey / Proposed		
Application Details		
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00376/FULL	
What date was the application submitted to the planning authority? *	24/05/2022	
What date was the decision issued by the planning authority? *	02/11/2022	
Review Procedure		
The Local Review Body will decide on the procedure to be used to determine your review ar process require that further information or representations be made to enable them to deterr required by one or a combination of procedures, such as: written submissions; the holding o inspecting the land which is the subject of the review case.	nine the review. Further info	rmation may be
Can this review continue to a conclusion, in your opinion, based on a review of the relevant i parties only, without any further procedures? For example, written submission, hearing sess Yes No		self and other
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your opinio	n:
Can the site be clearly seen from a road or public land? *		No
Is it possible for the site to be accessed safely and without barriers to entry? *	X Yes	No No
Checklist – Application for Notice of Review		
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	nformation in support of your	appeal. Failure
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 review? $^{\star}$	this XYes No	
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection wit review should be sent to you or the applicant? *		X <sub>N/A</sub>
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? *	X Yes 🗌 No	
Note: You must state, in full, why you are seeking a review on your application. Your statem require to be taken into account in determining your review. You may not have a further opp at a later date. It is therefore essential that you submit with your notice of review, all necessa on and wish the Local Review Body to consider as part of your review.	ortunity to add to your stater ary information and evidence	nent of 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 of planning condition or where it relates to an application for approval of matters specified in contract application reference number, approved plans and decision notice (if any) from the earlier contract of the contract of t	nditions, it is advisable to pr	

#### **Declare – Notice of Review**

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

Declaration Name:

me: Mr John Crawford

Declaration Date: 16/01/2023

#### Statement for Application for Appeal -

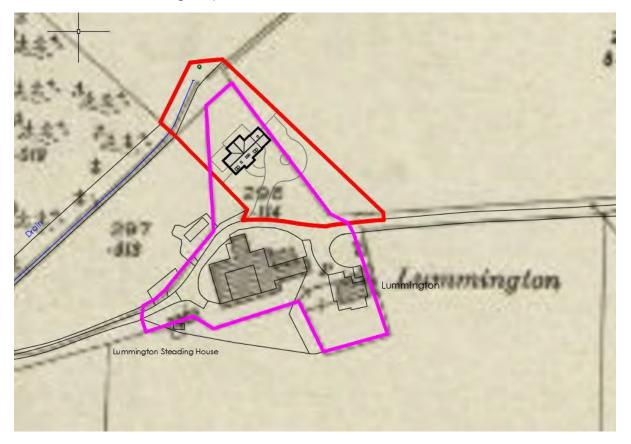
We wish to appeal the decision to refuse application 22/00376/FULL for Erection of a Dwellinghouse and Ancillary Works at Land 40M North of Lummington Steading House Brathinch Brechin.

#### **REASONS FOR REFUSAL**

1. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance as it is not compatible with any of the circumstances where a new house in the countryside is permitted.

#### POLICY TC2 - BROWNFIELD & ROUNDING OFF

The premise of this application was that the site in question is historically part of the former main Lumington farmhouse and steading area as shown below within the pink boundaries taken from the historical maps in the design statement and overlaid onto the modern OS digital plan.



This shows that the house proposed is located within the footprint of the original bounded area of the main farm of Lumington and the site was cut off when the

steading was converted. Leaving the site unused apart from a former shed on the building which has now been demolished (noted within the Handling Report) with only remnants of the shed and other items left on the site – including a container. Its our opinion that even this level of dereliction would constitute as a brownfield site historically.

It should also be noted that although the steading was original converted into one dwelling with the Farmhouse being left as is there was an approved application in 2007 for the subdivision of this dwelling to form an independent annex with one bedroom, living room, and bathroom. This was work was carried out and completed also in 2007.

Although this subdivision does not create a separate address to the group of houses here, it does have its own driveway and access which would suggest that an additional dwelling on the application site would form a rounding off group of four houses on this historical farm site and constitute another valid reason for approval of the dwelling.

There would be no further opportunities to development housing in this immediate area following the approval of this application site contrary to the handling report as the surrounding land is all prime agricultural land and not something that would be permitted within the current local plan policies.

#### SCOTTISH PLANNING POLICY

It is noted that within the handling report the design of the application dwelling is considered acceptable. It is also noted there is some economic benefit to the dwelling approval.

However, it is noted that rather obviously, the site would encourage private car use and the site is not near a local bus route or as such classed as accessible housing. It should be clear that where people chose to live in such rural locations 99% of these owners would have private transportation due to the very limiting public transport services around rural locations in Angus and that these people should not be marginalised for wanting to live out with a settlement location. If this were to be a major issue for the appeal committee then we would offer to install electric car charging points at the dwelling for sustainable travel.

#### CONCLUSION

We therefore put forward that the application does accord with Policy TC2 contrary to the refusal document in that there is evidence enough that the site could be classed as a Brownfield site and that it would deliver the remediation of a former part of a farm holding and deliver an improvement to the immediate area visually and also establishes a building group of 4 dwellings.

The report of handling offers support for the design of the dwelling which has been developed as a contemporary rural style cottage with traditional scale and fenestration to compliment the original stone house and steading building.

#### ANGUS COUNCIL

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



#### PLANNING PERMISSION REFUSAL REFERENCE : 22/00376/FULL

To Mr & Ms K & K Whitecross & Carnegie c/o John Crawford 72 New Wynd Montrose DD10 8RF

With reference to your application dated 7 July 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

#### Erection of a Dwellinghouse and Ancillary Works at Land 40M North Of Lummington Steading House Brathinch Brechin for Mr & Ms K & K Whitecross & Carnegie

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

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

1. The proposal is contrary to Policy TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance as it is not compatible with any of the circumstances where a new house in the countryside is permitted.

#### Amendments:

1. The proposal was amended to alter the design of the dwellinghouse. Drawing No. JDC - 1597 - 003 Rev C amends and supersedes all previous versions of that drawing; Drawing No. JDC - 1597 - 002 Rev C amends and supersedes all previous versions of that drawing; and Drawing No. JDC - 1597 -001 Rev C amends and supersedes all previous versions of that drawing.

Dated this **2 November 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

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

#### PLANNING DECISIONS

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

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

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

#### Notification of initiation of development (NID)

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

#### Notification of completion of development (NCD)

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

#### Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council Angus House Orchardbank Business Park Forfar DD8 1AN

Telephone03452 777 780E-mail:planning@angus.gov.ukWebsite:www.angus.gov.uk



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

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

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

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

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

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



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

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

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

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

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

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

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

### 22/00376/FULL

				24	2/003/6/FULL
Planning	Please indi	it experience of the C	ee or disagree w	vith the following statem ng of the planning app	5
Q.1 I was given the	e advice and he	Ip I needed to submit i	my application/r	epresentation:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.2 The Council ke	ept me informed	about the progress of	the application t	hat I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.3 The Council de	ealt promptly wi	h my queries:-			
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.4 The Council de	ealt helpfully wit	h my queries:-			
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
Q.5 I understand th	he reasons for th	e decision made on th	e application that	at I had an interest in:-	
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
Q.6 I feel that I wa	s treated fairly a	nd that my view point	was listened to:-		
Strongly Agree	Agree	Neither Agree nor	Disagree	Strongly Disagree	It does not
		Disagree			apply
OVERALL SATISFACTION	: Overa	all satisfaction with the	service:		
-	-	••		d taking everything int cil in processing your ap	
Very satisfied	Fairly satisfied	d Neither Satisfie Dissatisfie		rly Dissatisfied Ve	ery Dissatisfied
			u .		
OUTCOME: Outo	come of the app	blication:			
Q.8 Was the applie	cation that you h	ad an interest in:-			
Granted Permission/C	onsent	Refused Permis	sion/Consent	Withdr	awn
Q.9 Were you the:-	Applican	t Agent		Third Party objector wh	0

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

made a representation

#### **Angus Council**

Application Number:	22/00376/FULL
Description of Development:	Erection of a Dwellinghouse and Ancillary Works
Site Address:	Land 40M North Of Lummington Steading House Brathinch Brechin
Grid Ref:	358275 : 764859
Applicant Name:	Mr & Ms K & K Whitecross & Carnegie

#### Report of Handling

#### Proposal

Planning permission is sought for the erection of a dwellinghouse and ancillary works.

The proposed one and a half storey dwellinghouse would measure around 6.7 metres in height, 17.7 metres in length and 7 metres in depth. The roof would be finished in natural slate and the external walls would be finished in a combination of larch cladding and stone.

The house would utilise the existing vehicular access off the U429 road. 4 vehicular parking spaces and vehicular turning arrangements would be provided in the site.

Water supply would be via the public water main with private foul drainage and a surface water soakaway.

#### Amendments

The proposal was amended to alter the design of the dwellinghouse. Drawing No. JDC - 1597 - 003 Rev C amends and supersedes all previous versions of that drawing; Drawing No. JDC - 1597 - 002 Rev C amends and supersedes all previous versions of that drawing; and Drawing No. JDC - 1597 - 001 Rev C amends and supersedes all previous versions of that drawing.

#### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 15 July 2022 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**

None.

#### Applicant's Case

A statement was submitted in support of the proposal which identifies the following: -

- Looking at historic maps of the site dating back to the late 1800's, the site has always been part of Lummington Farm. In the late 1990's when the steading building was converted into a dwellinghouse, the farm was then split by a vehicular access which left the site and its contents as a brownfield plot.

Evidence of storage buildings and other remains on the site point to a use within the farms history and it is now overgrown and neglected. There has been no planning activity in or around the site since the conversion of the steading building back in the late 1990's when the farm was presumably made defunct.

- The proposed dwellinghouse would be of traditional country cottage appearance, scale and high-quality design which would respond to the generous proportions of the site in its rural setting. It has been designed with traditional scale, fenestration and materials that would all complement and enhance each other and the surrounding built environment. The proposal would be positioned ideally to take advantage of the sun path and the views.

- The site would have ample amenity space with large areas of garden laid to grass. Planting would be kept simple and appropriate by using similar local trees and bushes to create a clear but soft boundary. The forecourt would be laid to paving blocks and a stone chip driveway would delineate the parking, driveway and pedestrian areas. A sweeping tree lined driveway would be formed to the entrance of the dwellinghouse.

- The proposal offers an opportunity to remediate a countryside brownfield site which was previously part of Lummington Farm. The site appears to show evidence of previous farming activity. The proposal would improve the visual amenity in the immediate area and would provide a rounding off of residential properties.

## Consultations

Health & Safety Executive - has confirmed no objection.

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

Roads (Traffic) - has confirmed no objection.

**Scottish Water** - has confirmed no objection but has provided advisory comments in relation to proposed water supply, foul drainage and surface water drainage arrangements.

Plant Protection Cadent - There was no response from this consultee at the time of report preparation.

## Representations

1 letters of representation were received, of which 1 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 0 supported the proposal.

The main points raised are summarised as follows:

- a septic tank which is connected to Lummington Steading is located in the site and provides drainage for that property and could be affected by the proposal.

- there were no previous buildings on the application site and that the remains of a building which are currently on the site are from the demolition of a small, dilapidated shed/barn which was located adjacent to Lummington Farmhouse which was demolished about 15 years ago.

- the land and rubble/sheet material to the west of the shipping container are not located in the planning application site boundary and were placed there after other works.

- it is unclear how the proposal complies with Policy TC2 in the Angus Local Development Plan (2016) (ALDP), including the visual compatibility with adjacent stone built properties.

## **Development Plan Policies**

#### Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities Policy DS3 : Design Quality and Placemaking Policy DS4 : Amenity Policy TC2 : Residential Development Policy PV6 : Development in the Landscape Policy PV15 : Drainage Infrastructure Policy PV18 : Waste Management in New Development Policy PV20 : Soils and Geodiversity Policy PV21 : Pipeline Consultation Zones

## TAYplan Strategic Development Plan

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

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

## Assessment

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

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

Policy TC2 supports housing in countryside locations where it falls within at least one of a number of categories. The Countryside Housing Supplementary Guidance (CHSG) (2016) provides further information on the detailed application of the policy.

The proposal does not comply with any of the circumstances where Policy TC2 indicates a new house in the countryside will be supported. The proposal would not involve: -

- the retention, renovation or acceptable replacement of an existing dwelling;
- the conversion of a non-residential building;
- the 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;
- the rounding off of an established building group of 3 or more existing dwellings;
- an essential worker house supported by appropriate evidence of need; and
- a gap site as defined by the ALDP.

Supporting information submitted by the applicant suggests that the proposal offers an opportunity to remediate a brownfield site which was previously part of the farm, and suggests that the development would improve the visual amenity of the area and provide a rounding off of residential properties.

The supplementary guidance is clear that the regeneration or redevelopment of brownfield sites will only be permitted where the development delivers <u>significant</u> visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. It indicates that the mere fact that a site is brownfield in nature is not a sufficient reason for its redevelopment.

No evidence has been submitted to suggest that the site is subject to land contamination or is in a land use which is incompatible with the residential and agricultural activities which surround the site. The supporting information (including the site photographs submitted) suggests that the site contains a metal shipping container, which is not a building, but a movable chattel. It has a very limited visual impact from outside of the site and could be moved and reused elsewhere. Beyond that, the photographs suggests that there are some limited remnants of demolition waste on or adjacent to the site, but (as suggested in the representation) there is no evidence to suggest that the site previously contained a building. The site does not contain a derelict building where removal would benefit the amenity of the area. Redevelopment of the site would not deliver a significant visual or environmental improvement and the proposal does not attract support from that aspect of Policy TC2.

Similarly, the proposal cannot meet the terms of the 'rounding off' test which allows a new house where a proposal would round off of an established building group of 3 or more existing dwellings. There are two existing dwellings at Lummington which does not meet the definition of a building group. The two houses that are currently in situ are located to the south of the access track and neither house is located in the large parcel of land to the north of the track and south of the tree line. Allowing a house at the eastern side of that larger area to the north of the track could create a rounding off opportunity for additional greenfield development in the remaining land to the west, contrary to Criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria contained in the CHSG.

The principle of a house on the site does not comply with any of the circumstances which allow a new house in the countryside. The proposal is therefore contrary to the development plan.

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

There are no surrounding land uses which are incompatible with the residential use of the site. The house would provide a satisfactory residential environment for the would-be householders, with space for the provision of waste and recycling storage and the parking of vehicles, and adequate garden ground. The house would be sufficiently distant from other property to avoid any significant privacy or amenity issues. The proposal would result in no significant direct or indirect impacts on the natural or built environment and the roads service has no objection to the proposed access arrangements. The landscaping and boundary treatments proposed are acceptable.

The proposed drainage arrangements are satisfactory for a dwelling outside of an area served by public drainage infrastructure, and the detail would be regulated through the building warrant process. The concern raised in the representation relating to potential impacts on the drainage infrastructure of Lummington Steading could be resolved by a planning condition requiring a scheme to ensure that any impacts on neighbouring drainage are investigated and impacts mitigated to ensure the continued provision of drainage for that property.

The proposed dwelling would provide an acceptable design solution when considered against the Design and Placemaking Supplementary Guidance. The site is located within the national grid high pressure gas pipeline consultation zone but the Health and Safety Executive has confirmed no objection in relation to the proposal. The proposal raises no significant issues when considered against the other policies including the Appendix 3 Countryside Housing Development Criteria (other than as addressed above).

While the proposal accords with some aspects of development plan policy, the principle of a house on the site does not comply with any of the circumstances where new housing is permitted in the Angus countryside and the proposal is contrary to the development plan.

In relation to material considerations, it is relevant to have regard to the comments submitted in a representation where they are not already addressed above, and to the content of Scottish Planning Policy (SPP).

The foregoing assessment concludes that the proposal does not accord with Policy TC2, and the comments submitted relating to the history of the site and the limited extent of environmental degradation within it are noted. The design of the proposed house is considered to be acceptable when considered against council guidance and the external materials of timber lining and natural stone with a slate roof are considered to be compatible with the external finishes of the two existing dwellings to the south of the track.

Paragraph 33 of SPP states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Paragraph 29 sets out a series of principles to help guide whether a proposal would contribute to sustainable development, including (amongst other things): giving due weight to net economic benefit and responding to economic issues; supporting good design and the six qualities of successful places; making efficient use of land; supporting delivery of accessible housing; supporting climate change mitigation; having regard to the principles for sustainable land use; protecting and enhancing natural heritage; avoiding over development and protecting amenity.

There would be some economic benefit associated with the development of a house on the site. However, the proposal would be on a site outwith a settlement and where there are no services or regular or convenient public transport to support new housing. Its location would encourage private car use, and the proposal would not provide accessible housing. Therefore, the proposal overall is not be considered to be sustainable and would not find support from the SPP presumption.

While the adopted local development plan is now out of date, it remains the starting point for decision-making and the foregoing assessment against that is set out above. The proposed house is in an unsustainable location in circumstances which are not supported in the local development plan. As a result, the benefits do not significantly or demonstrably justify overturning the development plan position on housing in the countryside.

In conclusion, the proposal is contrary the local development plan approach to housing in the countryside. The proposal would not contribute to sustainable development and would encourage private car use. There are no material considerations which justify approval of planning permission contrary to the provisions of the development 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 TC2 of the Angus Local Development Plan (2016) and the associated Countryside Housing Supplementary Guidance as it is not compatible with any of the circumstances where a new house in the countryside is permitted

#### Notes:

Case Officer: Walter Wyllie Date: 1 November 2022

#### **Appendix 1 - Development Plan Policies**

#### Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

## Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.

o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.

o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.

o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.

o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

## Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;

• The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and

• Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC2 : Residential Development

All proposals for new residential development\*, including the conversion of non-residential buildings must:

o be compatible with current and proposed land uses in the surrounding area;

o provide a satisfactory residential environment for the proposed dwelling(s);

o not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and

o include as appropriate a mix of house sizes, types and tenures and provision for affordable housing in accordance with Policy TC3 Affordable Housing.

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

o the site is not allocated or protected for another use; and

o the proposal is consistent with the character and pattern of development in the surrounding area.

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

o retention, renovation or acceptable replacement of existing houses;

o conversion of non-residential buildings;

o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;

o single new houses where development would:

o round off an established building group of 3 or more existing dwellings; or

o meet an essential worker requirement for the management of land or other rural business.

o in Rural Settlement Units (RSUs)\*\*, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and

o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

Further information and guidance on the detailed application of the policy on new residential development in countryside locations will be provided in supplementary planning guidance, and will address:

o the types of other buildings which could be considered suitable in identifying appropriate gap sites for the development of single houses in Category 1 Rural Settlement Units, or for the development of up to two houses in Category 2 Rural Settlement Units.

o the restoration or replacement of traditional buildings.

o the development of new large country houses.

\*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes. \*\*Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9. Policy PV6 : Development in the Landscape

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

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

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

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

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

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

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

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

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

#### Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

## Policy PV18 : Waste Management in New Development

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

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

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

#### Policy PV20 : Soils and Geodiversity

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

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

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

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

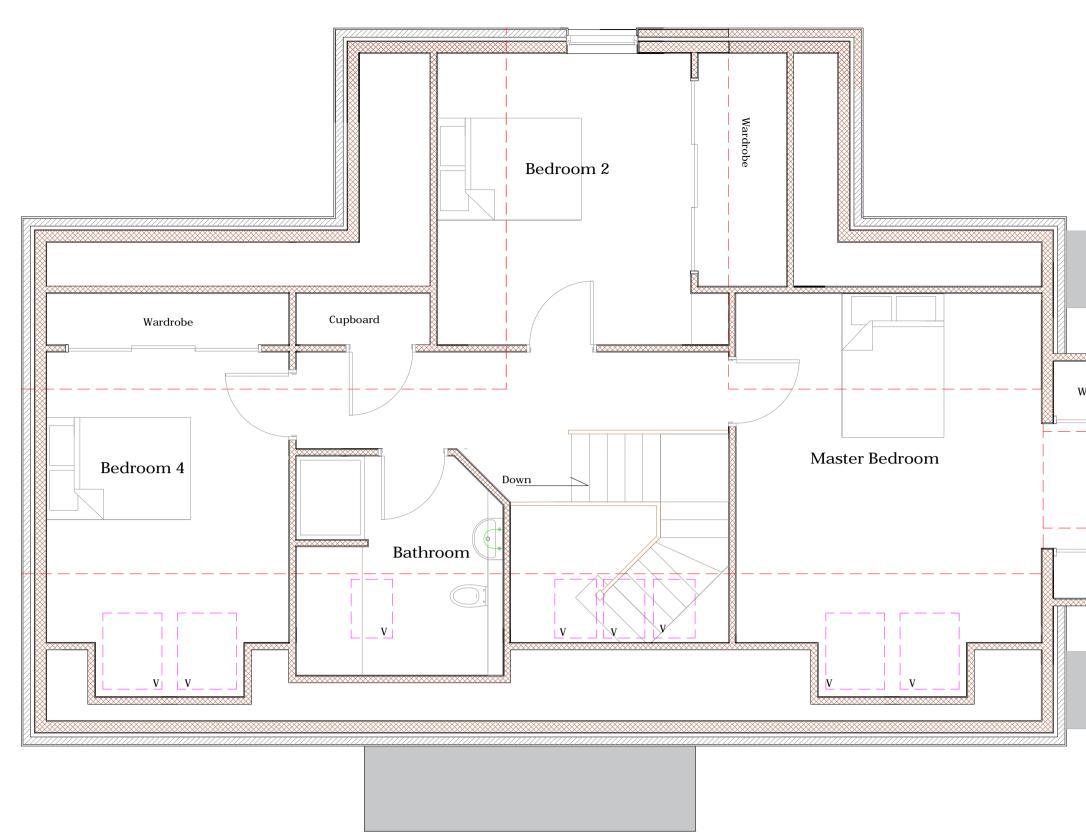
Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

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

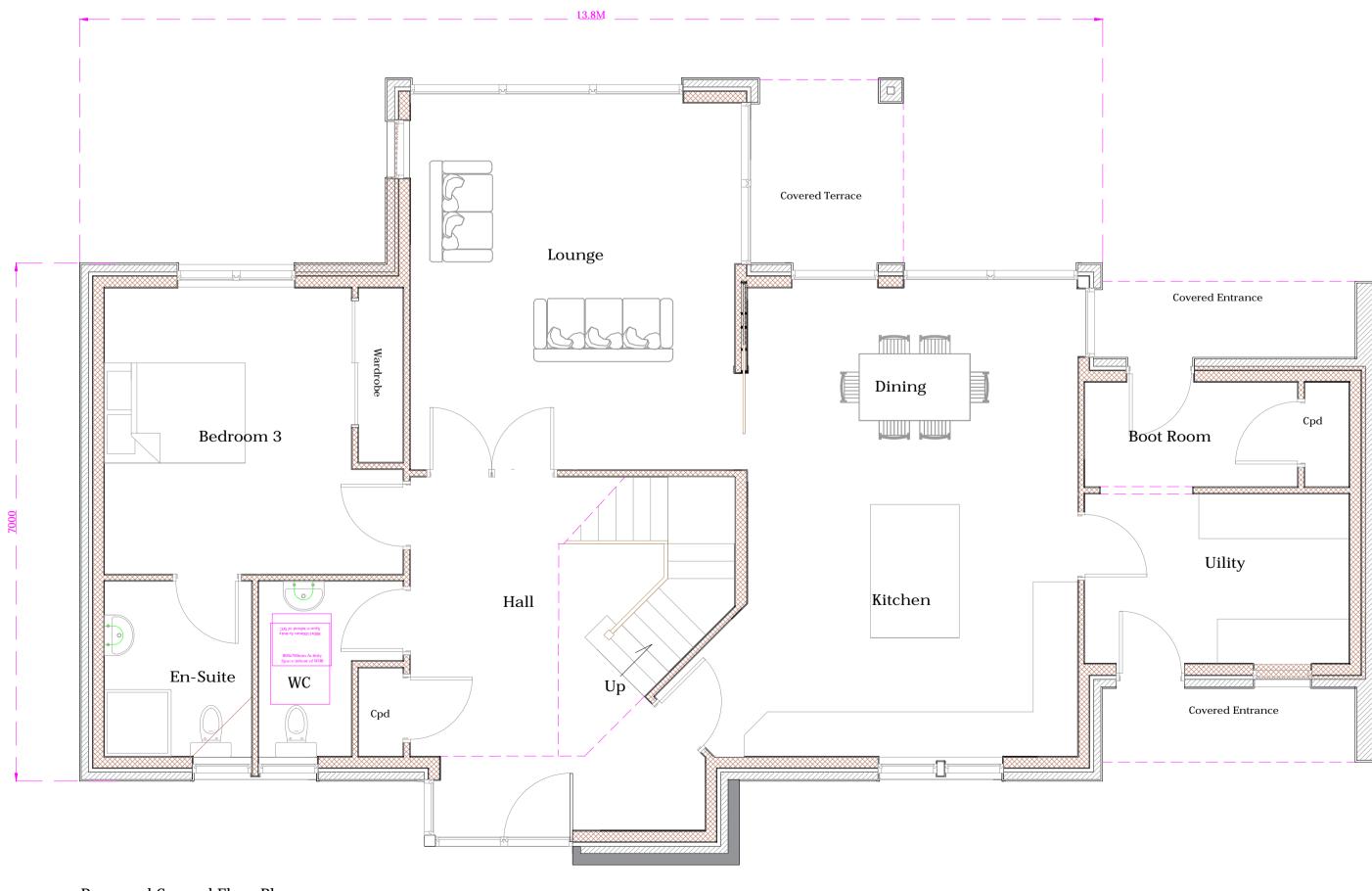
All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

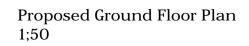
## Policy PV21 : Pipeline Consultation Zones

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



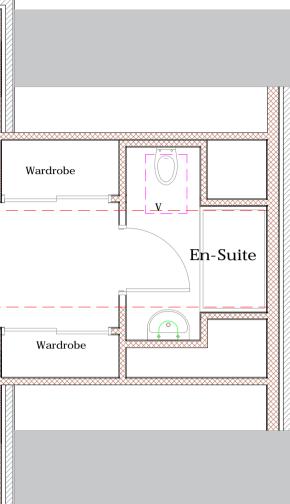
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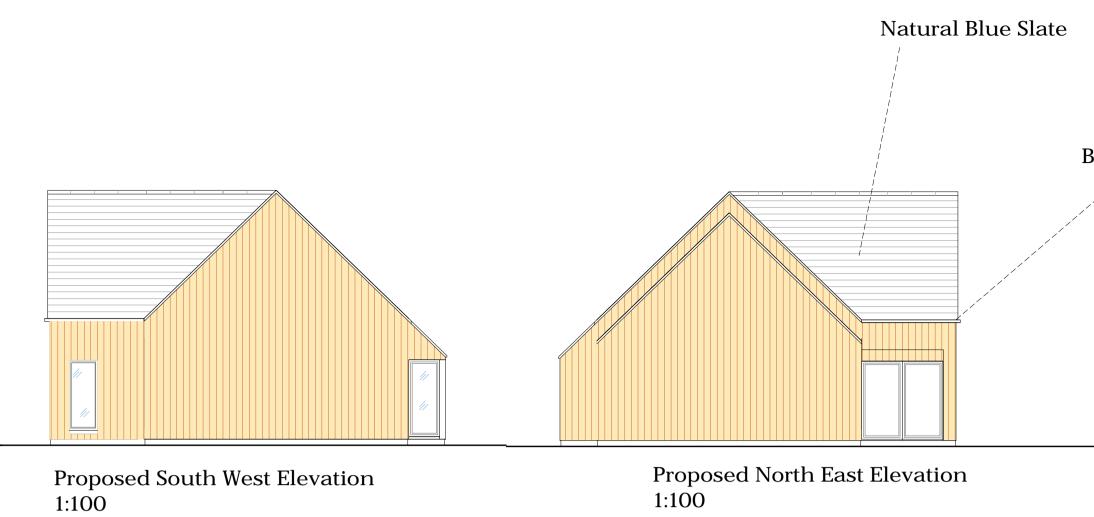


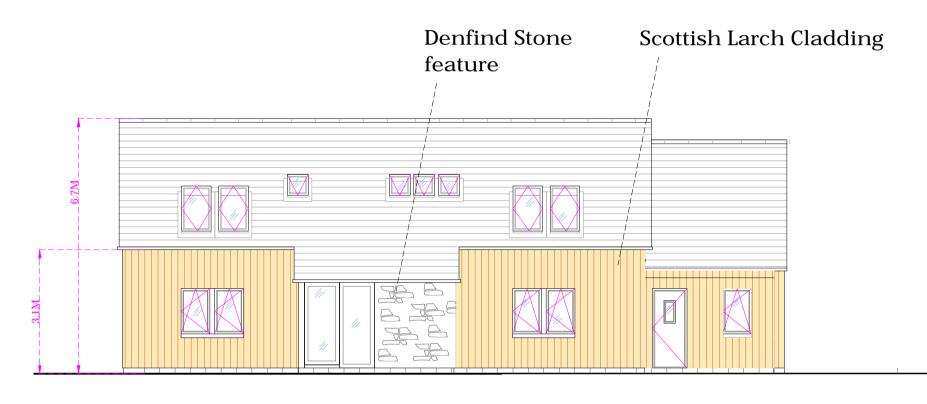


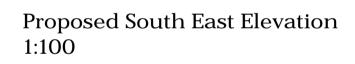
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Proposed North West Elevation 1:100

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# Black UPVC Rainwater Goods

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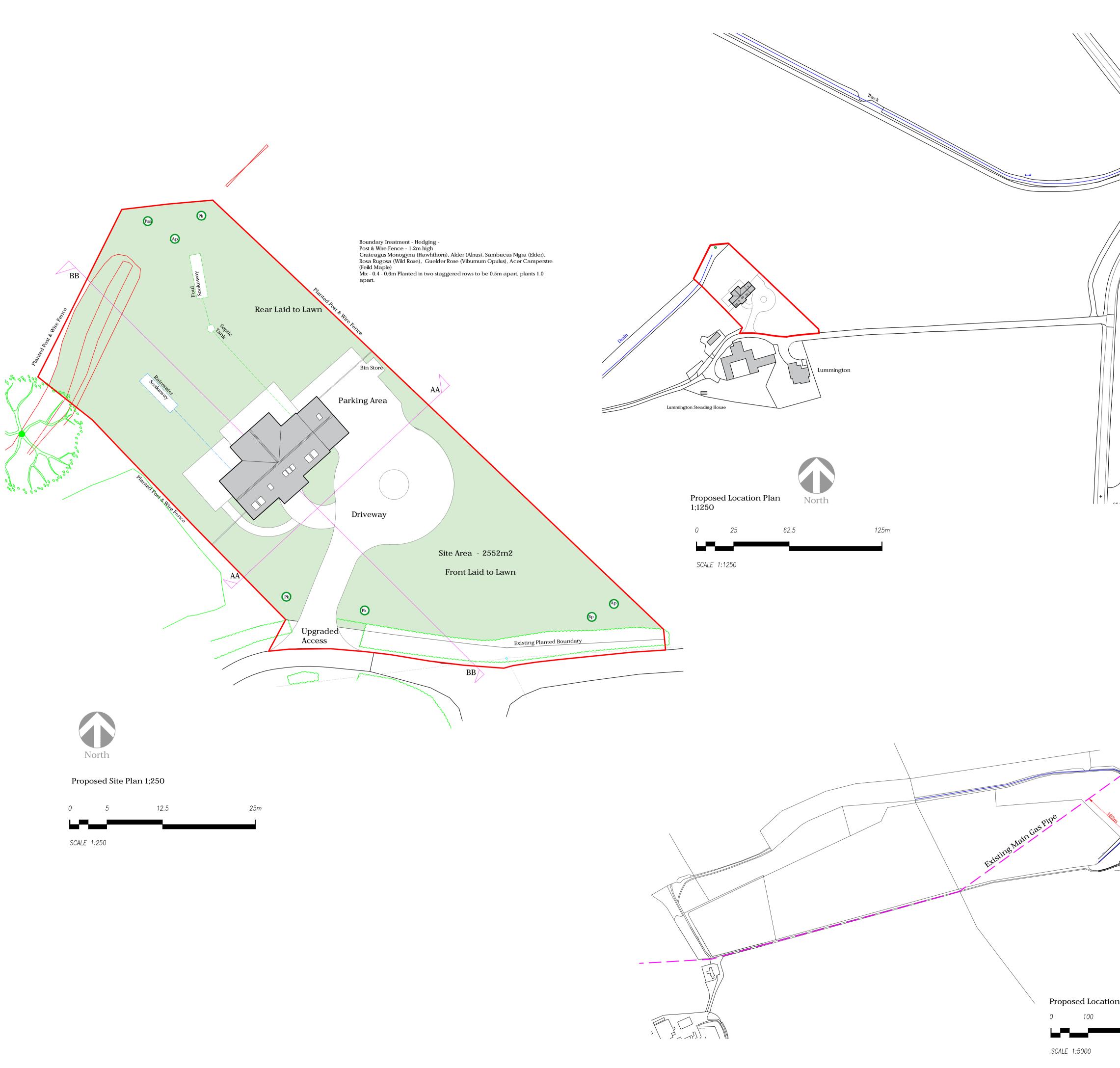
75m AOD

Site Section BB 1:200 0 4 10 20m SCALE 1:200

80m AOD

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Rainwater Goods Boundary Treatment	Black UPVC Post & Wire Fence Planted								
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Do not scale this drawing for construction purposes.

Landscaping

The landscaped areas have been planted with coastal, salt tolerant varieties of trees and shrubs.

Hedges have been designed to create a soft boundary to enclose the newly formed residential plot and integrate the site into the existing landscape

Planting Schedule

- 1. Topsoil to be sprayed with glyphosphate when grass and broadleaf perennials are actively growing, before the shrub planting.
- 2. Shrub beds will be rotavated, and a slow release fertilizer added. Container grown and bare-root shrubs will be planted in the first planting season following completion of the gardens or public space areas.
- 3. All grass seeding to be carried out May September.

4. Open space areas to be sown with No 3 amenity grass seed.

All Planting indicated on the approved plans shall be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

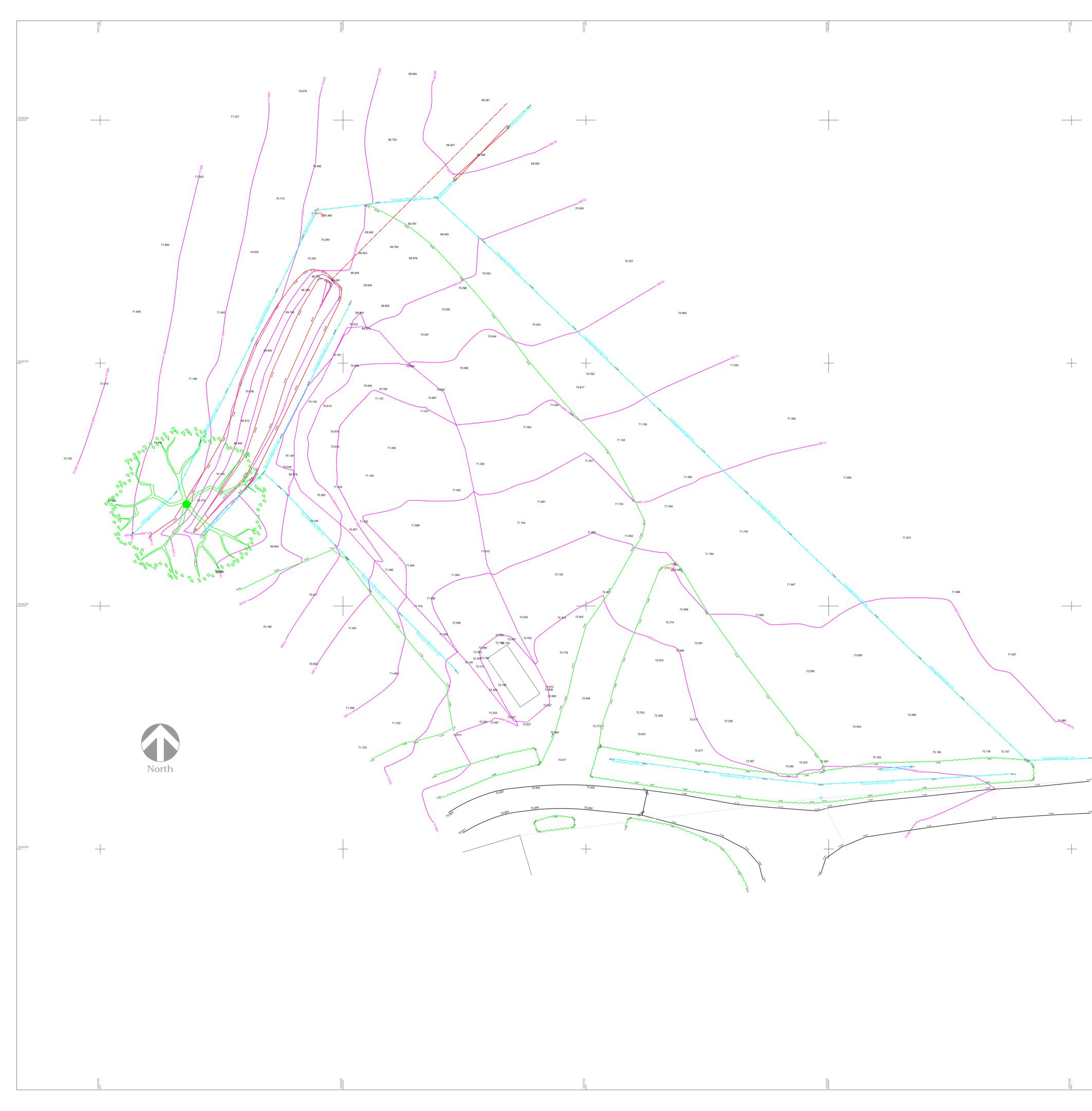


#### Tree Planting Acer platanoides Betula pendula Prunus kanzam

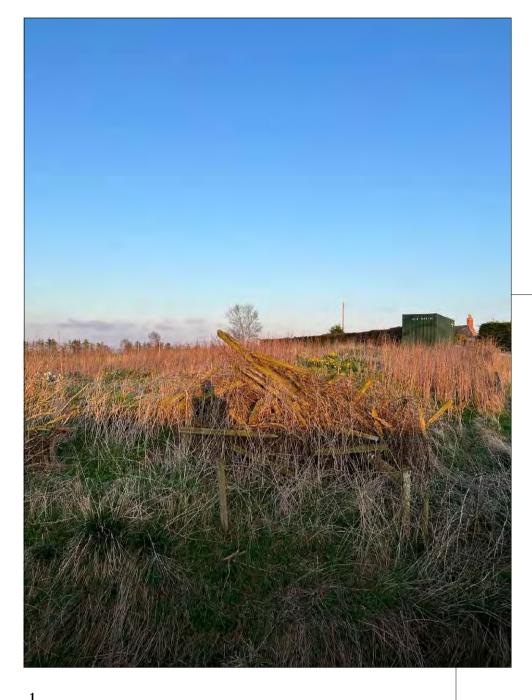
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- 1.8 2.1m Japanese Cherry
- 1.8 2.1m Sargent Cheery

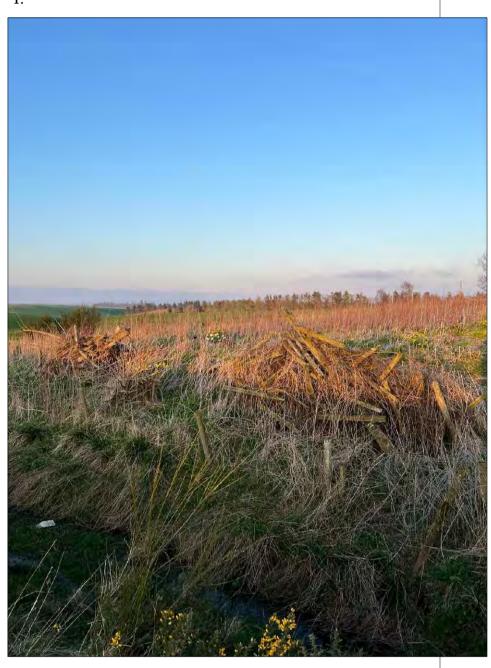
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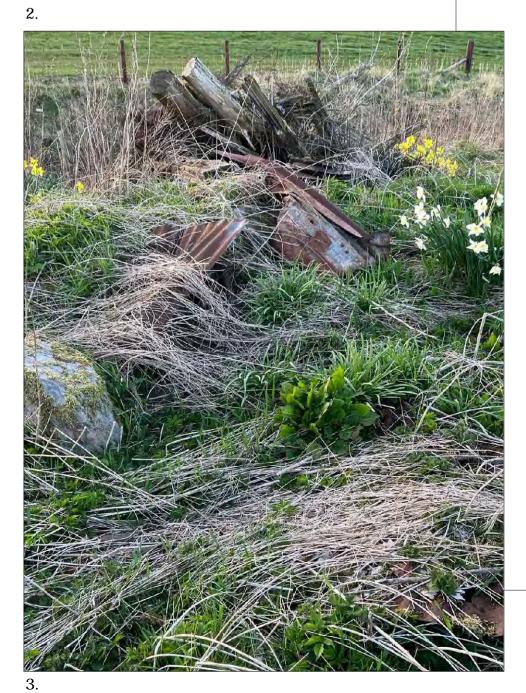
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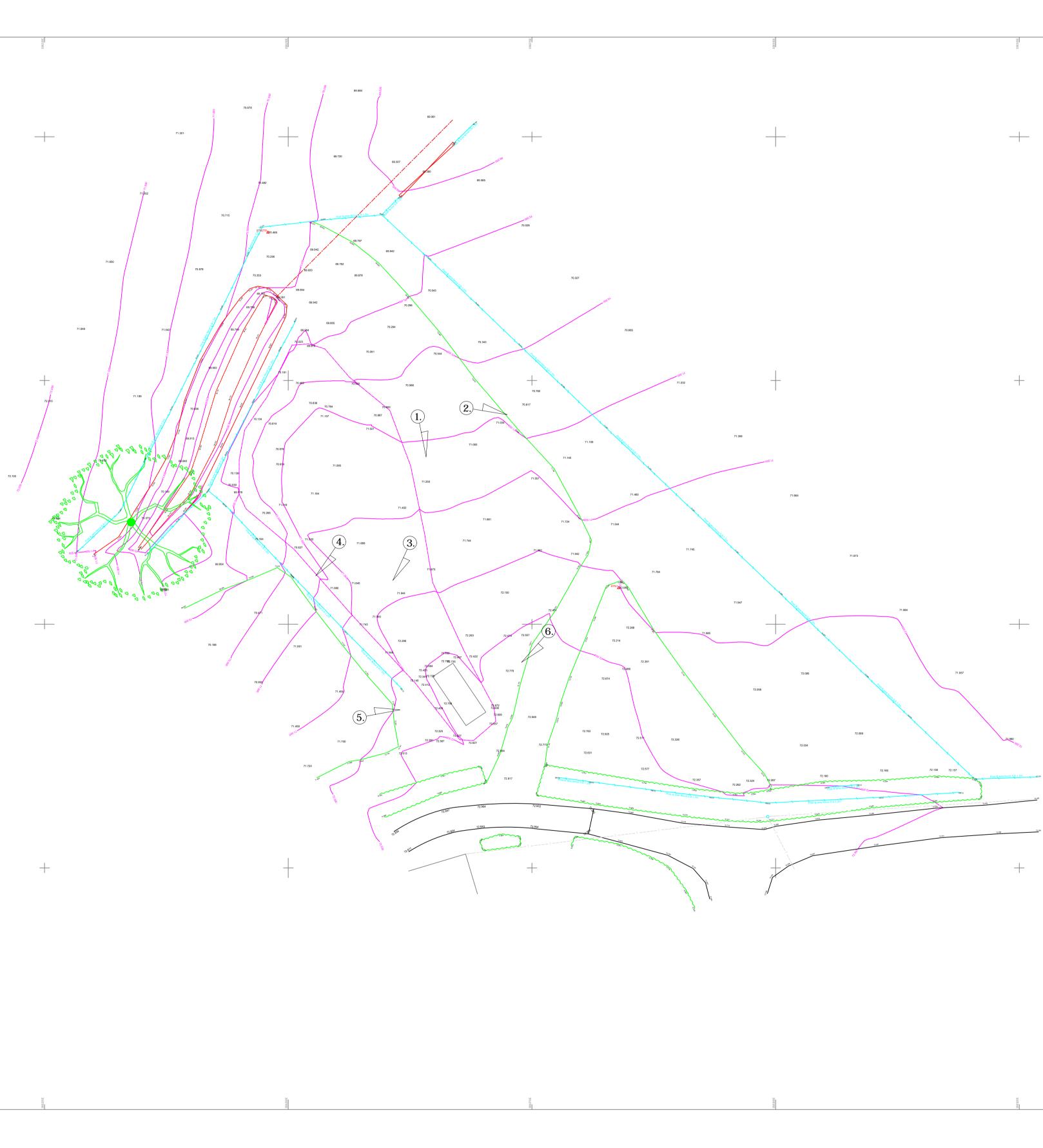


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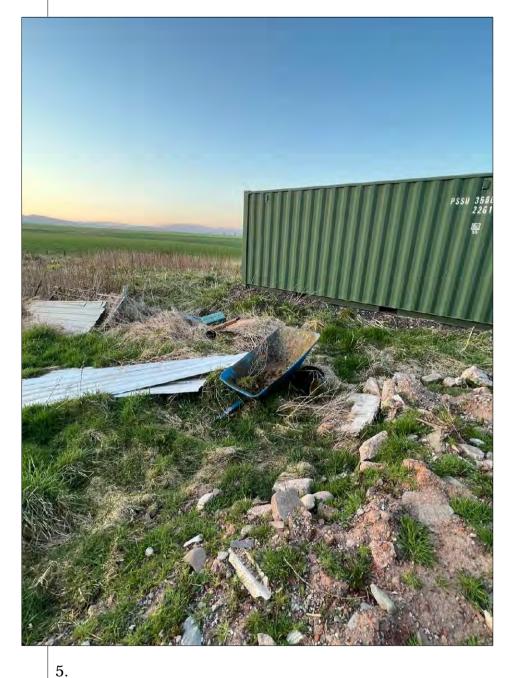














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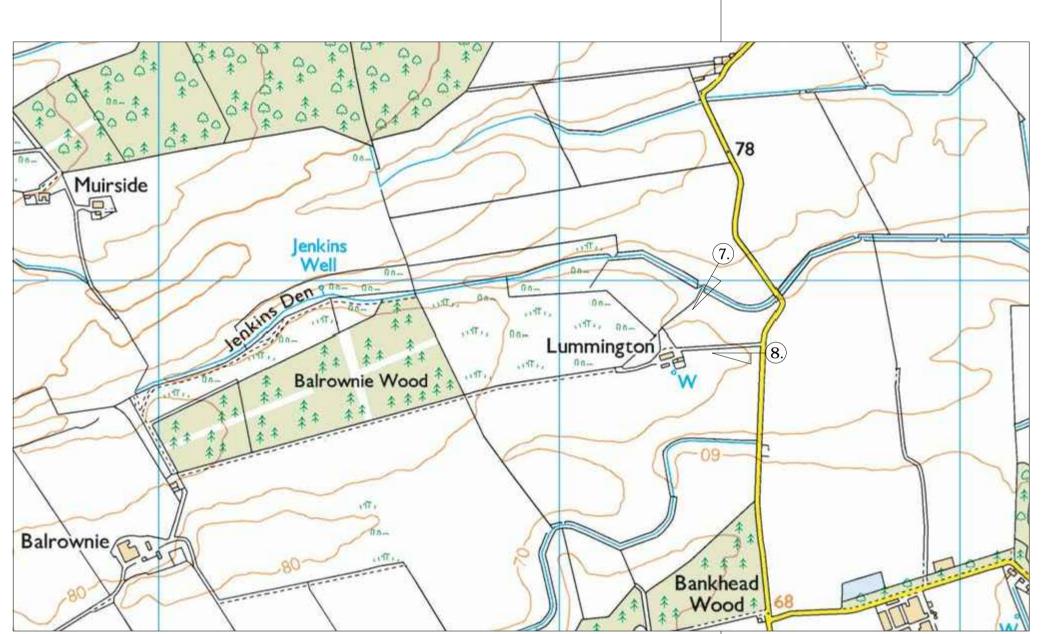
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Drone Image of Site



Photo 7



Location Plan 1;25000



Photo 8

## ITEM 7ii

Successful contractor to ensure they are in possession of the approved building warrant drawing package prior to commencing work on site. This includes all John D. Crawford drawings, Structural Engineer's drawing package/specification and the BSD Accredited Construction Details

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