

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 9 MARCH 2023

LAND 225M NORTH EAST OF HUNTERS CABINS, JUSTINHAUGH, FORFAR

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 and ancillary works, application No 22/00305/FULL, at Land 225M North East of Hunters Cabins, Justinhaugh, Forfar.

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.

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ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 22/00305/FULL

APPLICANT- MR & MRS PHIL MILTON

PROPOSAL & ADDRESS – ERECTION OF A DWELLINGHOUSE AND ANCILLARY WORKS AT LAND 225M NE OF HUNTERS CABINS JUSTINHAUGH FORFAR

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Angus Council

Application Number:	22/00305/FULL
Description of Development:	Erection of a Dwellinghouse and Ancillary Works
Site Address:	Land 225M NE Of Hunters Cabins Justinhaugh Forfar
Grid Ref:	346396 : 756957
Applicant Name:	Mr & Mrs Phil Milton

Report of Handling**Proposal**

Planning permission is sought for the erection of a dwellinghouse and associated works on land adjacent to Hunters Cabins, Justinhaugh.

The proposed house would provide accommodation over two levels with a footprint of around 640sqm (500sqm excluding garaging). The dwelling would have a slate roof and external walls finished in a combination of natural stone, render and cladding. The application form indicates that the sites measures around 4000sqm in area and would utilise a public water supply, with private arrangements for foul drainage and sustainable drainage methods for surface water. The application form indicates that an existing access to the public road would be utilised, with 6 car parking spaces provided.

The site is located on a parcel of land which lies immediately to the north of a disused railway line and to the east of the Hunters Cabins development. The River South Esk lies immediately to the north of the site, at a significantly lower elevation.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 3 June 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

Planning application 21/00890/FULL for Erection of a Dwellinghouse and Ancillary Works on Land 225M NE of Hunters Cabins Justinhaugh Forfar was withdrawn on 8 March 2022.

Applicant's Case

The Design and Access Statement provides descriptive information relating to the proposal and provides a context of surrounding development. It includes an assessment of the proposal against government planning guidance, the development plan and associated supplementary guidance. It indicates that the proposed house supports the principle of sustainable development and contends that the proposal is consistent with the large country houses approach set out in supplementary guidance by providing a house with a footprint exceeding 500sqm which would make a significant contribution to the architectural heritage of Angus.

Consultations

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

Roads (Traffic) – has no objection to the proposal.

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

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

Scottish Environment Protection Agency – has no objection to the proposal on flood risk grounds.

NatureScot – has no objection to the proposal. Notes that there are natural heritage interests of international importance close to the site, but indicate that these will not be adversely affected by the proposal provided all work is carried out in accordance with an appropriate method statement that identifies site specific measures necessary to minimise the risk of pollution during construction. NatureScot indicates that an Appropriate Assessment requires to be carried out in light of potential impacts on the River South Esk Special Area of Conservation.

Flood Prevention Authority – there was no response from this consultee at the time of report preparation.

Health & Safety Executive – do not advise against the grant of planning permission.

Representations

1 letter of representation was received in support of the proposal

The letter of support indicates that the owner of the adjacent land considers the development to be of a suitable extent and quality in a largely secluded location.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
 Policy DS2 : Accessible Development
 Policy DS3 : Design Quality and Placemaking
 Policy DS4 : Amenity
 Policy TC2 : Residential Development
 Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value
 Policy PV6 : Development in the Landscape
 Policy PV7 : Woodlands, Trees and Hedgerows
 Policy PV12 : Managing Flood Risk
 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 (2016) provides further information on the detailed application of the policy, including proposals for the development of new large country houses.

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 a building group (the house would be around 200m from the nearest building);
- 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 attracts support from the supplementary guidance in relation to new large country houses.

The supplementary guidance indicates that *it is recognised that the terms of Policy TC2 may preclude the development of one-off substantial country houses (for the avoidance of doubt this does not include large houses in large gardens) which have the potential to contribute to the future architectural and landscape heritage of Angus.* The supplementary guidance also indicates that, as an exception to Policy TC2 and only in exceptional circumstances, Angus Council may support proposals for a new large country house where:

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

The supplementary guidance is clear that houses supported under this provision will only be permitted in exceptional circumstances. It is not intended to support large houses in large gardens in countryside locations. It envisages substantial country houses which would make a significant contribution to the architectural and landscape heritage of Angus.

The design statement describes the proposal as providing a countryside courtyard feel following the traditional rural form of a cluster of farm units around a hub emulating a traditional steading development. The proposed house has a large footprint and has a setting which could be augmented to provide a reasonable landscape context. However, the proposed house could not be described as one which would make a significant contribution to the architectural and landscape heritage of Angus. The proposed house contains some characteristics which are rural in nature, but others which are more suburban in nature e.g. elevations containing a cluttered mixture of external materials, a lack of simplicity, a top heavy roof design, and a suburban fenestration pattern. The majority of landscaping identified in the landscaping proposal is outside of the application site and not on land within the control of the applicant. The application proposes a large house in a large garden. It does not propose a large country house within a designed landscape framework which is what the policy and supplementary guidance envisages. The house design and landscaping proposal are not of such exceptional quality that they would make a significant contribution to the architectural and landscape heritage of Angus, and the proposal does not

attract support under this policy provision.

The principle of the dwelling proposed on this site does not comply with any of the circumstances which allow a new house in the countryside, and the proposal does not represent an exception of such design and landscape quality to merit support under the large country house test.

The proposal is 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 adjacent short term let cabins have a similar relationship with existing housing than they would to the proposed house. 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 have no significant direct or indirect impacts on cultural heritage and the roads service has no objection to the proposed access arrangements. 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 site is adjacent to the functional floodplain as illustrated on SEPA flood maps. SEPA has offered no objection in respect of flood risk due to the elevated location of the site above the adjacent river. While the site is classified as prime quality agricultural land, its loss for an alternative use raises no significant issues against Policy PV20 having regard to its size and its location contained between the disused railway embankment to the south and the steep slope which drops towards the river to the north. The proposal raises no significant issues when considered against the Appendix 3 Countryside Housing Development Criteria contained within the supplementary guidance.

The site is located close to the River South Esk which is designated as a Special Area of Conservation (SAC) for its internationally important populations of Atlantic salmon and freshwater pearly mussel. NatureScot has been consulted on the proposal but has indicated that the SAC will not be adversely affected by the proposal provided all work is carried out in accordance with an appropriate method statement that identifies the site specific measures necessary to minimise the risk of pollution during construction. A planning condition could be used to secure a suitable method statement were the proposal otherwise acceptable. An appropriate assessment of the proposal has been carried out and has concluded that, with appropriate mitigation, the proposal would not adversely affect the integrity of the River South Esk SAC.

While the proposal raises no significant issues against the detailed criteria set out in Policy TC2 and associated supplementary guidance, 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 and to the content of Scottish Planning Policy (SPP).

In relation to matters raised in the representation, it is accepted that the house is proposed in a location which benefits from some screening from the disused railway line and the planting it contains. The design of the proposed house contains some characteristics which would be acceptable for a house in a countryside location and others which are less appropriate.

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 greenfield site, outwith a settlement and where there are no services and very infrequent public

transport services 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. It proposes a large house on a large plot, and is not a large country house of such exceptional design quality that it would make a significant contribution to the architectural and landscape heritage of Angus. 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. It would not involve a large country house of such exceptional design quality that it would make a significant contribution to the architectural and landscape heritage of Angus.

Notes:

Case Officer: Walter Wyllie
Date: 13 October 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 DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

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 PV4 : Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- o an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- o there are no alternative solutions; and
- o there are imperative reasons of overriding public interest, including those of social or economic nature; and
- o compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice* on the types of appropriate information and safeguards to be provided in support of planning applications.

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- o the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- o any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- o mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

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

* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk

Policy PV5 : Protected Species

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

European Protected Species

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

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

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

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

Policy PV6 : Development in the Landscape

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

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

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

- o the site selected is capable of accommodating the proposed development;
 - o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
 - o potential cumulative effects with any other relevant proposal are considered to be acceptable;
- and
- o mitigation measures and/or reinstatement are proposed where appropriate.

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

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

Policy PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

Policy 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

22/00305/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

31	05	22
----	----	----

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

Walter K Wyllie

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

Sent: 01 June 2022 16:27

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

Subject: RE: Planning Application Consultation 22/00305/FULL SEPA ref 5427

OFFICIAL

Walter

**Erection of a Dwellinghouse and Ancillary Works
Land 225M NE Of Hunters Cabins, Justinhaugh, Forfar
22/00305/FULL**

I refer to the planning application detailed above and your consultation with SEPA of 30 May below.

I note this is a re application and that we offered no objection to the previous proposal. Our comments remain the same - we have **no objection** to the proposed development on flood risk grounds. The site is adjacent to the functional floodplain based on the SEPA Flood Maps. Review of OS maps and street view indicates the proposed development is located on high ground above the River South Esk - therefore we have no objection to the proposal.

I trust these comments are of assistance – please do not hesitate to contact me if you require any further information.

Regards
Alasdair

Alasdair Milne
Senior Planning Officer
Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TZ

Telephone 01786 452537

www.sepa.org.uk

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

Angus
County Buildings Market Street
Forfar
Angus
DD8 3LG



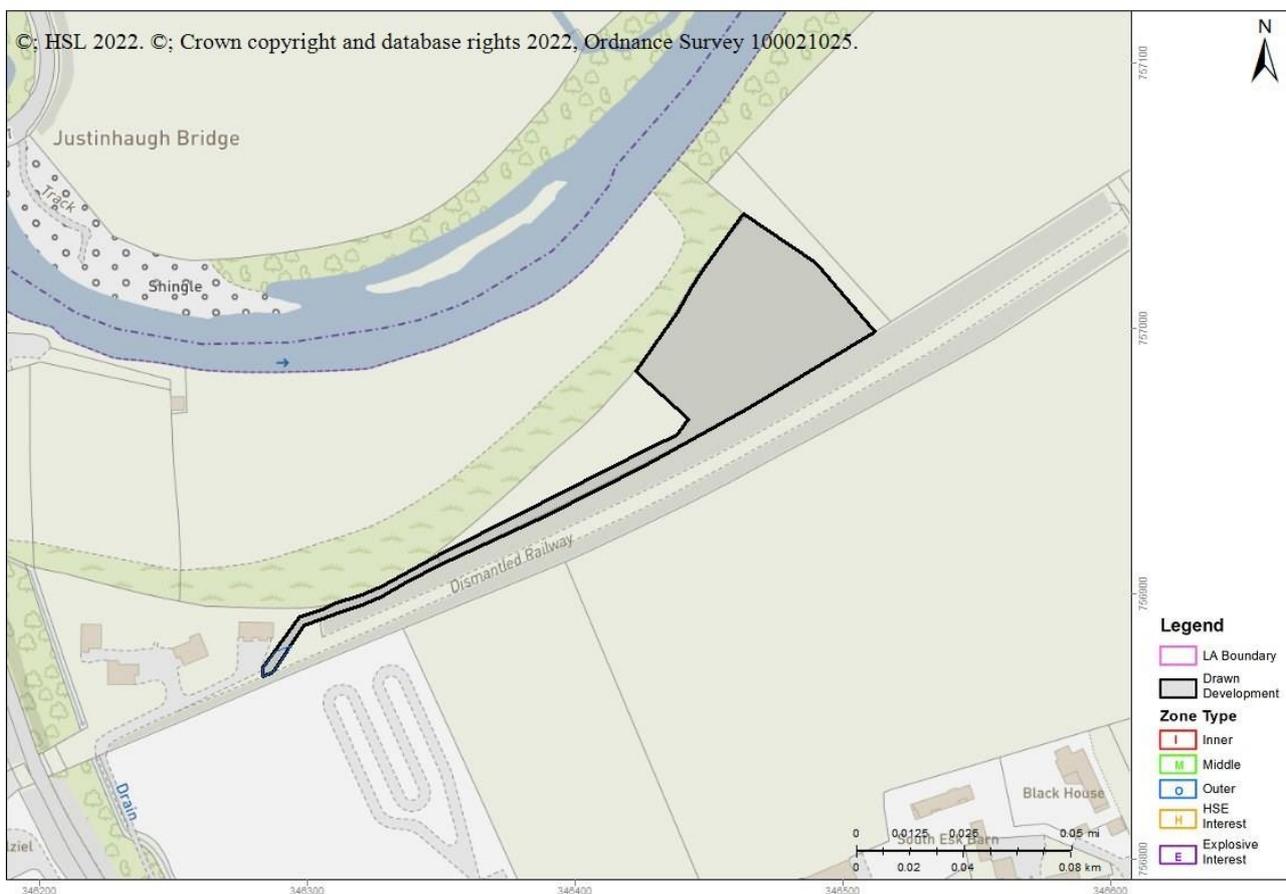
Advice : HSL-220607113154-269 Crosses Consultation Zone

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: 22/00305/FULL

Development Name: Erection of a Dwellinghouse and Ancillary Works

Comments: Land 225M NE Of Hunters Cabins Justinhaugh Forfar



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 07 June 2022.

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

- 8363_2640 National Grid Gas PLC

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL

also accepts no liability if you do not consult with the pipeline operator.

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

Angus
County Buildings Market Street
Forfar
Angus
DD8 3LG



Advice : HSL-220607113154-269 DO NOT ADVISE AGAINST

Your Ref: 22/00305/FULL

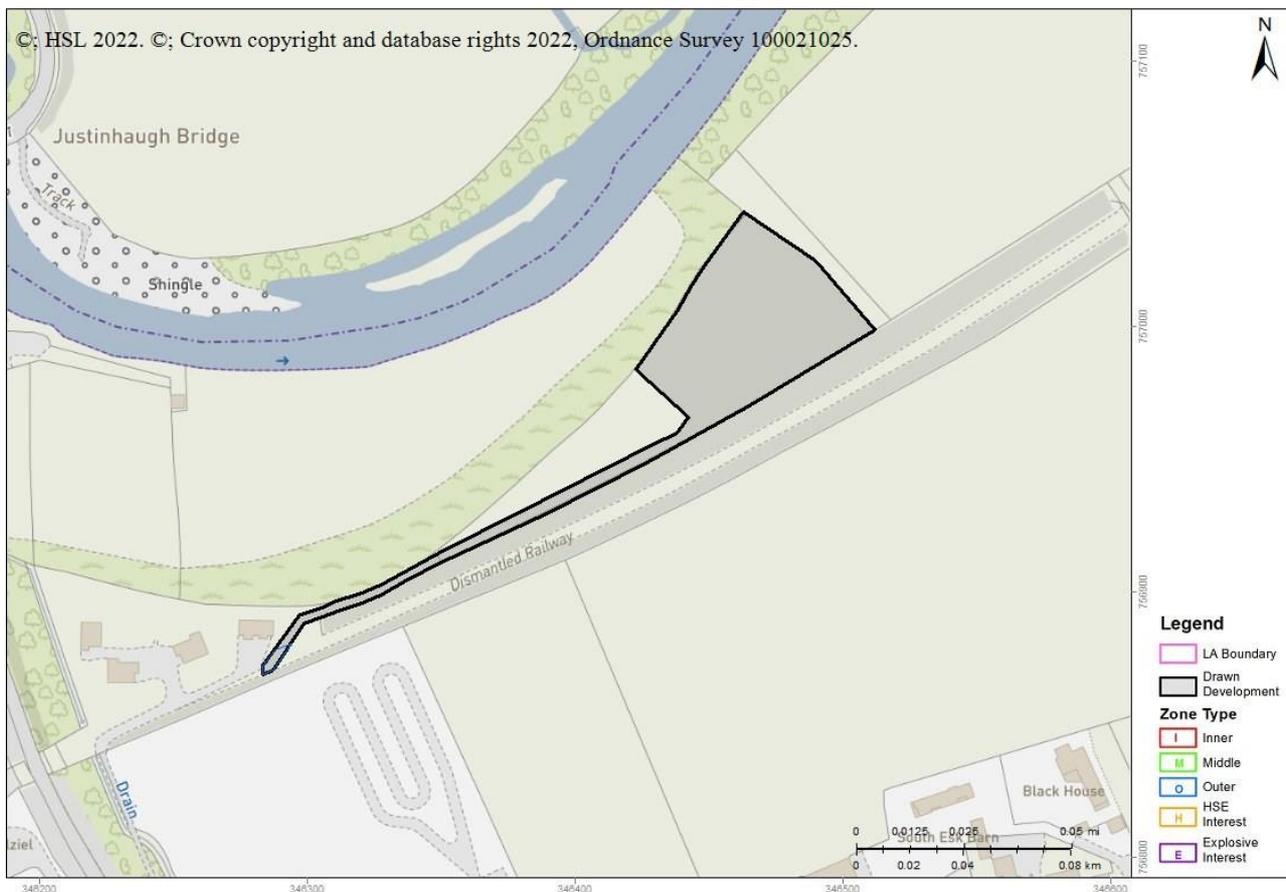
Development Name: Erection of a Dwellinghouse and Ancillary Works

Comments: Land 225M NE Of Hunters Cabins Justinhaugh Forfar

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.

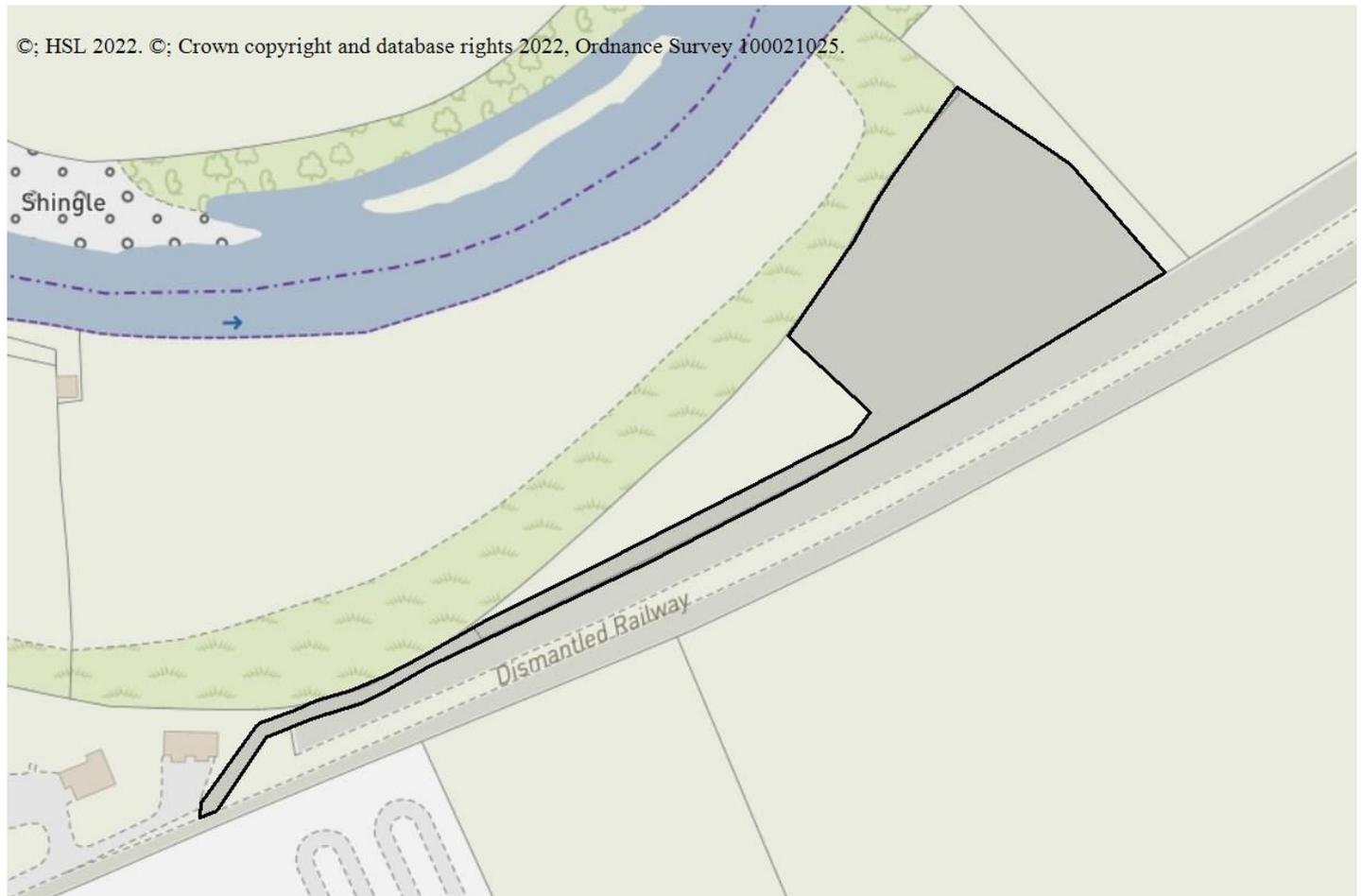


Breakdown:

HSL-220607113154-269 Date enquiry completed :07 June 2022 (346448,756986)

Housing : Do Not Advise Against

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



Pipelines

- 8363_2640 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 07 June 2022.

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



Walter Wylie
Angus House
Planning Service
Orchardbank Business Park
Forfar
DD8 1AN

21 June 2022

Our ref: A3648212

Your ref: 22/00305/FULL

Dear Walter

**Erection of dwelling house and ancillary works
Land 225 m north east of Hunters Cabins, Justinhaugh, Forfar
Town and Country Planning (Scotland) Act 1997**

Thank you for consulting us on the above development proposal.

There are natural heritage interests of international importance close to the site, but our advice is that these will not be adversely affected by the proposal provided all work is carried out in accordance with an appropriate method statement.

The proposal is close to the River South Special Area of Conservation (SAC) protected for its freshwater pearl mussels and Atlantic salmon.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Angus Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>

At its closest, the development site is around 15 m from the River South Esk SAC. In addition, in this area aerial photography appears to show a trench running from the development site towards the River South Esk. Both salmon and pearl mussels are sensitive to the effects of pollution, including siltation. There is a risk that pollution could be washed into the South Esk during construction works, particularly if this trench could act as a conduit for run-off.

Our advice, therefore, is that this proposal is likely to have a significant effect on Atlantic salmon and freshwater pearl mussels. Consequently, Angus Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help you do this, we advise that if the proposal is carried out strictly in accordance with a method statement that identifies the site specific measures necessary to minimise the risk of pollution during construction, our conclusion is that the proposal will not adversely affect the integrity of the site.

We do not wish to be consulted on the construction method statement. We are content that Angus Council ensure that this is appropriate, with advice from SEPA if necessary.

Please let me know if you require any further information or advice from NatureScot.

Yours sincerely,

Isla Martin

Area Officer, Tayside and Grampian

isla.martin@nature.scot

Comments for Planning Application 22/00305/FULL

Application Summary

Application Number: 22/00305/FULL

Address: Land 225M NE Of Hunters Cabins Justinhaugh Forfar

Proposal: Erection of a Dwellinghouse and Ancillary Works

Case Officer: Walter Wyllie

Customer Details

Name: Mr Iain sutherland

Address: South Esk Barn Justinhaugh Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

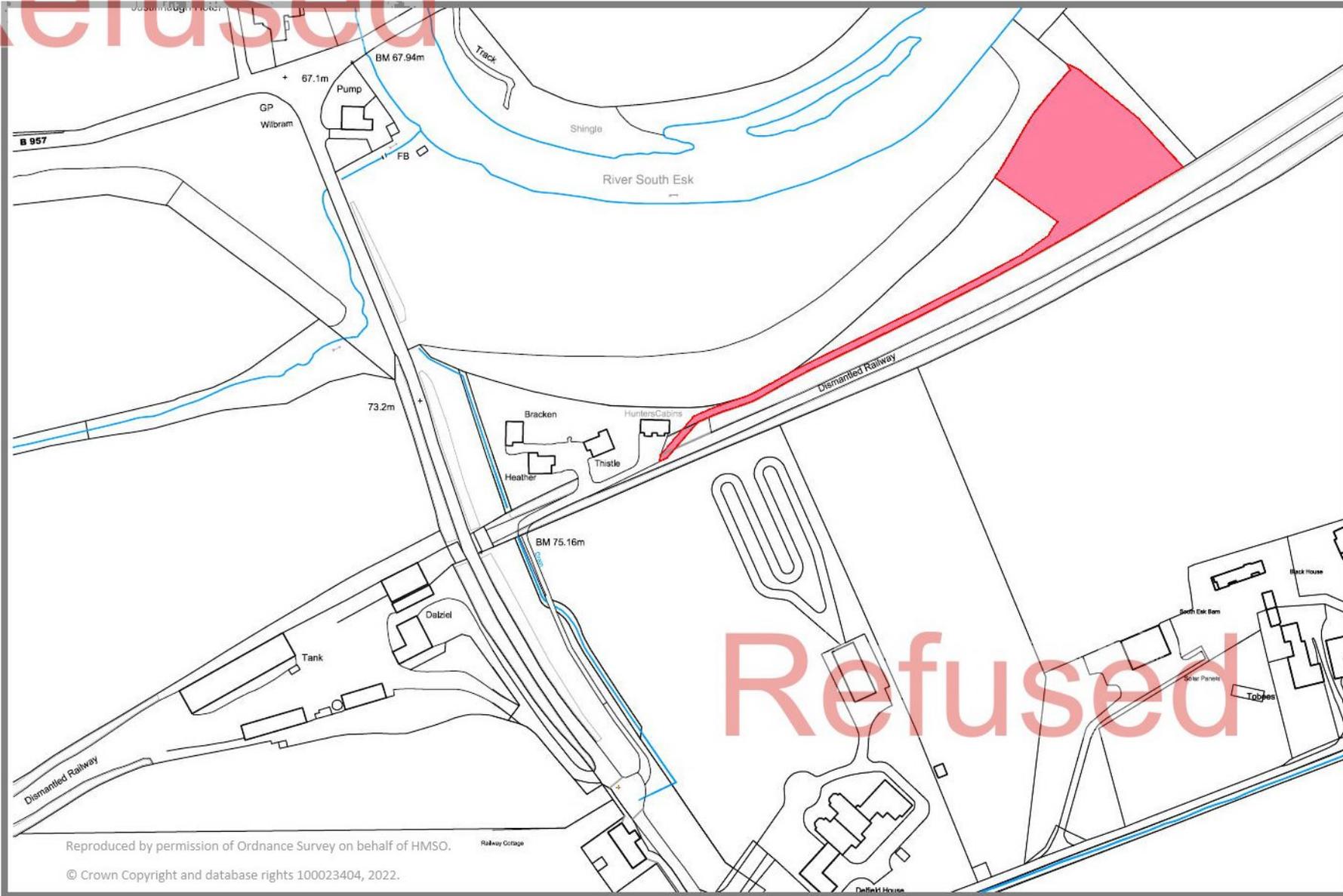
Comment: We are writing to inform you of our support for this application. As owners and occupiers of the land directly adjacent to the proposed development site we are pleased to see the extent and quality of the largely secluded proposals next door.

We would therefore like you to recognise that we very much support this application.

Iain & Kathleen Sutherland

Refused

AC7



Project No.	Drawing No.	Rev.
1120	LOC	F

Rev. Date	Amendment
A: 11/2021	SITE BOUNDARY UPDATED
B: 04/2022	SITE LAYOUT & BOUNDARY AMENDED
C: 05/2022	SITE BOUNDARY AMENDED
D: 05/2022	SITE BOUNDARY AMENDED
E: 16/2022	SITE OWNERSHIP NOTES UPDATED
F: 07/2022	BLUE AREA & SITE NOTES REMOVED

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

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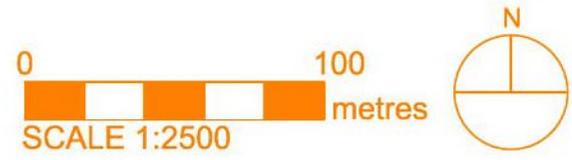
Project Title:
 PROPOSED NEW DWELLING HOUSE
 AT
 LAND ADJACENT TO HUNTERS CABINS
 JUSTINWAUGH BY FORFAR
 FOR
 MR & MRS BELTON

Sheet:
 LOCATION PLAN

Date	Drawn By	
11/2021	DM	
Scale	CAD Ref.	
1:250 @ A4	NEW HOUSE	
Project No.	Drawing No.	Rev.
1120	LOC	F

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LOC_LOCATION PLAN | A4 | 1:2500



Refused

Refused

Refused

LANDSCAPE SURFACE LEGEND	
	EXISTING 'BLAES' DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE.
	PROPOSED 'BLAES' EXTENDED DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE TO MATCH EXISTING.
	EXISTING DRIVEWAY ACCESS FROM ROAD - POROUS CONCRETE BLOCK COLOUR: GREY.
	ENTRANCE COURTYARD - LAIRD PROPERM POROUS CONCRETE BLOCK (200x100x60) COLOUR: BUFF.
	PEDESTRIAN & PATIO AREAS - LAIRD STANDARD RIVEN FLAGS (600x600x60) COLOUR: BUFF.
	PROPOSED MASONRY WALL - NATURAL STONE LAID IN RANDOM RUBBLE PATTERN. DRY EFFECT WITH BACK BEDDED MORTAR.
	EXISTING BUILDING.
	PROPOSED HEDGE - BUXUS CARPINUS BETULUS HEDGE PLANTED @ 71LN m IN A DOUBLE STAGGERED ROW WITH CENTRAL TIMBER POST & WIRE FENCE.
	PROPOSED AMENITY GRASS TURFED AREA.
	PROPOSED MIXED GRASS/WILDFLOWER SEEDING AREA. 5g/m².
	PROPOSED TREE PLANTING. DECIDUOUS SPECIES TO MATCH EXISTING PLANTING. ROOTBALLED & UNDERGROUND GUYED.
	EXISTING GRASS TURFED AREA.
	EXISTING TREE TO BE RETAINED.
	EXISTING MATURE PLANTED AREA.
	EXISTING MATURE HEDGROW AT DELFIELD HOUSE BOUNDARY.
	EXISTING MATURE PLANTED AREA AT LOWER LEVEL.

Project No.	Drawing No.	Rev.
1120	014	F

Rev Date	Amendment
A 11.2021	SITE BOUNDARY UPDATED
B 04.2022	LAYOUT & SCALE UPDPATED
C 05.2022	SITE BOUNDARY AMENDED
D 05.2022	SITE BOUNDARY AMENDED
E 06.2022	SITE OWNERSHIP NOTES UPDATED
F 07.2022	BLUE LINE & SITE NOTES REMOVED

AC8

SITE DATA	
DWELLINGHOUSE & OFFICE PLOT -	
SITE AREA:	3820m²
HOUSE FOOTPRINT:	501m²
GARAGE FOOTPRINT:	135m²
PLOT COVERAGE:	13.1%
PLOT COVERAGE (GARAGE INCLUSIVE):	16.6%
GROSS INTERNAL FLOOR AREA:	684m²
GARAGE INTERNAL FLOOR AREA:	120m²

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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e : enquiries@arktx.co.uk

Project Title
PROPOSED NEW DWELLING HOUSE
AT
LAND ADJACENT TO HUNTERS CABINS
JUSTINHAUGH BY FORFAR
FOR
MR & MRS MILTON

Element
PROPOSED SITE PLAN

Date	11.2021	Drawn By.	FML
Scale	1:200 @ A1	CAD Ref.	NEW BUILD
Project No.	1120	Type	P
Drawing No.	014	Rev.	F



SITE PLAN | 1:200

014_PROPOSED SITE PLAN | A1

Project No. 1120	Drawing No. 020	Rev. D
Rev Date	Amendment	
A 05.2022	SITE BOUNDARY AMENDED	
B 05.2022	SITE BOUNDARY AMENDED	
C 06.2022	SITE OWNERSHIP NOTES UPDATED	
D 07.2022	BLUE LINE & SITE NOTES REMOVED	

AC8

Refused

Refused

Refused



LANDSCAPE SURFACE LEGEND	
EXISTING 'BLAES' DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE.	PROPOSED AMENITY GRASS TURFED AREA.
PROPOSED 'BLAES' EXTENDED DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE. TO MATCH EXISTING.	PROPOSED MIXED GRASS/WILDFLOWER SEEDING AREA. 5g/m ² .
EXISTING DRIVEWAY ACCESS FROM ROAD - POROUS CONCRETE BLOCK COLOUR: GREY.	PROPOSED TREE PLANTING. DECIDUOUS SPECIES TO MATCH EXISTING PLANTING. ROOTBALLED & UNDERGROUND GUYED.
ENTRANCE COURTYARD - LAIRD PROPERM POROUS CONCRETE BLOCK (200x100x60) COLOUR: BUFF.	EXISTING GRASS TURFED AREA.
PEDESTRIAN & PATIO AREAS - LAIRD STANDARD RIVEN FLAGS (600x600x60) COLOUR: BUFF.	EXISTING TREE TO BE RETAINED.
PROPOSED MASONRY WALL - NATURAL STONE LAID IN RANDOM RUBBLE PATTERN. DRY EFFECT WITH BACK BEDDED MORTAR.	EXISTING MATURE PLANTED AREA.
EXISTING BUILDING.	EXISTING MATURE HEDGROW AT DELFIELD HOUSE BOUNDARY.
PROPOSED HEDGE - BUXUS/CARPINUS BETULUS HEDGE PLANTED @ 7/LIN m IN A DOUBLE STAGGERED ROW WITH CENTRAL TIMBER POST & WIRE FENCE.	EXISTING MATURE PLANTED AREA AT LOWER LEVEL.

SITE DATA
DWELLINGHOUSE & OFFICE PLOT -
SITE AREA: 3820m ²
HOUSE FOOTPRINT: 501m ²
GARAGE FOOTPRINT: 135m ²
PLOT COVERAGE: 13.1%
PLOT COVERAGE (GARAGE INCLUSIVE): 16.6%
GROSS INTERNAL FLOOR AREA: 684m ²
GARAGE INTERNAL FLOOR AREA: 120m ²

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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Project Title
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AT
LAND ADJACENT TO HUNTERS CABINS
JUSTINHAUGH BY FORFAR
FOR
MR & MRS MILTON

Element
OVERALL SITE LANDSCAPE PLAN

Date 11.2021	Drawn By. FML
Scale 1:500 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Type P
Drawing No. 020	Rev. D



SITE PLAN | 1:500
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020_OVERALL SITE LANDSCAPE PLAN | A1

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Refused

Project No. 1120	Drawing No. 018	Rev. A
Rev Date A 04.2022	Amendment LAYOUT UPDATED	

AC8



Refused

Refused

SCHEDULE OF ACCOMMODATION & DATA
DETACHED 1 & 1.5 STOREY DWELLINGHOUSE
3 No. BEDROOMS
3 No. W.C.
3 No. ENSUITES
DWELLINGHOUSE FOOTPRINT - 500.6m ²

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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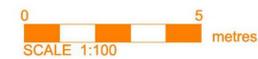
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Element
 PROPOSED GROUND FLOOR PLAN

Date 04.2022	Drawn By. FML
Scale 1:100 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Rev. A
Type P	Drawing No. 015

GROUND FLOOR PLAN | 1:100

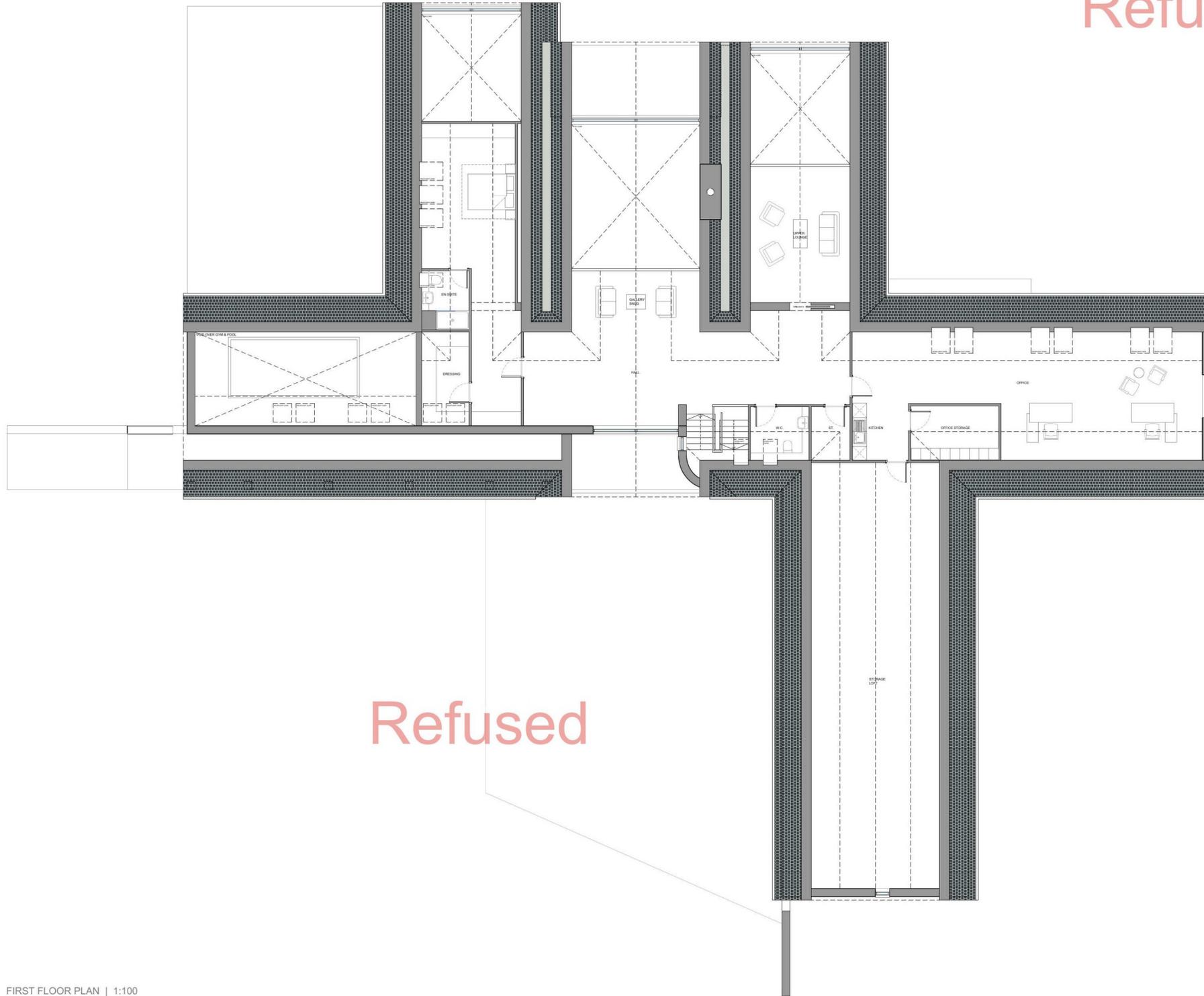


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Refused

Refused

Refused



FIRST FLOOR PLAN | 1:100

Project No. 1120	Drawing No. 019	Rev. A
Rev Date A 04.2022	Amendment LAYOUT UPDATED	

AC8

SCHEDULE OF ACCOMMODATION & DATA
DETACHED 1.5 STOREY DWELLINGHOUSE
3 No. BEDROOMS
3 No. W.C.
3 No. ENSUITES
DWELLINGHOUSE FOOTPRINT - 500.6m ²

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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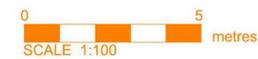


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Project Title
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Element
PROPOSED FIRST FLOOR PLAN

Date 04.2022	Drawn By. FML
Scale 1:100 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Rev. A
Type P	Drawing No. 019



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Refused

AC8

Project No. 1120	Drawing No. 016	Rev. C
Rev Date A 11.2021 B 04.2022 C 05.2022	Amendment SCALE BAR UPDATED DESIGN UPDATED DOOR SPEC ADDED & UPDATED	



EAST ELEVATION | 1:100



NORTH ELEVATION | 1:100

Refused



WEST ELEVATION | 1:100

Refused



SOUTH ELEVATION | 1:100

MATERIAL SPECIFICATION

ROOF -
NATURAL SLATE TILES

WALLS & COPING STONES -
NATURAL STONE.
DRY EFFECT WITH BACK BEDDED MORTAR

PRECAST CONCRETE CILLS.
COLOUR: TINTED TO MATCH STONE

FIBRE CEMENT CLADDING.
COLOUR: GREY BROWN

SOFFITS & FASCIAS -
FIBRE CEMENT BOARD.
COLOUR: SLATE GREY

WINDOWS -
TIMBER ALUCLAD FRAME.
DOUBLE GLAZED UNITS.
COLOUR: ANTHRACITE

SLIDING DOORS & BACKDOOR -
TIMBER ALUCLAD FRAME.
DOUBLE GLAZED UNITS.
COLOUR: ANTHRACITE

BIFOLD DOORS -
ALUMINIUM FRAME.
DOUBLE GLAZED UNITS.
COLOUR: ANTHRACITE

FRONT PIVOT DOOR -
METAL FRAME.
INSULATED PANEL PIVOT DOOR.
FRAME COLOUR: ANTHRACITE
DOOR COLOUR: GREY BROWN

EXTERNAL STORE DOOR -
TIMBER FRAME.
FIBRE CEMENT CLADDING.
COLOUR: GREY BROWN

RAINWATER GOODS -
PPC ALUMINIUM.
COLOUR: BLACK

GARAGE DOOR -
ROLLER SHUTTER.
COLOUR: ANTHRACITE

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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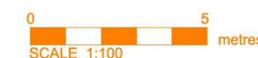


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Project Title
PROPOSED NEW DWELLING HOUSE
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LAND ADJACENT TO HUNTERS CABINS
JUSTINHAUGH BY FORFAR
FOR
MR & MRS MILTON

Element
PROPOSED ELEVATIONS

Date 11.2021	Drawn By. FML
Scale 1:100 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Type P
Drawing No. 016	Rev. C



016_PROPOSED ELEVATIONS | A1



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 100499574-004

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 a Detached Dwelling House and Integrated Garage (Re-Application)

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	ARKTX		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Fergus	Building Name:	<input type="text"/>
Last Name: *	Low	Building Number:	187
Telephone Number: *	01382 831557	Address 1 (Street): *	Strathmartine Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Dundee
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	DD3 8BL
Email Address: *	enquiries@arktx.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	C4 Building
First Name: *	Phil	Building Number:	<input type="text"/>
Last Name: *	Milton	Address 1 (Street): *	Gateway Crescent
Company/Organisation	<input type="text"/>	Address 2:	Gateway Business Park
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB12 3GA
Fax Number:	<input type="text"/>		
Email Address: *	enquiries@arktx.co.uk		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land Adjacent to Hunters Cabins, Justinhaugh, By Forfar, DD8 3SD

Northing

757153

Easting

346588

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

3998.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Grazing Land

Access and Parking

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

Yes No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>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)? * 6</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>Septic Tank</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

4No Bins to be located within the garage

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

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? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Robert Campbell

Address:

Hunters Cabins, Justinhaugh, By Forfar, Angus, Scotland, DD8 3SQ

Date of Service of Notice: *

20/04/2022

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Fergus Low

On behalf of: Mr & Mrs Phil Milton

Date: 20/04/2022

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? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Jennifer Middleton

Declaration Date: 20/04/2022

22/00305/FULL

Erection of a Dwellinghouse and Ancillary Works at Land 225M NE Of Hunters Cabins
Justinhaugh Forfar.

Site Photos



View from cabins to site looking north east



View from north boundary to River Esk looking north



View from site to cabins looking south west



View from site to cabins looking south west



View of cabins from road adjacent to Esk Side Pony Stud looking south east



View of eastern boundary looking north east



View of former embankment looking north east



View of former railway embankment looking south



View of site from road adjacent to Esk Side Pony Stud looking south east



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 : 22/00305/FULL

To **Mr & Mrs Phil Milton**
c/o ARKTX
187 Strathmartine Road
Dundee
DD3 8BL

With reference to your application dated 25 May 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz.: -

Erection of a Dwellinghouse and Ancillary Works on Land 225M NE of Hunters Cabins Justinhaugh Forfar for Mr & Mrs Phil Milton

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

The reasons for the Council's decision are: -

1. The proposal is contrary to Policy 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. It would not involve a large country house of such exceptional design quality that it would make a significant contribution to the architectural and landscape heritage of Angus.

Amendments:

The application has not been subject of variation.

Dated this **19 October 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

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



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

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

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

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

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

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



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

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

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

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

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

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

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

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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



ANGUS COUNCIL

**APPROPRIATE ASSESSMENT OF PROPOSAL WHICH IS LIKELY TO HAVE A
SIGNIFICANT EFFECT ON A EUROPEAN SITE UNDER THE CONSERVATION
(NATURAL HABITATS, &C.) REGULATIONS 1994 (AS AMENDED)**

FOR

ERECTION OF A DWELLINGHOUSE AND ANCILLARY WORKS

FOR

MR & MRS PHIL MILTON

ON

LAND 225M NE OF HUNTERS CABINS, JUSTINHAUGH, FORFAR

PLANNING APPLICATION REFERENCE NUMBER: 22/00305/FULL

1. INTRODUCTION

This is a record of the appropriate assessment under regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for planning application reference number 22/00305/FULL made by Mr & Mrs Phil Milton. These regulations are otherwise known as "the habitat regulations". It is the purpose of this appropriate assessment to inform the decision making body (Angus Council) on the effects of the proposal upon the relevant Natura sites to allow them to determine the planning application in accordance with the European Habitat Directive 92/43/EEC.

The European Habitat Directive 92/43/EEC is transposed into law in Scotland by the habitat regulations. This requires that plans and projects considered by competent authorities that could have a likely significant effect on a Natura site, should be subject to an appropriate assessment of their potential impacts upon the site. Regulation 48 directs that: -

"[48. – Assessment of implications for European site

(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

- (a) is likely to have a significant effect on a European site in Great Britain [or a European offshore marine site] (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site, shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives."

It further states that: -

"(5) In the light of the conclusions of the assessment, and subject to regulation 49, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site [or European offshore marine site (as the case may be)]."

Angus Council, as the competent authority, is therefore required in law to undertake an appropriate assessment to comply with the aforementioned regulations.

The proposal is for the erection of a dwellinghouse and ancillary works on Land 225M NE of Hunters Cabins, Justinhaugh, Forfar. The site is located in close proximity to a Natura site and is within the definition of a project under regulation 54 of the Natura regulations. Regulation 54 states that: -

“[54. – Grant of planning permission

(2) Regulations 48 and 49 (requirement to consider effect on [European sites in Great Britain and European offshore marine sites]) apply, in Scotland, in relation to –

- (a) granting planning permission on an application under Part III of the Town and Country Planning (Scotland) Act 1972;”.

The proposal is not wholly concerned with the necessary management of a European site for nature conservation and requires planning permission and so the plans must be subject to appropriate assessment under the terms of the European Habitat Directive 92/43/EEC.

PLANNING APPLICATION VALIDATED: 25th May 2022

NATURESCOT CONSULTED: 30th May 2022

NATURESCOT RESPONSE: 21st June 2022

2(a) DETAILS OF PROPOSAL

**LOCATION: LAND 225M NE OF HUNTERS CABINS,
JUSTINHAUGH, FORFAR**

AGENT: ARKTX

PLANNING APPLICATION REFERENCE NUMBER: 22/00305/FULL

DESCRIPTION OF PROPOSAL

The proposal is for the erection of a dwellinghouse and ancillary works on Land 225M NE of Hunters Cabins, Justinhaugh, Forfar

2(b) NAME OF THE NATURA SITE AFFECTED AND CURRENT STATUS

River South Esk Special Area of Conservation – current

2(c) NAME OF COMPONENT SSSI

N/A

2(d) EUROPEAN QUALIFYING INTEREST(S) AND WHETHER PRIORITY/NON-PRIORITY

River South Esk Special Area of Conservation

Atlantic salmon
Freshwater pearl mussel

2(e) CONSERVATION OBJECTIVES FOR QUALIFYING INTEREST(S)**River South Esk Special Area of Conservation**

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features, the following must be maintained in the long term: -

- Population of the species, including range of genetic types for salmon, as a viable component of the site;
- Distribution of the species in the site;
- Distribution and extent of habitats supporting the species;
- Structure, function and supporting processes of habitats supporting the species;
- No significant disturbance of the species;
- Distribution and viability of freshwater pearl mussel host species; and
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species.

2(f) DETAILS OF PROPOSED OPERATION

The proposal is for the erection of a dwellinghouse and ancillary works on Land 225M NE of Hunters Cabins, Justinhaugh, Forfar.

The proposed house would provide accommodation over two levels with a footprint of around 640sqm (500sqm excluding garaging). The house would have a slate roof and external walls finished in a combination of natural stone, render and cladding. The application form indicates that the sites measures around 4000sqm in area and would utilise a public water supply, with private arrangements for foul drainage and sustainable drainage methods for surface water. The application form indicates that an existing access to the public road would be utilised, with 6 car parking spaces provided.

APPRAISAL IN RELATION TO REGULATION 48**3(a) IS THE OPERATION DIRECTLY CONNECTED WITH OR NECESSARY TO CONSERVATION MANAGEMENT OF THE SITE? YES/NO IF YES GIVE DETAILS:**

No

If yes and it can be demonstrated that the elements in 3b have been applied to all the interest features in a fully assessed and agreed management plan then consent can be issued but rationale must be provided, including reference to management objectives. If no, or if site has several European qualifying interests and operation is not directly connected with or necessary to the management of all these then proceed to 3b.

**3(b) IS THE OPERATION LIKELY TO HAVE SIGNIFICANT EFFECT ON THE QUALIFYING INTEREST(S)?
CONSIDER EACH QUALIFYING INTEREST IN RELATION TO THE CONSERVATION OBJECTIVES**

- i) Indicate which feature of interest could be affected by the proposal and briefly in what way; if none provide a brief justification and then proceed to v), otherwise continue;*
- ii) Refer to other plans/projects with similar effects/other relevant evidence;*
- iii) Consider scale, longevity, and reversibility of effects;*
- iv) Consider whether proposal contributes to cumulative or incremental impacts with other projects completed, underway or proposed;*
- v) Give Yes/No conclusion for each interest.*

Yes

Due to the nature of the proposal, it is capable of having a significant effect on Atlantic salmon and freshwater pearl mussel.

If yes, or in cases of doubt, proceed to 3(c). If potential significant effects can easily be avoided, go straight to 4 and record modifications required. If no for all features, a consent or non-objection response can be given and recorded under 6 (although if there are other features of national interest only, the effect on these should be considered separately).

3(c) APPRAISAL OF THE IMPLICATIONS FOR THE SITE IN VIEW OF THE SITES CONSERVATION OBJECTIVES

- i) Describe for each European qualifying interest the potential impacts of the proposal detailing which aspects of the proposal could impact upon them and their conservation objectives.*
- ii) Evaluate the significance of the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the proportion/importance of the interest affected, and the overall effect on the sites conservation objectives. Record if any information or specialist advice has been obtained.*

- iii) *In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site for the qualifying interest(s). If SAC and/or SPA and/or Ramsar site give separate conclusions. If conditions or modifications are required, proceed to 4.*

Due to the location and nature of the proposal, there is a risk that pollution, including siltation, could be washed into the River South Esk Special Area of Conservation during its construction. The release of fine sediment can clog the gills of juvenile salmon and smother salmon redds and freshwater pearl mussel beds.

Angus Council would advise that the proposal has the potential to affect the integrity of the River South Esk Special Area of Conservation. However, Angus Council would advise that the integrity of the River South Esk Special Area of Conservation would not be adversely affected by the proposal subject to a planning condition requiring mitigation to minimise the risk of pollution during construction entering the adjacent watercourse.

4(a) CONDITIONS OR MODIFICATIONS REQUIRED

Indicate conditions/modifications required to ensure adverse effects are avoided, and reasons for these.

Mitigation measures are proposed to limit the identified impacts including: -

- Construction to be carried out in accordance with a construction method statement.

5(a) ADVICE SOUGHT

Include here details of or clear reference to, advice sought from colleagues etc. If no advice sought give brief reasons/justification.

NatureScot: -

The proposal is close to the River South Esk Special Area of Conservation which is designated for its internationally important populations of Atlantic salmon and freshwater pearl mussel. The proposal is likely to have a significant effect on Atlantic salmon and freshwater pearl mussel because both species are sensitive to the effects of pollution, including siltation. However, if the proposal is undertaken strictly in accordance with a site specific construction method statement which identifies the measures that will be in place to minimise the risk of pollution during construction entering the adjacent watercourse, then the proposal will not adversely affect the integrity of the site.

6(a) CONCLUSIONS

The appropriate assessment based upon the best available evidence and advice offered from NatureScot has shown that subject to the proposal being undertaken strictly in accordance with a construction method statement, which shall identify the site specific measures necessary to minimise the risk of pollution, including siltation, entering the River South Esk Special Area of Conservation during construction, then the proposal will not adversely affect the qualifying interest(s) of the River South Esk Special Area of Conservation.

Angus Council therefore concludes that the proposal will not adversely affect the integrity of the River South Esk Special Area of Conservation subject to the mitigation measures which could be secured by planning condition.

Proposed New Detached House and Office Space

at Justinhaugh, Angus,

For: Mr & Mrs P Milton

Design and Access Statement



Report prepared by:

Fraser Middleton
MA Town & Country Planning
B.Arch (hons)
BSc Environmental Studies



**187 Strathmartine Road
Dundee**

DD3 8BL

April 2022

Design and Access Statement

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- 2.0 Assessment of Context**

- 3.0 Summary**

1.0 Design Guidance and Best Practice

There are a number of policy documents that require to be considered. The proposal has been designed in the context of local and national best practice recommendations including:

- 1.1 PAN 67 Housing Quality
- 1.2 PAN 78 Inclusive
- 1.3 TAYplan Strategic Development Plan 2016-36 TAYplan Policy 2: Shaping Better Quality Places
- 1.4 Angus Council Design and Placemaking Supplementary Guidance 2018
- 1.5 The Angus Local Development Plan (ALDP) Policies:
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- 1.6 Angus Council Countryside Housing Supplementary Guidance, 2016 (Essential Workers and Large Country Houses).

1.1 PAN 67: Housing Quality

This Planning Advice Note identifies the key aims of new housing developments to create social justice, economic competitiveness and environmental quality. It advocates that any development of housing should be distinctive, safe and pleasant, easy to get to and move around, welcoming, adaptable and resource efficient.

1.2 PAN 72: Housing in the Countryside

This Planning Advice note covers fundamental design principles which require to be taken into account. Its purpose is to '*create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions*'. It is important to note that this application is for a new family home and is not a second home, a holiday let or for rented purposes.

Policy in SPP 3: Planning for Housing; anticipates that most new housing will be located in towns and villages, but also accepts that given the significant changes in farming and the rural economy, new housing outwith existing settlements will have a part to play in economic

regeneration in rural areas. This Application gels with this opinion providing a new family home on a secluded, appropriate site. Particular requirements are listed as being essential to ensure the success of a development integrating well into its countryside setting.

- **Distinctive:** This recognises that *'Development which does not undermine the identity of rural areas should be supported'*. As there are a number of detached individually designed properties within the local area this addition is entirely sympathetic with development in the area and will certainly not undermine the rural identity as it cannot be viewed from any public road.
- **Safe and Pleasant:** By moving to this countryside location, it will encourage better well-being for the Applicant's family providing a healthier and less frenetic lifestyle. The design of this large new countryside home provides several different areas and character for the family to enjoy. As the development is approached and entered by an existing private mature tree lined driveway this provides a contained and safe environment. The design will seek 'Secure By Design' accreditation.
- **Easy to get Around:** As those living in the countryside dwellers rely on good accessibility to conduct their day-to-day lives the site is well serviced by local access roads. This encourages cycling and the use of public transport. The reality of life in many rural areas however dictates the use of a private car as an essential requirement.
- **Welcoming:** By entering the development by travelling along an existing quiet tree lined avenue with expansive long views of the surrounding countryside a feeling of expectancy arises with the impressive new house providing the sense of arrival climax at the end of the journey.
- **Adaptable:** The design of the new house allows for plenty of scope to adapt and convert areas at a later date should the need be identified. As the house is largely on a single level there is no problem for disabled access throughout being embraced.
- **Resource Efficient:** This new home will be constructed using contemporary sustainable building materials and practices. It will embrace energy efficient technology minimising fuel usage and running costs. The building is orientated to ensure optimum passive environmental gains through solar collectors, etc. Its low, essentially single storey profile means that the property "fits into the site" with the embankment and existing landscaping to the south providing screening and wind sheltering.

Landscape, Layout and Access are also included as important considerations within this guide:

Landscape:

The development site is not apparent from any public roadway. The house sits within the site using the existing embankment and landscaping to its full potential. The traditional pitched roofs on the property will also sympathetically reflect surrounding rural buildings. The development will include new indigenous planting and landscaping which will mature to embrace the built environment. By planting local, native species this will encourage many additional benefits of creating habitats for wildlife. At present the site is a bland grassed area. The new planting will create a variety of opportunities for native flora and fauna to thrive. It is not a skyline development as the embankment and tree belt upon it provides an attractive backdrop. The scale of the development, whilst admittedly large is entirely appropriate and sympathetic. We would contend that the design has been informed by its surroundings and responds positively to it.

Layout:

As explained previously the topography and orientation has been carefully designed into the proposals in order to sit sympathetically within the current environment and to optimise passive environmental benefits. The embankment provides a natural shelter and expansive

views to the north fully embraced within the design. It forms a leg enclosing the pleasant and entrance courtyard.

Access:

Access to the site is by an existing mature tree-lined safe and pleasant meandering landscaped driveway of over 400 metres.

1.3 PAN 78 Inclusive

This Planning Advice Note provides advice on enabling everybody to be able to carry out everyday tasks with minimal difficulty. It advocates improving existing conditions where access issues or unnecessary barriers resulting in frustration, hardship or even complete exclusion for a significant proportion of our society (e.g. disabled, older people and children) exist. The design of the new house embraces this and ensures disabled access with a full suite of living accommodation readily accessible. From exiting one's vehicle in the garage one can access the entire substantial ground floor area of the house.

1.4 TAYplan Strategic Development Plan 2016-36 TAYplan

Policy 2: Shaping Better Quality Places:

This policy encourages a place led approach which seeks to ensure that new development is based on an understanding of place and is designed to complement and enhance how a place functions.

1.5 Angus Council Design & Placemaking Supplementary Guidance: October 2018.

Encourages the creation of attractive, safe, well designed sustainable development. In particular:

Policy 2: Shaping better quality places.

Policy 3: Design Quality and Placemaking of the Angus Local Development Plan.

These policies seek to contribute to the Council's vision that Angus is a great place to live, work and visit. This document states its ambition to protect and improve the natural and built environment and encourage sustainable development. It endorses developments which establish a sense of place and identity which will create opportunities for community cohesion. It recognises that any development must respect and respond to its local context encouraging it to make a positive contribution to the existing character of the area.

It ensures that any development is easy to access and move around.

It advocates good design through passive site planning principles to increase energy efficiency and sustainability. It also ultimately proposes that any new development provide an attractive and safe environment for residents and visitors.

This is ultimately achieved by:

- Understanding the Context
- Drawing upon the Positives
- Retaining a Sense of Place
- Reflecting local building styles and vernacular features to preserve and consolidate a sense of place.

The current application respects the original site boundary and also the layout of the dwelling houses within the site.

1.6 The Angus Local Development Plan (ALDP) Policies:

The Angus Local Development Plan (ALDP) Strategy has 3 elements to it:

PART 1: A presumption in favour of sustainable development. The Planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

PART 2: Directing the right development to the right place

PART 3: Creating high quality places

1.6.1 TC2 Residential Development

Policy TC2 is the policy central to this application. This policy refers to any proposed residential development and permits redevelopment of brownfield land that presents a significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The supplementary guidance associated with this policy states that:

'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).

We confirm that:

- The development proposal is for a secluded single dwelling house and associated office accommodation. The office accommodation allows for sustainable working practice.
- The site is a greenfield site. The development plot extends to approximately 3,820sq.m. which is below the acceptable limit of single house plots (4000sq.m.).

Policy TC3 (Affordable Housing) is negotiable in accordance with Angus Council stipulations.

1.6.2 Creating High Quality Places

1.6.2.1 DS1 Development Boundaries and Priorities

The development boundary is clearly defined existing stockproof fence-line to the North, East and West. To the south is a high embankment. Along this boundary is a line of silver birch trees. No trees are to be removed for the purpose of this development. The site is effectively bounded to the north and south by steeply sloping embankments.



View of raised planted embankment along south boundary



View of stockproof fence and falling topography along north boundary

1.6.2.2 DS2 Accessible Development

The new access road to the site will be a natural extension of the existing tree lined gravel access road to Hunters Lodges. This road leads to the tarmac road which links the A90 (Dundee to Aberdeen trunk road) to the south with the B957 (Kirriemuir to Finavon) to the north. There is currently a gravelled access road immediately into the development. There is no through route for public vehicular transport. The site will be accessed from the public tarmac road at an existing access point. The new access track from the lodges into the development site will be appropriate to countryside living. This will be an unfinished track with passing places will not be illuminated as this would create light pollution.

Good cycle routes into Kirriemuir, Forfar and the Angus countryside surround the site location.

1.6.2.3 DS3 Design Quality and Placemaking

The house has been designed in accordance with this policy advice and is appropriate for the rural location in terms of scale, form and appearance. The development is particularly sympathetic to a farm steading scale of development where there may be a conglomeration of buildings of different scale and uses within a steading. To reflect the steading concept the building has been broken down into three distinct uses and scale. The low gymnasium/entrance/utility block leads one into the site and the gables of the main living accommodation are positioned behind this low natural stone wing. The main living accommodation is deliberately located behind the western most block to break down the scale. Facing vehicles arriving at the site and forming the third element is the garage/office wing. This aspect of the development reflects the scale of a barn. There will be virtually no visible intrusion into the landscape as the entire development will be generally hidden from view due to the topography of the site. This courtyard feel when arriving at the development provides a sense of arrival and enhances placemaking.

The landscape into which the house sits is in the centre of undulating farmland on a small relatively flat area between two sloping embankments. This site is too small to farm effectively using modern machinery and is effectively a left-over space which has not been farmed for decades. It is therefore relevant that this can be considered a development site for an appropriate home.

The basic form of the development respects the preferred model advocated by Angus Council within their design guidance and incorporates traditional pitched roofs, gable ends and simple rectilinear openings with a vertical emphasis. We have ensured that the development (although necessarily quite large) is sympathetic to a rural setting but with a contemporary twist. The site layout produces feel of a visually compact group of buildings in the form of a countryside courtyard development.

The external materials will be natural slate roofs with natural stone (either 'Denfind' or local stone from demolitions), ivory coloured render and natural timber cladding punctuated with a sympathetic fenestration pattern. By utilising local materials and incorporating accepted design parameters this should ensure that the development contributes positively to the character and sense of place.

The development enjoys an integrated garage provision which has been designed to enhance the courtyard feel of the development. This provision also warrants that the bicycle and car parking requirements of the 'Angus Council' standards are easily complied with. The development is of course designed to permit disabled access and will be accessible to all providing a safe, accessible and attractive environment for all residents and visitors.

This site layout provides a countryside courtyard feel following the traditional rural form of a cluster of units around a hub emulating a traditional steading development. The embankment to the south provides a natural third 'arm' to the courtyard and provides a sense of enclosure. The courtyard form also provides an additional passive security measure as the accommodation overlooks the access courtyard providing active frontages and passive policing and reinforcing a sense of place.

The house is sufficiently remote from neighbours that there are no overlooking or overshadowing issues. The mature trees to the South of the site provide a natural visual barrier between the site and Coldstream Farm and beyond. The plot is also buffered on the eastern boundary with a landscaped strip to mediate between the new garden area and the fields beyond. The topography of the site provides a backdrop ensuring that there is no impact on the skyline as the development nestles into the countryside location.

1.6.2.4 DS4 Amenity

Air quality, noise and vibration, levels of light pollution, levels of odours, fumes and dust are all considerations which must be considered within this aspect of the application. The development itself is sufficiently remote from the nearest buildings that there will be no detrimental effect on them.

The current public access road allows for pantechnicons such as refuse and fire fighting vehicles safe access. The courtyard within the development allows for vehicles to turn; allowing entry and egress in a forward gear. Any refuse requirement from Angus Council regarding bin types and numbers will be respected to ensure recycling is encouraged.

The new development has been designed in such a manner that residential amenity of this new home and its distant neighbours has been respected in relation to overlooking, loss of privacy, outlook, sunlight, daylight and overshadowing.

The neighbouring 'Hunters Cabins' comprises of 3 detached self-catering family holiday accommodation Cedarwood cabins and one semi-detached unit. These five cabins comprise of one, two and three bedrooms providing a flexible booking provision. The cabin site accommodates 20 persons.

1.6.2.5 DS5 Developer Contributions

The Applicant will be guided by any subsequent negotiations with the Angus Council in relation to Developer Contributions. This is however a single-family dwelling house.

The office accommodation and security that the Applicants business provides to local employment in the area should also not be underestimated. The Applicant already provides a contribution to the local community and this development will provide the Applicant a better, more efficient working environment which ensures job security.

1.6.3 Natural Environment

1.6.3.1 PV1 Green Networks and Green Infrastructure

This policy prescribes that any new development is accompanied by '*an appropriate level and type of open space and that it is considered as an integral part of the overall design*'. As

can be seen from the application there is generous open space around the development extending uninterrupted in to the surrounding countryside.

Regarding green infrastructure the development will utilise modern energy saving devices potentially using ground source heat pumps and solar collectors (located on the garage wing roof).

Local materials will be utilised wherever possible to minimise environmental transport implications. Surface water will be dealt with through an effective SUDS and rainwater harvesting scheme designed by a specialist Engineer.

1.6.3.2 PV3 Access and Informal Recreation

The development provides a courtyard style development which provides safe open space with passive policing. There is generous open space around the building. The site is surrounded by open countryside which can be utilised for a variety of sporting, leisure and recreational activity. The view and open aspect of the site provides a strong selling point for the existing self-catering business.

1.6.3.3 PV5 Protected Species

We do not believe there to be any protected species resident on the site. The trees on the site are clustered in a wind break along the embankment along the southern boundary. These are deciduous with the majority being silver birch. The existing low-level scrub (gorse, broom, etc) which is sporadic across the site will be generally retained. The proposed surrounding soft landscaping of the development will seek to introduce new species and we would contend that this development will actually introduce habitat diversification and maintain biodiversity opportunity by enhancement of existing habitats.

1.6.3.4 PV6 Development in the Landscape

We would contend that the proposed residential use for the site is much more appropriate than the current use which is as an unused area. Although the proposal is for a large house in the countryside, its impact has been significantly reduced by keeping the scale low and locating it back from the embankment to the north of the site. It will generally not be seen from any public road or existing property. Only 'Esk Side Pony Stud' to the north west may be aware of its presence but this group of buildings is over 300metres from the development site. The nearest property to the south is approximately 190metres away and is unseen due to the embankment. We would therefore contend that residential use of this site is indeed an appropriate one and the design is sympathetic to the setting.

1.6.3.5 PV7 Woodland Trees and Hedges

The existing trees along the southern boundary are to be retained and are outwith the development boundary. No trees or hedges are to be removed in order to create this development. These will be supplemented by new planting of indigenous species. Additional trees are to be planted along the East boundary.

1.7 Angus Council Countryside Housing Supplementary Guidance, 2016

1.7.2 Within this document there is consideration noted given to "Large Country Houses". This policy requires several conditions to be met. These include:

- a) *'The proposals sit within a substantial area of landscaped ground which will be enhanced by additional planting with sympathetic species planting'*.

- The site area
- b) *This policy requires a 'building footprint exceeding 500sq.m'.*
The area of accommodation meets this. The house without the integral garage area is 501sq.m. Including the garage area, the development footprint is 636sq.m.
- c). We would contend that the proposed house makes a significant contribution to the architectural heritage of Angus. Whilst nestled into the landscape it is a quality intervention which will provide a positive contribution providing a contemporary family home. The materials used will be locally sourced where possible and energy saving technology will be used in the construction and operation of this new family home.

This policy has been written to ensure that any Application must ensure consideration of the exclusive nature of the development. The proposals tabled ensure that whilst the architectural language is contemporary the form follows a traditional cluster of farm buildings. The height has been deliberately restricted to ensure that it cannot be seen from any other permanently occupied residence in the local vicinity. The house is essentially accessed from a single level with only limited living accommodation located within the roof space. The upgraded access road, complete with new planting, will provide an grand avenue reinforcing the exclusive nature of the property and also the secluded situation. Once mature it will reflect, in miniature, that experienced when approaching a traditional grand house within an established country estate.

2.0 Assessment of Context

Although the site is undeniably in a countryside location it is also on a site that is remote and, due to the topography and established landscaping, difficult to see. The development has carefully considered the environment and its surroundings. To this end it reflects the scale and aesthetic of a countryside farm steading with a contemporary aesthetic. Accessed from an existing winding access road the site is obscured from the existing main road by a mature tree belt.

There are many new modern interventions into the countryside around this location. All of these take the varying forms of detached domestic residential properties. Other residential development in the area comprises an eclectic mix of architectural styles.

These include (refer to images):

- Tobees Court (modern: timber lining and slate roof),
- Tobees Black House (timber cladding),
- Tobees Farm Steading (traditional: stone and slate),
- Esk Side Pony Stud (a variety of buildings ranging from slate roofs and roughcast walls to steel clad buildings),
- South Esk Farm (modern: a two-storey property resembling a round topped barn utilising corrugated steel, timber and exposed steel structure);
- Ploverhall (Slate roof, white render and timber lining)
- The palatial Delfield House (roughcast, stone and slate roof).



Tobees Court, West view



Tobees Court, South view



Tobees Farm, Black House



Tobees Farm Steading



Esk Side Pony Stud



South Esk Farm and solar array



Ploverhall



Delfield House and Lodge

3.0 Summary

The site is not allocated for any specific purpose within the Angus Council LDP. This would presume that it must therefore fall under the provisions of Policy S1. Under Part 1 of this policy there is a presumption in favour of sustainable development. The Planning system should therefore support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

The courtyard type style of appropriate scale and with an attractive relevant design reinforces its justification. The preference to living in a rural location has been increased during this Covid-19 period which has encouraged working from home. This development will exemplify this as it also accommodates a working from home provision.

PAN 72 accepts that there *'will continue to be a need for new houses in the countryside and this demand will have to be accommodated'*. It accepts that the landscape is evolutionary, and is not an unchanging constant. The secluded nature and sympathetic design of the development along with the increased significant level of indigenous planting ensure that this countryside development is a minimal intervention. We would contend that the change is a positive one utilising a vacant area of ground for a meaningful new dwelling to house a single family and increase well-being of that family. Much thought has been given to the siting and design of this single new home. Although it is unquestionably a large family house in the countryside it will sit in its setting and embrace its surroundings to an extent that there will be no detrimental effect either visually or environmentally.

The house has been designed within policy advice employing common local materials and design features within a contemporary envelope. We would contend that the design is entirely appropriate for the rural location in terms of scale, form and appearance. The varying styles of recent new development in the surrounding area support this. The application proposes a development of an appropriate scale and character and will positively utilise an area of land which is currently unused for any meaningful purpose. The topography of the site has been carefully considered resulting in no risk of any impact on the character or amenity of the surrounding area. It also provides a small, but much needed, contribution to new high quality contemporary housing provision in the area.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

**APPLICATION FOR REVIEW – LAND 225M NORTH EAST OF HUNTERS
CABINS, JUSTINHAUGH, FORFAR**

APPLICATION NO 22/00305/FULL

APPLICANT'S SUBMISSION

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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 100499574-008

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	ARKTX		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fergus	Building Name:	
Last Name: *	Low	Building Number:	187
Telephone Number: *	01382 831557	Address 1 (Street): *	Strathmartine Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	Scotland
		Postcode: *	DD3 8BL
Email Address: *	enquiries@arktx.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="C4 Building"/>
First Name: *	<input type="text" value="Phil"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Milton"/>	Address 1 (Street): *	<input type="text" value="Gateway Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Gateway Business Park"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB12 3GA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="enquiries@arktx.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land Adjacent to Hunters Cabins, Justinhaugh, By Forfar, DD8 3SD"/>

Northing	<input type="text" value="757153"/>	Easting	<input type="text" value="346588"/>
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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 a Detached Dwelling House and Integrated Garage (Re-Application)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to Statement of Appeal

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

Yes No

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

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

1120/LOCF - LOCATION PLAN 1120/014F PROPOSED SITE PLAN 1120/016C PROPOSED ELEVATIONS 1120/018A PROPOSED GROUND FLOOR PLAN 1120/019A PROPOSED FIRST FLOOR PLAN 1120/020D OVERALL SITE LANDSCAPE PLAN APPLICATION FORM APPROPRIATE ASSESSMENT DESIGN AND ACCESS STATEMENT REFUSAL REPORT ON HANDLING SITE PHOTOGRAPHS STATEMENT OF APPEAL

Application Details

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

22/00305/FULL

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

20/04/2022

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

19/10/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Jennifer Middleton

Declaration Date: 18/01/2023

Proposed Erection of a Detached Dwelling House, Land 225metres NE of Hunters Cabins, Justinhaugh, Forfar

Application Ref No 22/00305/FULL

Statement of Appeal to Local Review Body

1.0 Decision to Refuse

After an extremely long and protracted period of consideration lasting 23 weeks a decision notice to Refuse the above application was received. There is only one reason for Refusal and this states:

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. It would not involve a large country house of such exceptional design quality that it would make a significant contribution to the architectural and landscape heritage of Angus.

2.0 Comments from Statutory consultees:

2.1: The 'handling of report' notes that there are no objections received from:
Community Council.

Roads (Traffic)

Scottish Water

Plant Protection Cadent

Scottish Environment Protection Agency – has no objection to the proposal on flood risk grounds.

NatureScot – has no objection to the proposal. Notes that there are natural heritage interests of international importance close to the site, but indicate that these will not be adversely affected by the proposal provided all work is carried out in accordance with an appropriate method statement that identifies site specific measures necessary to minimise the risk of pollution during construction. NatureScot indicates that an Appropriate Assessment requires to be carried out in light of potential impacts on the River South Esk Special Area of Conservation.

Flood Prevention Authority – there was no response from this consultee at the time of report preparation.

Health & Safety Executive – do not advise against the grant of planning permission.

2.2 Indeed the Application received a letter of representation in support of the development where the owner of the adjacent land considers the development to be of a *'suitable extent and quality in a largely secluded location'*.

3.0 Comment:

3.1 The Refusal notification states that the Application 'is not compatible with any of the circumstances where a new house in the countryside is permitted' and yet our Design and Access statement proves that this is incorrect as justifications have been

given for every relevant Clause within the LDP and beyond. This includes a comparative study of surrounding domestic dwellings recently Approved by Angus Council.

3.2 There is little of substantive merit within the Report of Handing that could justify Refusal. All aspects of the LDP have been addressed in the Design and Access Statement.

3.3 During the Planning process the Council did not accept the future business plans of the Applicant to take ownership of Hunters cabins and thereby provide an on-site residential presence for maintenance and operational purposes. This was accepted at the time however upon reflection it appears as if this has been used against the Applicant.

4.0 Design

4.1 The decision would appear to rely upon an opinion of what can be determined as 'exceptional design quality'. This must surely be a subjective opinion. As this Application is a re-application (the initial Application being Withdrawn due to discussions with the Planning Officer) we were guided by discussions with the Planning Service and ensured that the revised design was less obtrusive. The design is a contemporary design which sits well its environment. It will not be seen from any public road and the topography ensures that it will have no impact on the local surroundings or properties. The site topography and orientation has been carefully designed into the proposals in order to sit sympathetically within the current environment and to optimise passive environmental benefits. The embankment provides a natural shelter with expansive views to the north fully embraced within the design.

4.2 Whilst the report states that '*the proposed house could not be described as one which would make a significant contribution to the architectural and landscape heritage of Angus*' we would disagree completely. The building has been designed to sit in its environment. It is not flashy or overstated, nor is it a modern interpretation of a traditional (Georgian/ Edwardian) block form. The development owes its design concept to its surroundings and in particular is sympathetic to a farm steading scale of development where there may be a conglomeration of buildings of different scale and uses within a steading. To reflect the steading concept the building has been broken down into three distinct uses and scale. The basic form of the development respects the preferred model advocated by Angus Council within their design guidance (Countryside Housing Supplementary Guidance 2016) and incorporates traditional pitched roofs, gable ends and simple rectilinear openings with a vertical emphasis. It is however, a contemporary iteration which will be accepted through time as an important inclusion in the Angus countryside. Not because of the statement that it makes but by the refined nature of the language used and how it is embraced into the landscape. We have ensured that the development (although necessarily quite large) is sympathetic to a rural setting but with a contemporary twist. The site layout produces the feel of a visually compact group of buildings in the form of a countryside courtyard development.

4.3 This development will allow the Applicant to work from home creating a better work/life balance and wellbeing, vastly reducing their reliance on motor vehicles. As the local community are aware, the site is a vacant piece of land that has been threatened with unlawful occupation. By utilising this piece of land for a new single dwelling house of high architectural merit it would ensure that it could not be unlawfully occupied to the detriment of Hunters Cabins and surrounding environment.

5.0 Wildlife

The site at present would be rated as having a moderate ecological value due to the modified grassland habitat realising poor diversity potential. However, with the retention of good condition habitats (primarily the trees and embankment along north boundary) and the creation of high distinctiveness habitats, there is the potential for a substantial increase in biodiversity this Site. This new planting of indigenous species would actually enhance the Site's ecological value. Rather than the new dwelling being a threat to local wildlife, it is in reality a potential enhancer of the biodiversity of wildlife in and around the site.

6.0 Timescale:

6.1 The fact that this Application took virtually **23 weeks** (over 5 months) to be determined when there were no Objections (and indeed were supported by a letter in favour of the development) is a poor reflection of Angus Council being able to conduct business. During this time the Applicant was left uncertain over the direction of where they would live and potentially where to locate a business expansion programme for their expanding business (surely an unusual and commendable feat during these difficult times). The Applicants' letter of complaint to Head of Planning reinforces this and their confidence in investing in Angus is now shaken by this experience. Please refer to Appendix 1. By approving this Application Angus Council has the opportunity to ensure continued inward investment within the Council area as the catalyst in creating new jobs, etc resides at this location.

6.2 A brief resume of the processing of this includes a particularly galling discussion with the Planning Officer on 14th October who notified ARKTX that the Neighbour Notification fee had yet to be received and a decision could not be made until this was received. It was then left for ARKTX to pursue the Financial Department in order to resolve this as opposed to the matter being resolved internally. As one can see from the following schedule the fee had been received in June! This service was far from professional or efficient.

20 th April	Planning lodged
10 th May	Planning requested clarification. Response given
25 th May	Application formally registered.
2 nd June	Notification advert fee forwarded. Receipt received from Angus Council.
1 st July	Ownership issues clarified with Planning after request for information.
1 st July	Information issued after discussions with Planner to assist processing.
13 th July	Further information issued to Planner after telephone discussion.
24 th July	Original Determination date as stated by Angus Council.

- 27th July E-mail issued to Planning after several calls went unanswered.
- 4th August. Assurance from Planner that Application will be processed promptly now that he has returned from vacation.
- 17th August Letter of apology from Planning regarding the delay and informing ARKTX that the decision would be made by the end of the month.
- 14th October. Planner called to say that Notification fee had yet to be received and instructed ARKTX to pursue Finance. This was done and receipt from 2nd June produced.
- 19th October Refusal notice given. (8 weeks after letter of apology was received).

6.3 Having been verbally informed at the start of this re-application process that it was unlikely that approval would be granted there would appear to have been a pre-conceived decision made before the supporting information was even considered. The Design and Access statement carefully addresses each of the Angus Council requirements. Why, if the Planners mind was already set to Refuse did it take so long to process the Application? ARKTX have on record multiple calls to Planning Service that went unanswered and without a response throughout the Application period. Clearly the Applicant was concerned over time delays as it affected other aspects of their personal and business life.

6.4 This has proved to be an extremely stressful process for the Applicant who has set their heart on living in this location. The information submitted contends compliance with Angus Council requirements. The design is of sufficient architectural merit and has been designed to be unobtrusive; to sit and embrace its secluded surrounding environment.

7.0 Summary

We would contend that the Application meets with the principals and also the spirit of the Angus Council LDP. The dwelling house will be unseen from surrounding residential properties. The development will enhance biodiversity on the site. The building has been designed to ensure that it meets with a high quality of architectural merit. To state otherwise would be subjective and merely an unsupportable reason to Refuse as it is only an opinion. The high quality of local materials used in the development will ensure that it sits well in its environment. The documents submitted with this appeal demonstrate compliance and we would contend provide sufficient reason for the Local Review Body to Approve the development.

8.0 Appendix 1 – Text from Client’s Email of Complaint

Dated 27th September 2022, in response to email from Angus Council dated 26th September.

Dear Walter,

Thank you for your E mail update.

I am sure it comes as no surprise for you to hear that I am very disappointed to read there is a further delay, and we are now expected to wait until the end of October. I find this incredibly disappointing considering the Determination Deadline date was Sunday 24th July, we were then advised that we could expect to receive a decision by the end of August which has now been postponed to the end of October.

I appreciate that there can often be factors out with our immediate control that can lead to delays. However, with respect, the ongoing delays due to “higher-than-normal workloads generate due to shortages of staff” is having an adverse impact on my plans/timelines which has also led to a financial impact on me, how can this be fair? Surely the planning process and timelines provided as part of that process are there for a reason, to protect people from financial impact and provide certainty of dates? Not to mention the delay of a considerable financial investment and work for businesses in Angus when the build and associated costs are considered.

As the Chief Executive Officer of a business currently employing over 300 staff from across the UK, including several people from Angus and continuing to grow at pace, a head office in Aberdeen, and ongoing discussions with regards to our large scale internal and external storage requirements for our Well Decommissioning Equipment, including sites in Angus that are being considered. These sites would require further development to meet our requirements helping to create more jobs and investment in the chosen area. My current experience of the Angus Council planning process would give me concern that I would be unable to rely on the planning process and associated timings that could have a significant impact on my business plans. Something I will certainly be discussing further with my team in the coming days and adding this to our corporate risk register as part of our evaluation process of potential sites.

I would like to finish by saying, I would not have been able to grow the business from 5 employees in 2017 to over 300 today by letting my customers down in this way, missing several deadlines and then using an explanation of it is because we have “higher than normal workloads generated due to a shortage of staff”. My customers would quite rightly be saying, that simply is not good enough and what are you doing to resolve the delays and address future problems, that is if they continued to be customers!

So, I think it is only fair I ask you the same questions. How is this acceptable, how has this been allowed to happen and what is being done address this now and going forward or is the intent just to continue to deliver this level of service to the community? I am aware that this is not an isolated case and there are several others experiencing the same issue.

I am sorry I have had to resort to writing this E mail, but I feel I have been left with no other option. After all, how can I have any confidence that I will get a response/decision at the end of October as advised and not just experience further delays as we have experienced to date.

I look forward to hearing from you and would be more than happy to come into Angus Council Offices for a face-to-face meeting to discuss further if this would be deemed helpful in progressing this long overdue decision.

Regards

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 : 22/00305/FULL

To **Mr & Mrs Phil Milton**
c/o ARKTX
187 Strathmartine Road
Dundee
DD3 8BL

With reference to your application dated 25 May 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz.: -

Erection of a Dwellinghouse and Ancillary Works on Land 225M NE of Hunters Cabins Justinhaugh Forfar for Mr & Mrs Phil Milton

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

The reasons for the Council's decision are: -

1. The proposal is contrary to Policy 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. It would not involve a large country house of such exceptional design quality that it would make a significant contribution to the architectural and landscape heritage of Angus.

Amendments:

The application has not been subject of variation.

Dated this **19 October 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

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



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

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

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

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

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

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



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

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

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

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

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

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

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

PLANNING

Your experience with Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

OVERALL SATISFACTION: Overall satisfaction with the service:

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

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

OUTCOME: Outcome of the application:

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

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

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

Angus Council

Application Number:	22/00305/FULL
Description of Development:	Erection of a Dwellinghouse and Ancillary Works
Site Address:	Land 225M NE Of Hunters Cabins Justinhaugh Forfar
Grid Ref:	346396 : 756957
Applicant Name:	Mr & Mrs Phil Milton

Report of Handling**Proposal**

Planning permission is sought for the erection of a dwellinghouse and associated works on land adjacent to Hunters Cabins, Justinhaugh.

The proposed house would provide accommodation over two levels with a footprint of around 640sqm (500sqm excluding garaging). The dwelling would have a slate roof and external walls finished in a combination of natural stone, render and cladding. The application form indicates that the sites measures around 4000sqm in area and would utilise a public water supply, with private arrangements for foul drainage and sustainable drainage methods for surface water. The application form indicates that an existing access to the public road would be utilised, with 6 car parking spaces provided.

The site is located on a parcel of land which lies immediately to the north of a disused railway line and to the east of the Hunters Cabins development. The River South Esk lies immediately to the north of the site, at a significantly lower elevation.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 3 June 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

Planning application 21/00890/FULL for Erection of a Dwellinghouse and Ancillary Works on Land 225M NE of Hunters Cabins Justinhaugh Forfar was withdrawn on 8 March 2022.

Applicant's Case

The Design and Access Statement provides descriptive information relating to the proposal and provides a context of surrounding development. It includes an assessment of the proposal against government planning guidance, the development plan and associated supplementary guidance. It indicates that the proposed house supports the principle of sustainable development and contends that the proposal is consistent with the large country houses approach set out in supplementary guidance by providing a house with a footprint exceeding 500sqm which would make a significant contribution to the architectural heritage of Angus.

Consultations

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

Roads (Traffic) – has no objection to the proposal.

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

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

Scottish Environment Protection Agency – has no objection to the proposal on flood risk grounds.

NatureScot – has no objection to the proposal. Notes that there are natural heritage interests of international importance close to the site, but indicate that these will not be adversely affected by the proposal provided all work is carried out in accordance with an appropriate method statement that identifies site specific measures necessary to minimise the risk of pollution during construction. NatureScot indicates that an Appropriate Assessment requires to be carried out in light of potential impacts on the River South Esk Special Area of Conservation.

Flood Prevention Authority – there was no response from this consultee at the time of report preparation.

Health & Safety Executive – do not advise against the grant of planning permission.

Representations

1 letter of representation was received in support of the proposal

The letter of support indicates that the owner of the adjacent land considers the development to be of a suitable extent and quality in a largely secluded location.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS2 : Accessible Development
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value
Policy PV6 : Development in the Landscape
Policy PV7 : Woodlands, Trees and Hedgerows
Policy PV12 : Managing Flood Risk
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 (2016) provides further information on the detailed application of the policy, including proposals for the development of new large country houses.

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 a building group (the house would be around 200m from the nearest building);
- 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 attracts support from the supplementary guidance in relation to new large country houses.

The supplementary guidance indicates that *it is recognised that the terms of Policy TC2 may preclude the development of one-off substantial country houses (for the avoidance of doubt this does not include large houses in large gardens) which have the potential to contribute to the future architectural and landscape heritage of Angus.* The supplementary guidance also indicates that, as an exception to Policy TC2 and only in exceptional circumstances, Angus Council may support proposals for a new large country house where:

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

The supplementary guidance is clear that houses supported under this provision will only be permitted in exceptional circumstances. It is not intended to support large houses in large gardens in countryside locations. It envisages substantial country houses which would make a significant contribution to the architectural and landscape heritage of Angus.

The design statement describes the proposal as providing a countryside courtyard feel following the traditional rural form of a cluster of farm units around a hub emulating a traditional steading development. The proposed house has a large footprint and has a setting which could be augmented to provide a reasonable landscape context. However, the proposed house could not be described as one which would make a significant contribution to the architectural and landscape heritage of Angus. The proposed house contains some characteristics which are rural in nature, but others which are more suburban in nature e.g. elevations containing a cluttered mixture of external materials, a lack of simplicity, a top heavy roof design, and a suburban fenestration pattern. The majority of landscaping identified in the landscaping proposal is outside of the application site and not on land within the control of the applicant. The application proposes a large house in a large garden. It does not propose a large country house within a designed landscape framework which is what the policy and supplementary guidance envisages. The house design and landscaping proposal are not of such exceptional quality that they would make a significant contribution to the architectural and landscape heritage of Angus, and the proposal does not

attract support under this policy provision.

The principle of the dwelling proposed on this site does not comply with any of the circumstances which allow a new house in the countryside, and the proposal does not represent an exception of such design and landscape quality to merit support under the large country house test.

The proposal is 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 adjacent short term let cabins have a similar relationship with existing housing than they would to the proposed house. 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 have no significant direct or indirect impacts on cultural heritage and the roads service has no objection to the proposed access arrangements. 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 site is adjacent to the functional floodplain as illustrated on SEPA flood maps. SEPA has offered no objection in respect of flood risk due to the elevated location of the site above the adjacent river. While the site is classified as prime quality agricultural land, its loss for an alternative use raises no significant issues against Policy PV20 having regard to its size and its location contained between the disused railway embankment to the south and the steep slope which drops towards the river to the north. The proposal raises no significant issues when considered against the Appendix 3 Countryside Housing Development Criteria contained within the supplementary guidance.

The site is located close to the River South Esk which is designated as a Special Area of Conservation (SAC) for its internationally important populations of Atlantic salmon and freshwater pearly mussel. NatureScot has been consulted on the proposal but has indicated that the SAC will not be adversely affected by the proposal provided all work is carried out in accordance with an appropriate method statement that identifies the site specific measures necessary to minimise the risk of pollution during construction. A planning condition could be used to secure a suitable method statement were the proposal otherwise acceptable. An appropriate assessment of the proposal has been carried out and has concluded that, with appropriate mitigation, the proposal would not adversely affect the integrity of the River South Esk SAC.

While the proposal raises no significant issues against the detailed criteria set out in Policy TC2 and associated supplementary guidance, 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 and to the content of Scottish Planning Policy (SPP).

In relation to matters raised in the representation, it is accepted that the house is proposed in a location which benefits from some screening from the disused railway line and the planting it contains. The design of the proposed house contains some characteristics which would be acceptable for a house in a countryside location and others which are less appropriate.

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 greenfield site, outwith a settlement and where there are no services and very infrequent public

transport services 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. It proposes a large house on a large plot, and is not a large country house of such exceptional design quality that it would make a significant contribution to the architectural and landscape heritage of Angus. 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. It would not involve a large country house of such exceptional design quality that it would make a significant contribution to the architectural and landscape heritage of Angus.

Notes:

Case Officer: Walter Wyllie
Date: 13 October 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 DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

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 PV4 : Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- o an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- o there are no alternative solutions; and
- o there are imperative reasons of overriding public interest, including those of social or economic nature; and
- o compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice* on the types of appropriate information and safeguards to be provided in support of planning applications.

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- o the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- o any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- o mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

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

* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk

Policy PV5 : Protected Species

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

European Protected Species

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

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

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

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

Policy PV6 : Development in the Landscape

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

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

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

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- o potential cumulative effects with any other relevant proposal are considered to be acceptable;
- and
- o mitigation measures and/or reinstatement are proposed where appropriate.

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

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

Policy PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

Policy 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.

ITEM 5i



SCHEDULE OF ACCOMMODATION & DATA	
DETACHED 1 & 1.5 STOREY DWELLINGHOUSE	
3 No. BEDROOMS	
3 No. W.C.	
3 No. ENSUITES	
DWELLINGHOUSE FOOTPRINT - 500.6m ²	

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
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Project Title
 PROPOSED NEW DWELLING HOUSE
 AT
 LAND ADJACENT TO HUNTERS CABINS
 JUSTINHAUGH BY FORFAR
 FOR
 MR & MRS MILTON

Element
 PROPOSED GROUND FLOOR PLAN

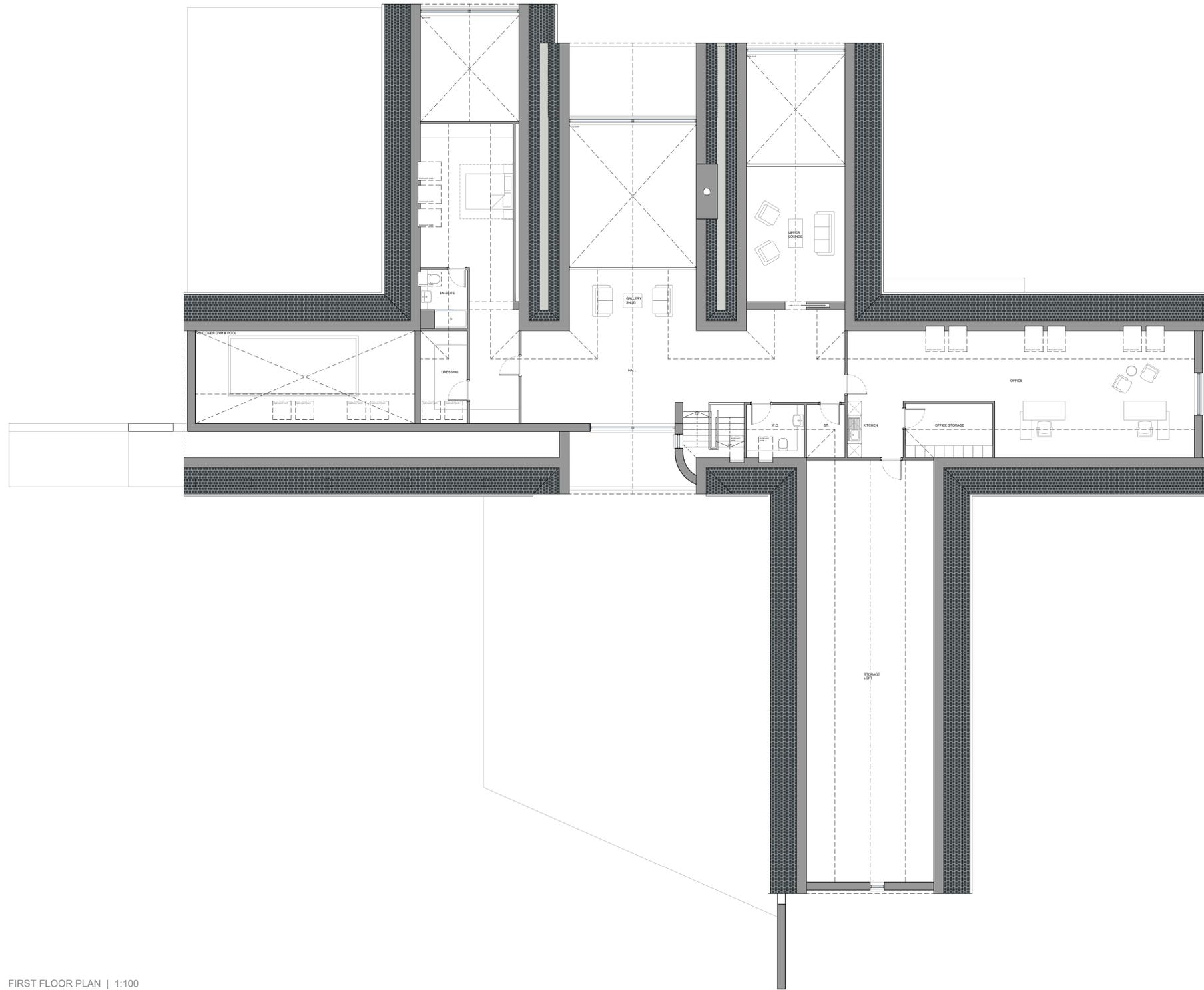
Date 04.2022	Drawn By. FML
Scale 1:100 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Rev. A
Type P	Drawing No. 015

GROUND FLOOR PLAN | 1:100



Project No. 1120	Drawing No. 019	Rev. A
Rev Date A 04.2022	Amendment LAYOUT UPDATED	

ITEM 5ii



FIRST FLOOR PLAN | 1:100

SCHEDULE OF ACCOMMODATION & DATA
DETACHED 1.5 STOREY DWELLINGHOUSE
3 No. BEDROOMS
3 No. W.C.
3 No. ENSUITES
DWELLINGHOUSE FOOTPRINT - 500.6m ²

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Element
PROPOSED FIRST FLOOR PLAN

Date 04.2022	Drawn By. FML
Scale 1:100 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Rev. A
Type P	Drawing No. 019



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Project No. 1120	Drawing No. 016	Rev. C
Rev Date	Amendment	
A 11.2021	SCALE BAR UPDATED	
B 04.2022	DESIGN UPDATED	
C 05.2022	DOOR SPEC ADDED & UPDATED	



EAST ELEVATION | 1:100



NORTH ELEVATION | 1:100



WEST ELEVATION | 1:100



SOUTH ELEVATION | 1:100

MATERIAL SPECIFICATION

- ROOF -**
NATURAL SLATE TILES
- WALLS & COPING STONES -**
NATURAL STONE.
DRY EFFECT WITH BACK BEDDED MORTAR
- PRECAST CONCRETE CILLS.**
COLOUR: TINTED TO MATCH STONE
- FIBRE CEMENT CLADDING.**
COLOUR: GREY BROWN
- SOFFITS & FASCIAS -**
FIBRE CEMENT BOARD.
COLOUR: SLATE GREY
- WINDOWS -**
TIMBER ALUCLAD FRAME.
DOUBLE GLAZED UNITS.
COLOUR: ANTHRACITE
- SLIDING DOORS & BACKDOOR -**
TIMBER ALUCLAD FRAME.
DOUBLE GLAZED UNITS.
COLOUR: ANTHRACITE
- BIFOLD DOORS -**
ALUMINIUM FRAME.
DOUBLE GLAZED UNITS.
COLOUR: ANTHRACITE
- FRONT PIVOT DOOR -**
METAL FRAME.
INSULATED PANEL PIVOT DOOR.
FRAME COLOUR: ANTHRACITE
DOOR COLOUR: GREY BROWN
- EXTERNAL STORE DOOR -**
TIMBER FRAME.
FIBRE CEMENT CLADDING.
COLOUR: GREY BROWN
- RAINWATER GOODS -**
PPC ALUMINIUM.
COLOUR: BLACK
- GARAGE DOOR -**
ROLLER SHUTTER.
COLOUR: ANTHRACITE

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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MR & MRS MILTON

Element
PROPOSED ELEVATIONS

Date 11.2021	Drawn By. FML
Scale 1:100 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Type P
Drawing No. 016	Rev. C





LANDSCAPE SURFACE LEGEND	
	EXISTING 'BLAES' DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE.
	PROPOSED 'BLAES' EXTENDED DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE TO MATCH EXISTING.
	EXISTING DRIVEWAY ACCESS FROM ROAD - POROUS CONCRETE BLOCK COLOUR: GREY.
	ENTRANCE COURTYARD - LAIRD PROPERM POROUS CONCRETE BLOCK (200x100x60) COLOUR: BUFF.
	PEDESTRIAN & PATIO AREAS - LAIRD STANDARD RIVEN FLAGS (600x600x60) COLOUR: BUFF.
	PROPOSED MASONRY WALL - NATURAL STONE LAID IN RANDOM RUBBLE PATTERN. DRY EFFECT WITH BACK BEDDED MORTAR.
	EXISTING BUILDING.
	PROPOSED HEDGE - BUXUS/CARPINUS BETULUS HEDGE PLANTED @ 71LN m IN A DOUBLE STAGGERED ROW WITH CENTRAL TIMBER POST & WIRE FENCE.
	PROPOSED AMENITY GRASS TURFED AREA.
	PROPOSED MIXED GRASS/WILDFLOWER SEEDING AREA. 5g/m².
	PROPOSED TREE PLANTING. DECIDUOUS SPECIES TO MATCH EXISTING PLANTING. ROOTBALLED & UNDERGROUND GUYED.
	EXISTING GRASS TURFED AREA.
	EXISTING TREE TO BE RETAINED.
	EXISTING MATURE PLANTED AREA.
	EXISTING MATURE HEDGROW AT DELFIELD HOUSE BOUNDARY.
	EXISTING MATURE PLANTED AREA AT LOWER LEVEL.

Project No.	Drawing No.	Rev.
1120	014	F

Rev Date	Amendment
A 11.2021	SITE BOUNDARY UPDATED
B 04.2022	LAYOUT & SCALE UPDATED
C 05.2022	SITE BOUNDARY AMENDED
D 05.2022	SITE BOUNDARY AMENDED
E 06.2022	SITE OWNERSHIP AMENDED
F 07.2022	SITE OWNERSHIP NOTES UPDATED BLUE LINE & SITE NOTES REMOVED

ITEM 5iv

SITE DATA
DWELLINGHOUSE & OFFICE PLOT -
SITE AREA: 3820m²
HOUSE FOOTPRINT: 501m²
GARAGE FOOTPRINT: 135m²
PLOT COVERAGE: 13.1%
PLOT COVERAGE (GARAGE INCLUSIVE): 16.6%
GROSS INTERNAL FLOOR AREA: 684m²
GARAGE INTERNAL FLOOR AREA: 120m²

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

CONTRACTOR NOT TO SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
 e : enquiries@arktx.co.uk

Project Title
 PROPOSED NEW DWELLING HOUSE
 AT
 LAND ADJACENT TO HUNTERS CABINS
 JUSTINHAUGH BY FORFAR
 FOR
 MR & MRS MILTON

Element
 PROPOSED SITE PLAN

Date	11.2021	Drawn By	FML
Scale	1:200 @ A1	CAD Ref.	NEW BUILD
Project No.	1120	Type	P
Drawing No.	014	Rev.	F

SITE PLAN | 1:200

014_PROPOSED SITE PLAN | A1



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Project No. 1120	Drawing No. 020	Rev. D
Rev Date	Amendment	
A 05.2022	SITE BOUNDARY AMENDED	
B 05.2022	SITE BOUNDARY AMENDED	
C 06.2022	SITE OWNERSHIP NOTES UPDATED	
D 07.2022	BLUE LINE & SITE NOTES REMOVED	

ITEM 5v



SITE DATA
DWELLINGHOUSE & OFFICE PLOT -
SITE AREA: 3820m ²
HOUSE FOOTPRINT: 501m ²
GARAGE FOOTPRINT: 135m ²
PLOT COVERAGE: 13.1%
PLOT COVERAGE (GARAGE INCLUSIVE): 16.6%
GROSS INTERNAL FLOOR AREA: 684m ²
GARAGE INTERNAL FLOOR AREA: 120m ²

LANDSCAPE SURFACE LEGEND	
EXISTING 'BLAES' DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE.	PROPOSED AMENITY GRASS TURFED AREA.
PROPOSED 'BLAES' EXTENDED DRIVEWAY SURFACE - CRUSHED ROCK ROAD SURFACE TO MATCH EXISTING.	PROPOSED MIXED GRASS/WILDFLOWER SEEDING AREA 5g/m ² .
EXISTING DRIVEWAY ACCESS FROM ROAD - POROUS CONCRETE BLOCK COLOUR: GREY.	PROPOSED TREE PLANTING DECIDUOUS SPECIES TO MATCH EXISTING PLANTING ROOTBALLED & UNDERGROUND GUYED.
ENTRANCE COURTYARD - LAIRD PROPERM POROUS CONCRETE BLOCK (200x100x60) COLOUR: BUFF.	EXISTING GRASS TURFED AREA.
PEDESTRIAN & PATIO AREAS - LAIRD STANDARD RIVEN FLAGS (600x600x60) COLOUR: BUFF.	EXISTING TREE TO BE RETAINED.
PROPOSED MASONRY WALL - NATURAL STONE LAID IN RANDOM RUBBLE PATTERN. DRY EFFECT WITH BACK BEDDED MORTAR.	EXISTING MATURE PLANTED AREA.
EXISTING BUILDING.	EXISTING MATURE HEDGROW AT DELFIELD HOUSE BOUNDARY.
PROPOSED HEDGE - BUXUS/CARPINUS BETULUS HEDGE PLANTED @ 7/LIN m IN A DOUBLE STAGGERED ROW WITH CENTRAL TIMBER POST & WIRE FENCE.	EXISTING MATURE PLANTED AREA AT LOWER LEVEL.

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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t : 01382 831557 f : 01382 831558
e : enquiries@arktx.co.uk

Project Title
PROPOSED NEW DWELLING HOUSE AT LAND ADJACENT TO HUNTERS CABINS JUSTINHAUGH BY FORFAR FOR MR & MRS MILTON

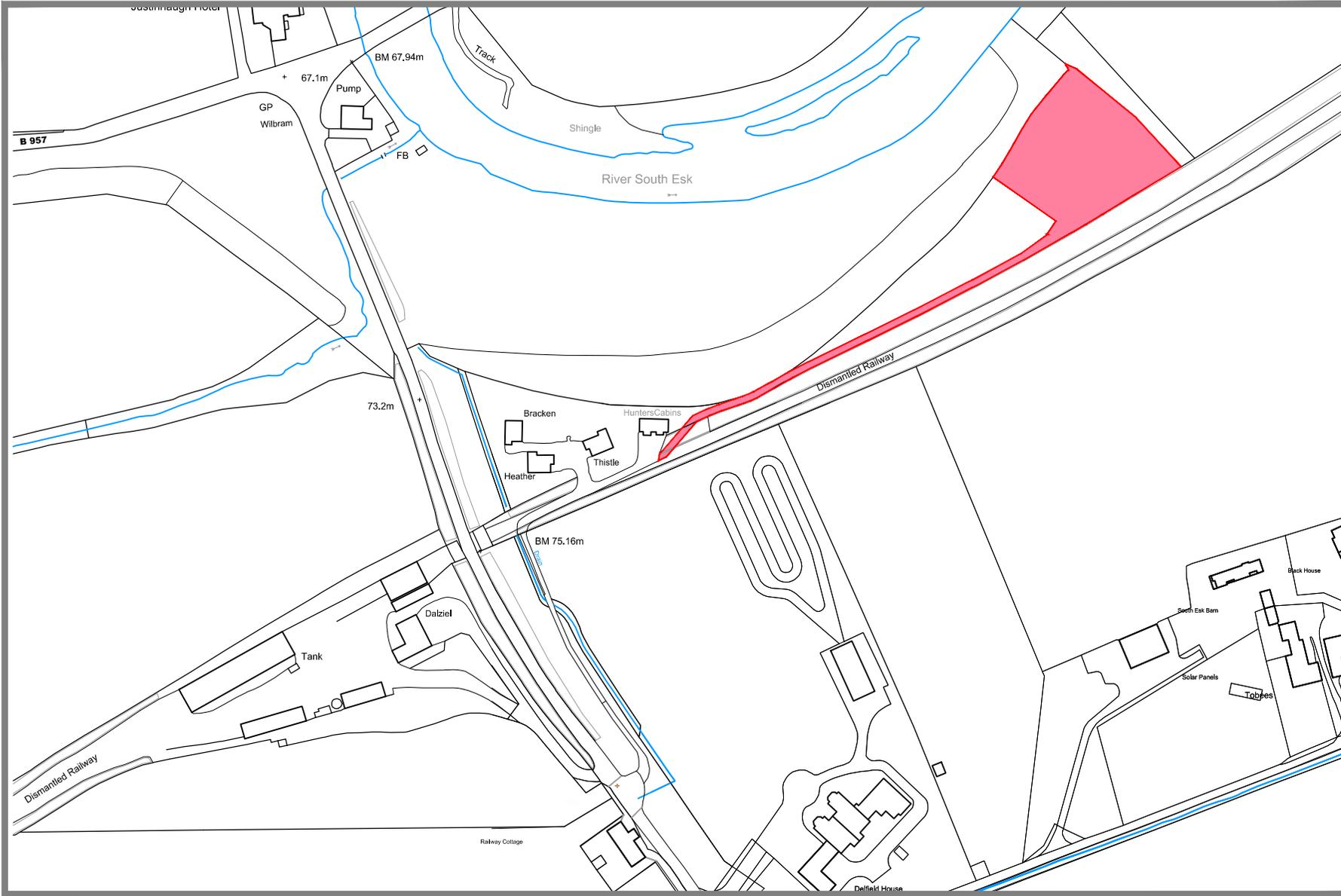
Element
OVERALL SITE LANDSCAPE PLAN

Date 11.2021	Drawn By FML
Scale 1:500 @ A1	CAD Ref. NEW BUILD
Project No. 1120	Type P
Drawing No. 020	Rev. D



SITE PLAN | 1:500
020_OVERALL SITE LANDSCAPE PLAN | A1

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Project No.	Drawing No.	Rev.
1120	LOC	F

Rev.	Date	Amendment
A	11/2021	SITE BOUNDARY UPDATED
B	04/2022	SITE LAYOUT & BOUNDARY AMENDED
C	05/2022	SITE BOUNDARY AMENDED
D	05/2022	SITE BOUNDARY AMENDED
E	06/2022	SITE OWNERSHIP NOTES UPDATED
F	07/2022	BLUE AREA & SITE NOTES REMOVED

ITEM 5vi

DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

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Project Title
 PROPOSED NEW DWELLING HOUSE
 AT
 LAND ADJACENT TO HUNTERS CABINS
 JUSTINHAUGH BY FORFAR
 FOR
 MR & MRS MILTON

Element
 LOCATION PLAN

Date	Drawn By	
11/2021	PM	
Scale	CAD Ref.	
1:2500 @ A4	NEW BUILD	
Project No.	Drawing No.	Rev.
1120	P	F

LOC_LOCATION PLAN | A4 | 1:2500



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22/00305/FULL

**Erection of a Dwellinghouse and Ancillary Works at Land 225M NE Of Hunters Cabins
Justinhaugh Forfar.**

Site Photos



View from cabins to site looking north east



View from north boundary to River Esk looking north



View from site to cabins looking south west



View from site to cabins looking south west



View of cabins from road adjacent to Esk Side Pony Stud looking south east



View of eastern boundary looking north east



View of former embankment looking north east



View of former railway embankment looking south



View of site from road adjacent to Esk Side Pony Stud looking south east



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 100499574-004

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 a Detached Dwelling House and Integrated Garage (Re-Application)

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	ARKTX		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fergus	Building Name:	
Last Name: *	Low	Building Number:	187
Telephone Number: *	01382 831557	Address 1 (Street): *	Strathmartine Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dundee
Fax Number:		Country: *	Scotland
		Postcode: *	DD3 8BL
Email Address: *	enquiries@arktx.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	C4 Building
First Name: *	Phil	Building Number:	
Last Name: *	Milton	Address 1 (Street): *	Gateway Crescent
Company/Organisation		Address 2:	Gateway Business Park
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB12 3GA
Fax Number:			
Email Address: *	enquiries@arktx.co.uk		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land Adjacent to Hunters Cabins, Justinhaugh, By Forfar, DD8 3SD

Northing

757153

Easting

346588

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

3998.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Grazing Land

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

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)? *

6

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

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

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

What private arrangements are you proposing? *

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

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

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

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

Septic Tank

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

4No Bins to be located within the garage

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

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? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Robert Campbell

Address:

Hunters Cabins, Justinhaugh, By Forfar, Angus, Scotland, DD8 3SQ

Date of Service of Notice: *

20/04/2022

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Fergus Low

On behalf of: Mr & Mrs Phil Milton

Date: 20/04/2022

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? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

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

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Jennifer Middleton

Declaration Date: 20/04/2022

Proposed New Detached House and Office Space

at Justinhaugh, Angus,

For: Mr & Mrs P Milton

Design and Access Statement



Report prepared by:

Fraser Middleton
MA Town & Country Planning
B.Arch (hons)
BSc Environmental Studies



**187 Strathmartine Road
Dundee**

DD3 8BL

April 2022

Design and Access Statement

Contents:

1.0 Design Guidance and Best Practice

- 1.1 PAN 67 Housing Quality
- 1.2 PAN 72 Housing in the Countryside
- 1.3 PAN 78 Inclusive
- 1.4 TAYplan Strategic Development Plan 2016-36 TAYplan
- 1.5 Angus Council Design and Placemaking Supplementary Guidance
- 1.6 The Angus Local Development Plan (ALDP) Policies
- 1.7 Angus Council Design and Placemaking Supplementary Guidance 2018: Policies 2 and 3.

2.0 Assessment of Context

3.0 Summary

1.0 Design Guidance and Best Practice

There are a number of policy documents that require to be considered. The proposal has been designed in the context of local and national best practice recommendations including:

- 1.1 PAN 67 Housing Quality
- 1.2 PAN 78 Inclusive
- 1.3 TAYplan Strategic Development Plan 2016-36 TAYplan Policy 2: Shaping Better Quality Places
- 1.4 Angus Council Design and Placemaking Supplementary Guidance 2018
- 1.5 The Angus Local Development Plan (ALDP) Policies:
 - 1.5.1 TC2 Residential Development
 - 1.5.2 Creating High Quality Places
 - 1.5.2.1 DS1 Development Boundaries and Priorities
 - 1.5.2.2 DS2 Accessible Development
 - 1.5.2.3 DS3 Design Quality and Placemaking
 - 1.5.2.4 DS4 Amenity
 - 1.5.2.5 DS5 Developer Contributions
 - 1.5.3 Natural Environment
 - 1.5.3.1 PV1 Green Networks and Green Infrastructure
 - 1.5.3.2 PV3 Access and Informal Recreation
 - 1.5.3.3 PV5 Protected Species
 - 1.5.3.4 PV6 Development in the Landscape
 - 1.5.3.5 PV7 Woodland Trees and Hedges
- 1.6 Angus Council Countryside Housing Supplementary Guidance, 2016 (Essential Workers and Large Country Houses).

1.1 PAN 67: Housing Quality

This Planning Advice Note identifies the key aims of new housing developments to create social justice, economic competitiveness and environmental quality. It advocates that any development of housing should be distinctive, safe and pleasant, easy to get to and move around, welcoming, adaptable and resource efficient.

1.2 PAN 72: Housing in the Countryside

This Planning Advice note covers fundamental design principles which require to be taken into account. Its purpose is to *'create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions'*. It is important to note that this application is for a new family home and is not a second home, a holiday let or for rented purposes.

Policy in SPP 3: Planning for Housing; anticipates that most new housing will be located in towns and villages, but also accepts that given the significant changes in farming and the rural economy, new housing outwith existing settlements will have a part to play in economic

regeneration in rural areas. This Application gels with this opinion providing a new family home on a secluded, appropriate site. Particular requirements are listed as being essential to ensure the success of a development integrating well into its countryside setting.

- **Distinctive:** This recognises that *'Development which does not undermine the identity of rural areas should be supported'*. As there are a number of detached individually designed properties within the local area this addition is entirely sympathetic with development in the area and will certainly not undermine the rural identity as it cannot be viewed from any public road.
- **Safe and Pleasant:** By moving to this countryside location, it will encourage better well-being for the Applicant's family providing a healthier and less frenetic lifestyle. The design of this large new countryside home provides several different areas and character for the family to enjoy. As the development is approached and entered by an existing private mature tree lined driveway this provides a contained and safe environment. The design will seek 'Secure By Design' accreditation.
- **Easy to get Around:** As those living in the countryside dwellers rely on good accessibility to conduct their day-to-day lives the site is well serviced by local access roads. This encourages cycling and the use of public transport. The reality of life in many rural areas however dictates the use of a private car as an essential requirement.
- **Welcoming:** By entering the development by travelling along an existing quiet tree lined avenue with expansive long views of the surrounding countryside a feeling of expectancy arises with the impressive new house providing the sense of arrival climax at the end of the journey.
- **Adaptable:** The design of the new house allows for plenty of scope to adapt and convert areas at a later date should the need be identified. As the house is largely on a single level there is no problem for disabled access throughout being embraced.
- **Resource Efficient:** This new home will be constructed using contemporary sustainable building materials and practices. It will embrace energy efficient technology minimising fuel usage and running costs. The building is orientated to ensure optimum passive environmental gains through solar collectors, etc. Its low, essentially single storey profile means that the property "fits into the site" with the embankment and existing landscaping to the south providing screening and wind sheltering.

Landscape, Layout and Access are also included as important considerations within this guide:

Landscape:

The development site is not apparent from any public roadway. The house sits within the site using the existing embankment and landscaping to its full potential. The traditional pitched roofs on the property will also sympathetically reflect surrounding rural buildings. The development will include new indigenous planting and landscaping which will mature to embrace the built environment. By planting local, native species this will encourage many additional benefits of creating habitats for wildlife. At present the site is a bland grassed area. The new planting will create a variety of opportunities for native flora and fauna to thrive. It is not a skyline development as the embankment and tree belt upon it provides an attractive backdrop. The scale of the development, whilst admittedly large is entirely appropriate and sympathetic. We would contend that the design has been informed by its surroundings and responds positively to it.

Layout:

As explained previously the topography and orientation has been carefully designed into the proposals in order to sit sympathetically within the current environment and to optimise passive environmental benefits. The embankment provides a natural shelter and expansive

views to the north fully embraced within the design. It forms a leg enclosing the pleasant and entrance courtyard.

Access:

Access to the site is by an existing mature tree-lined safe and pleasant meandering landscaped driveway of over 400 metres.

1.3 PAN 78 Inclusive

This Planning Advice Note provides advice on enabling everybody to be able to carry out everyday tasks with minimal difficulty. It advocates improving existing conditions where access issues or unnecessary barriers resulting in frustration, hardship or even complete exclusion for a significant proportion of our society (e.g. disabled, older people and children) exist. The design of the new house embraces this and ensures disabled access with a full suite of living accommodation readily accessible. From exiting one's vehicle in the garage one can access the entire substantial ground floor area of the house.

1.4 TAYplan Strategic Development Plan 2016-36 TAYplan

Policy 2: Shaping Better Quality Places:

This policy encourages a place led approach which seeks to ensure that new development is based on an understanding of place and is designed to complement and enhance how a place functions.

1.5 Angus Council Design & Placemaking Supplementary Guidance: October 2018.

Encourages the creation of attractive, safe, well designed sustainable development. In particular:

Policy 2: Shaping better quality places.

Policy 3: Design Quality and Placemaking of the Angus Local Development Plan.

These policies seek to contribute to the Council's vision that Angus is a great place to live, work and visit. This document states its ambition to protect and improve the natural and built environment and encourage sustainable development. It endorses developments which establish a sense of place and identity which will create opportunities for community cohesion. It recognises that any development must respect and respond to its local context encouraging it to make a positive contribution to the existing character of the area.

It ensures that any development is easy to access and move around.

It advocates good design through passive site planning principles to increase energy efficiency and sustainability. It also ultimately proposes that any new development provide an attractive and safe environment for residents and visitors.

This is ultimately achieved by:

- Understanding the Context
- Drawing upon the Positives
- Retaining a Sense of Place
- Reflecting local building styles and vernacular features to preserve and consolidate a sense of place.

The current application respects the original site boundary and also the layout of the dwelling houses within the site.

1.6 The Angus Local Development Plan (ALDP) Policies:

The Angus Local Development Plan (ALDP) Strategy has 3 elements to it:

- PART 1: A presumption in favour of sustainable development. The Planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.
- PART 2: Directing the right development to the right place
- PART 3: Creating high quality places

1.6.1 TC2 Residential Development

Policy TC2 is the policy central to this application. This policy refers to any proposed residential development and permits redevelopment of brownfield land that presents a significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The supplementary guidance associated with this policy states that:

'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).

We confirm that:

- The development proposal is for a secluded single dwelling house and associated office accommodation. The office accommodation allows for sustainable working practice.
- The site is a greenfield site. The development plot extends to approximately 3,820sq.m. which is below the acceptable limit of single house plots (4000sq.m.).

Policy TC3 (Affordable Housing) is negotiable in accordance with Angus Council stipulations.

1.6.2 Creating High Quality Places

1.6.2.1 DS1 Development Boundaries and Priorities

The development boundary is clearly defined existing stockproof fence-line to the North, East and West. To the south is a high embankment. Along this boundary is a line of silver birch trees. No trees are to be removed for the purpose of this development. The site is effectively bounded to the north and south by steeply sloping embankments.



View of raised planted embankment along south boundary



View of stockproof fence and falling topography along north boundary

1.6.2.2 DS2 Accessible Development

The new access road to the site will be a natural extension of the existing tree lined gravel access road to Hunters Lodges. This road leads to the tarmac road which links the A90 (Dundee to Aberdeen trunk road) to the south with the B957 (Kirriemuir to Finavon) to the north. There is currently a gravelled access road immediately into the development. There is no through route for public vehicular transport. The site will be accessed from the public tarmac road at an existing access point. The new access track from the lodges into the development site will be appropriate to countryside living. This will be an unfinished track with passing places will not be illuminated as this would create light pollution.

Good cycle routes into Kirriemuir, Forfar and the Angus countryside surround the site location.

1.6.2.3 DS3 Design Quality and Placemaking

The house has been designed in accordance with this policy advice and is appropriate for the rural location in terms of scale, form and appearance. The development is particularly sympathetic to a farm steading scale of development where there may be a conglomeration of buildings of different scale and uses within a steading. To reflect the steading concept the building has been broken down into three distinct uses and scale. The low gymnasium/entrance/utility block leads one into the site and the gables of the main living accommodation are positioned behind this low natural stone wing. The main living accommodation is deliberately located behind the western most block to break down the scale. Facing vehicles arriving at the site and forming the third element is the garage/office wing. This aspect of the development reflects the scale of a barn. There will be virtually no visible intrusion into the landscape as the entire development will be generally hidden from view due to the topography of the site. This courtyard feel when arriving at the development provides a sense of arrival and enhances placemaking.

The landscape into which the house sits is in the centre of undulating farmland on a small relatively flat area between two sloping embankments. This site is too small to farm effectively using modern machinery and is effectively a left-over space which has not been farmed for decades. It is therefore relevant that this can be considered a development site for an appropriate home.

The basic form of the development respects the preferred model advocated by Angus Council within their design guidance and incorporates traditional pitched roofs, gable ends and simple rectilinear openings with a vertical emphasis. We have ensured that the development (although necessarily quite large) is sympathetic to a rural setting but with a contemporary twist. The site layout produces feel of a visually compact group of buildings in the form of a countryside courtyard development.

The external materials will be natural slate roofs with natural stone (either 'Denfind' or local stone from demolitions), ivory coloured render and natural timber cladding punctuated with a sympathetic fenestration pattern. By utilising local materials and incorporating accepted design parameters this should ensure that the development contributes positively to the character and sense of place.

The development enjoys an integrated garage provision which has been designed to enhance the courtyard feel of the development. This provision also warrants that the bicycle and car parking requirements of the 'Angus Council' standards are easily complied with. The development is of course designed to permit disabled access and will be accessible to all providing a safe, accessible and attractive environment for all residents and visitors.

This site layout provides a countryside courtyard feel following the traditional rural form of a cluster of units around a hub emulating a traditional steading development. The embankment to the south provides a natural third 'arm' to the courtyard and provides a sense of enclosure. The courtyard form also provides an additional passive security measure as the accommodation overlooks the access courtyard providing active frontages and passive policing and reinforcing a sense of place.

The house is sufficiently remote from neighbours that there are no overlooking or overshadowing issues. The mature trees to the South of the site provide a natural visual barrier between the site and Coldstream Farm and beyond. The plot is also buffered on the eastern boundary with a landscaped strip to mediate between the new garden area and the fields beyond. The topography of the site provides a backdrop ensuring that there is no impact on the skyline as the development nestles into the countryside location.

1.6.2.4 DS4 Amenity

Air quality, noise and vibration, levels of light pollution, levels of odours, fumes and dust are all considerations which must be considered within this aspect of the application. The development itself is sufficiently remote from the nearest buildings that there will be no detrimental effect on them.

The current public access road allows for pantechnicons such as refuse and fire fighting vehicles safe access. The courtyard within the development allows for vehicles to turn; allowing entry and egress in a forward gear. Any refuse requirement from Angus Council regarding bin types and numbers will be respected to ensure recycling is encouraged.

The new development has been designed in such a manner that residential amenity of this new home and its distant neighbours has been respected in relation to overlooking, loss of privacy, outlook, sunlight, daylight and overshadowing.

The neighbouring 'Hunters Cabins' comprises of 3 detached self-catering family holiday accommodation Cedarwood cabins and one semi-detached unit. These five cabins comprise of one, two and three bedrooms providing a flexible booking provision. The cabin site accommodates 20 persons.

1.6.2.5 DS5 Developer Contributions

The Applicant will be guided by any subsequent negotiations with the Angus Council in relation to Developer Contributions. This is however a single-family dwelling house.

The office accommodation and security that the Applicants business provides to local employment in the area should also not be underestimated. The Applicant already provides a contribution to the local community and this development will provide the Applicant a better, more efficient working environment which ensures job security.

1.6.3 Natural Environment

1.6.3.1 PV1 Green Networks and Green Infrastructure

This policy prescribes that any new development is accompanied by *'an appropriate level and type of open space and that it is considered as an integral part of the overall design'*. As

can be seen from the application there is generous open space around the development extending uninterrupted in to the surrounding countryside.

Regarding green infrastructure the development will utilise modern energy saving devices potentially using ground source heat pumps and solar collectors (located on the garage wing roof).

Local materials will be utilised wherever possible to minimise environmental transport implications. Surface water will be dealt with through an effective SUDS and rainwater harvesting scheme designed by a specialist Engineer.

1.6.3.2 PV3 Access and Informal Recreation

The development provides a courtyard style development which provides safe open space with passive policing. There is generous open space around the building. The site is surrounded by open countryside which can be utilised for a variety of sporting, leisure and recreational activity. The view and open aspect of the site provides a strong selling point for the existing self-catering business.

1.6.3.3 PV5 Protected Species

We do not believe there to be any protected species resident on the site. The trees on the site are clustered in a wind break along the embankment along the southern boundary. These are deciduous with the majority being silver birch. The existing low-level scrub (gorse, broom, etc) which is sporadic across the site will be generally retained. The proposed surrounding soft landscaping of the development will seek to introduce new species and we would contend that this development will actually introduce habitat diversification and maintain biodiversity opportunity by enhancement of existing habitats.

1.6.3.4 PV6 Development in the Landscape

We would contend that the proposed residential use for the site is much more appropriate than the current use which is as an unused area. Although the proposal is for a large house in the countryside, its impact has been significantly reduced by keeping the scale low and locating it back from the embankment to the north of the site. It will generally not be seen from any public road or existing property. Only 'Esk Side Pony Stud' to the north west may be aware of its presence but this group of buildings is over 300metres from the development site. The nearest property to the south is approximately 190metres away and is unseen due to the embankment. We would therefore contend that residential use of this site is indeed an appropriate one and the design is sympathetic to the setting.

1.6.3.5 PV7 Woodland Trees and Hedges

The existing trees along the southern boundary are to be retained and are outwith the development boundary. No trees or hedges are to be removed in order to create this development. These will be supplemented by new planting of indigenous species. Additional trees are to be planted along the East boundary.

1.7 Angus Council Countryside Housing Supplementary Guidance, 2016

1.7.2 Within this document there is consideration noted given to "Large Country Houses". This policy requires several conditions to be met. These include:

- a) *'The proposals sit within a substantial area of landscaped ground which will be enhanced by additional planting with sympathetic species planting'*.

- The site area
- b) *This policy requires a 'building footprint exceeding 500sq.m'.*
The area of accommodation meets this. The house without the integral garage area is 501sq.m. Including the garage area, the development footprint is 636sq.m.
- c). We would contend that the proposed house makes a significant contribution to the architectural heritage of Angus. Whilst nestled into the landscape it is a quality intervention which will provide a positive contribution providing a contemporary family home. The materials used will be locally sourced where possible and energy saving technology will be used in the construction and operation of this new family home.

This policy has been written to ensure that any Application must ensure consideration of the exclusive nature of the development. The proposals tabled ensure that whilst the architectural language is contemporary the form follows a traditional cluster of farm buildings. The height has been deliberately restricted to ensure that it cannot be seen from any other permanently occupied residence in the local vicinity. The house is essentially accessed from a single level with only limited living accommodation located within the roof space. The upgraded access road, complete with new planting, will provide an grand avenue reinforcing the exclusive nature of the property and also the secluded situation. Once mature it will reflect, in miniature, that experienced when approaching a traditional grand house within an established country estate.

2.0 Assessment of Context

Although the site is undeniably in a countryside location it is also on a site that is remote and, due to the topography and established landscaping, difficult to see. The development has carefully considered the environment and its surroundings. To this end it reflects the scale and aesthetic of a countryside farm steading with a contemporary aesthetic. Accessed from an existing winding access road the site is obscured from the existing main road by a mature tree belt.

There are many new modern interventions into the countryside around this location. All of these take the varying forms of detached domestic residential properties. Other residential development in the area comprises an eclectic mix of architectural styles.

These include (refer to images):

- Tobees Court (modern: timber lining and slate roof),
- Tobees Black House (timber cladding),
- Tobees Farm Steading (traditional: stone and slate),
- Esk Side Pony Stud (a variety of buildings ranging from slate roofs and roughcast walls to steel clad buildings),
- South Esk Farm (modern: a two-storey property resembling a round topped barn utilising corrugated steel, timber and exposed steel structure);
- Ploverhall (Slate roof, white render and timber lining)
- The palatial Delfield House (roughcast, stone and slate roof).



Tobees Court, West view



Tobees Court, South view



Tobees Farm, Black House



Tobees Farm Steading



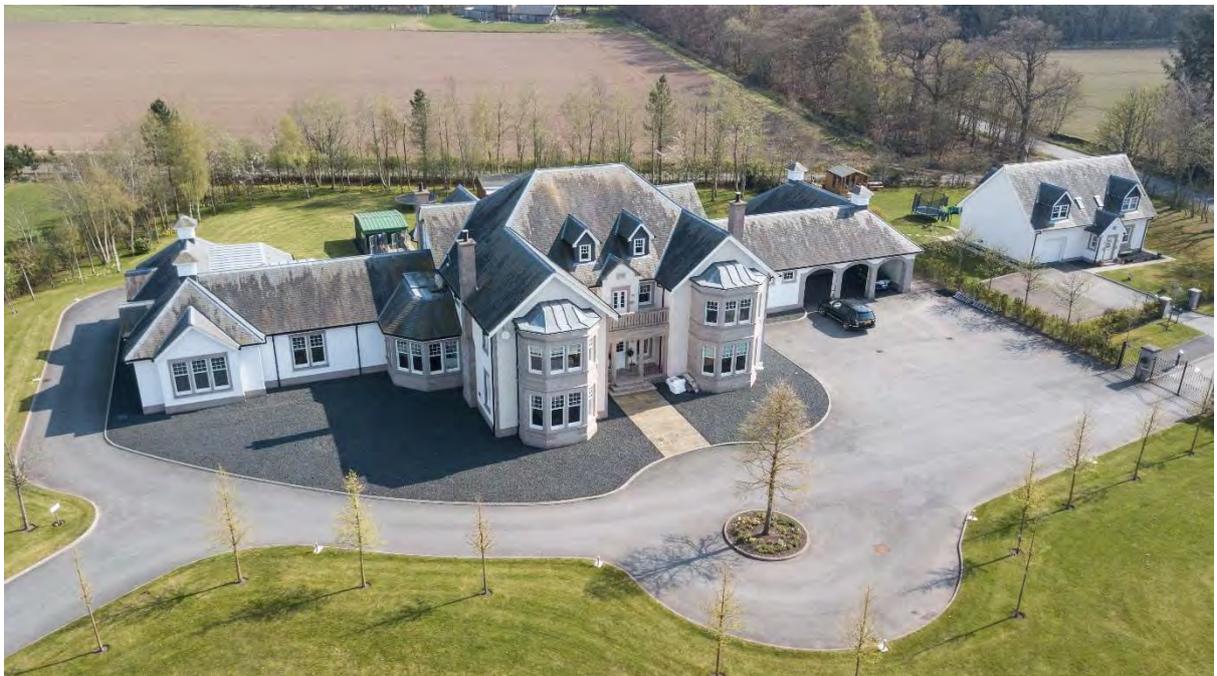
Esk Side Pony Stud



South Esk Farm and solar array



Ploverhall



Delfield House and Lodge

3.0 Summary

The site is not allocated for any specific purpose within the Angus Council LDP. This would presume that it must therefore fall under the provisions of Policy S1. Under Part 1 of this policy there is a presumption in favour of sustainable development. The Planning system should therefore support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

The courtyard type style of appropriate scale and with an attractive relevant design reinforces its justification. The preference to living in a rural location has been increased during this Covid-19 period which has encouraged working from home. This development will exemplify this as it also accommodates a working from home provision.

PAN 72 accepts that there *'will continue to be a need for new houses in the countryside and this demand will have to be accommodated'*. It accepts that the landscape is evolutionary, and is not an unchanging constant. The secluded nature and sympathetic design of the development along with the increased significant level of indigenous planting ensure that this countryside development is a minimal intervention. We would contend that the change is a positive one utilising a vacant area of ground for a meaningful new dwelling to house a single family and increase well-being of that family. Much thought has been given to the siting and design of this single new home. Although it is unquestionably a large family house in the countryside it will sit in its setting and embrace its surroundings to an extent that there will be no detrimental effect either visually or environmentally.

The house has been designed within policy advice employing common local materials and design features within a contemporary envelope. We would contend that the design is entirely appropriate for the rural location in terms of scale, form and appearance. The varying styles of recent new development in the surrounding area support this. The application proposes a development of an appropriate scale and character and will positively utilise an area of land which is currently unused for any meaningful purpose. The topography of the site has been carefully considered resulting in no risk of any impact on the character or amenity of the surrounding area. It also provides a small, but much needed, contribution to new high quality contemporary housing provision in the area.



ANGUS COUNCIL

**APPROPRIATE ASSESSMENT OF PROPOSAL WHICH IS LIKELY TO HAVE A
SIGNIFICANT EFFECT ON A EUROPEAN SITE UNDER THE CONSERVATION
(NATURAL HABITATS, &C.) REGULATIONS 1994 (AS AMENDED)**

FOR

ERECTION OF A DWELLINGHOUSE AND ANCILLARY WORKS

FOR

MR & MRS PHIL MILTON

ON

LAND 225M NE OF HUNTERS CABINS, JUSTINHAUGH, FORFAR

PLANNING APPLICATION REFERENCE NUMBER: 22/00305/FULL

1. INTRODUCTION

This is a record of the appropriate assessment under regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for planning application reference number 22/00305/FULL made by Mr & Mrs Phil Milton. These regulations are otherwise known as "the habitat regulations". It is the purpose of this appropriate assessment to inform the decision making body (Angus Council) on the effects of the proposal upon the relevant Natura sites to allow them to determine the planning application in accordance with the European Habitat Directive 92/43/EEC.

The European Habitat Directive 92/43/EEC is transposed into law in Scotland by the habitat regulations. This requires that plans and projects considered by competent authorities that could have a likely significant effect on a Natura site, should be subject to an appropriate assessment of their potential impacts upon the site. Regulation 48 directs that: -

"[48. – Assessment of implications for European site

(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

- (a) is likely to have a significant effect on a European site in Great Britain [or a European offshore marine site] (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site, shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives."

It further states that: -

"(5) In the light of the conclusions of the assessment, and subject to regulation 49, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site [or European offshore marine site (as the case may be)]."

Angus Council, as the competent authority, is therefore required in law to undertake an appropriate assessment to comply with the aforementioned regulations.

The proposal is for the erection of a dwellinghouse and ancillary works on Land 225M NE of Hunters Cabins, Justinhaugh, Forfar. The site is located in close proximity to a Natura site and is within the definition of a project under regulation 54 of the Natura regulations. Regulation 54 states that: -

" [54. – Grant of planning permission

(2) Regulations 48 and 49 (requirement to consider effect on [European sites in Great Britain and European offshore marine sites]) apply, in Scotland, in relation to –

- (a) granting planning permission on an application under Part III of the Town and Country Planning (Scotland) Act 1972;".

The proposal is not wholly concerned with the necessary management of a European site for nature conservation and requires planning permission and so the plans must be subject to appropriate assessment under the terms of the European Habitat Directive 92/43/EEC.

PLANNING APPLICATION VALIDATED: 25th May 2022

NATURESCOT CONSULTED: 30th May 2022

NATURESCOT RESPONSE: 21st June 2022

2(a) DETAILS OF PROPOSAL

LOCATION: LAND 225M NE OF HUNTERS CABINS,
JUSTINHAUGH, FORFAR

AGENT: ARKTX

PLANNING APPLICATION REFERENCE NUMBER: 22/00305/FULL

DESCRIPTION OF PROPOSAL

The proposal is for the erection of a dwellinghouse and ancillary works on Land 225M NE of Hunters Cabins, Justinhaugh, Forfar

2(b) NAME OF THE NATURA SITE AFFECTED AND CURRENT STATUS

River South Esk Special Area of Conservation – current

2(c) NAME OF COMPONENT SSSI

N/A

2(d) EUROPEAN QUALIFYING INTEREST(S) AND WHETHER PRIORITY/NON-PRIORITY

River South Esk Special Area of Conservation

Atlantic salmon
Freshwater pearl mussel

2(e) CONSERVATION OBJECTIVES FOR QUALIFYING INTEREST(S)

River South Esk Special Area of Conservation

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features, the following must be maintained in the long term: -

- Population of the species, including range of genetic types for salmon, as a viable component of the site;
- Distribution of the species in the site;
- Distribution and extent of habitats supporting the species;
- Structure, function and supporting processes of habitats supporting the species;
- No significant disturbance of the species;
- Distribution and viability of freshwater pearl mussel host species; and
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species.

2(f) DETAILS OF PROPOSED OPERATION

The proposal is for the erection of a dwellinghouse and ancillary works on Land 225M NE of Hunters Cabins, Justinhaugh, Forfar.

The proposed house would provide accommodation over two levels with a footprint of around 640sqm (500sqm excluding garaging). The house would have a slate roof and external walls finished in a combination of natural stone, render and cladding. The application form indicates that the sites measures around 4000sqm in area and would utilise a public water supply, with private arrangements for foul drainage and sustainable drainage methods for surface water. The application form indicates that an existing access to the public road would be utilised, with 6 car parking spaces provided.

APPRAISAL IN RELATION TO REGULATION 48

3(a) IS THE OPERATION DIRECTLY CONNECTED WITH OR NECESSARY TO CONSERVATION MANAGEMENT OF THE SITE? YES/NO IF YES GIVE DETAILS:

No

If yes and it can be demonstrated that the elements in 3b have been applied to all the interest features in a fully assessed and agreed management plan then consent can be issued but rationale must be provided, including reference to management objectives. If no, or if site has several European qualifying interests and operation is not directly connected with or necessary to the management of all these then proceed to 3b.

3(b) IS THE OPERATION LIKELY TO HAVE SIGNIFICANT EFFECT ON THE QUALIFYING INTEREST(S)? CONSIDER EACH QUALIFYING INTEREST IN RELATION TO THE CONSERVATION OBJECTIVES

- i) Indicate which feature of interest could be affected by the proposal and briefly in what way; if none provide a brief justification and then proceed to v), otherwise continue;*
- ii) Refer to other plans/projects with similar effects/other relevant evidence;*
- iii) Consider scale, longevity, and reversibility of effects;*
- iv) Consider whether proposal contributes to cumulative or incremental impacts with other projects completed, underway or proposed;*
- v) Give Yes/No conclusion for each interest.*

Yes

Due to the nature of the proposal, it is capable of having a significant effect on Atlantic salmon and freshwater pearl mussel.

If yes, or in cases of doubt, proceed to 3(c). If potential significant effects can easily be avoided, go straight to 4 and record modifications required. If no for all features, a consent or non-objection response can be given and recorded under 6 (although if there are other features of national interest only, the effect on these should be considered separately).

3(c) APPRAISAL OF THE IMPLICATIONS FOR THE SITE IN VIEW OF THE SITES CONSERVATION OBJECTIVES

- i) Describe for each European qualifying interest the potential impacts of the proposal detailing which aspects of the proposal could impact upon them and their conservation objectives.*
- ii) Evaluate the significance of the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the proportion/importance of the interest affected, and the overall effect on the sites conservation objectives. Record if any information or specialist advice has been obtained.*

iii) *In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site for the qualifying interest(s). If SAC and/or SPA and/or Ramsar site give separate conclusions. If conditions or modifications are required, proceed to 4.*

Due to the location and nature of the proposal, there is a risk that pollution, including siltation, could be washed into the River South Esk Special Area of Conservation during its construction. The release of fine sediment can clog the gills of juvenile salmon and smother salmon redds and freshwater pearl mussel beds.

Angus Council would advise that the proposal has the potential to affect the integrity of the River South Esk Special Area of Conservation. However, Angus Council would advise that the integrity of the River South Esk Special Area of Conservation would not be adversely affected by the proposal subject to a planning condition requiring mitigation to minimise the risk of pollution during construction entering the adjacent watercourse.

4(a) CONDITIONS OR MODIFICATIONS REQUIRED

Indicate conditions/modifications required to ensure adverse effects are avoided, and reasons for these.

Mitigation measures are proposed to limit the identified impacts including: -

- Construction to be carried out in accordance with a construction method statement.

5(a) ADVICE SOUGHT

Include here details of or clear reference to, advice sought from colleagues etc. If no advice sought give brief reasons/justification.

NatureScot: -

The proposal is close to the River South Esk Special Area of Conservation which is designated for its internationally important populations of Atlantic salmon and freshwater pearl mussel. The proposal is likely to have a significant effect on Atlantic salmon and freshwater pearl mussel because both species are sensitive to the effects of pollution, including siltation. However, if the proposal is undertaken strictly in accordance with a site specific construction method statement which identifies the measures that will be in place to minimise the risk of pollution during construction entering the adjacent watercourse, then the proposal will not adversely affect the integrity of the site.

6(a) CONCLUSIONS

The appropriate assessment based upon the best available evidence and advice offered from NatureScot has shown that subject to the proposal being undertaken strictly in accordance with a construction method statement, which shall identify the site specific measures necessary to minimise the risk of pollution, including siltation, entering the River South Esk Special Area of Conservation during construction, then the proposal will not adversely affect the qualifying interest(s) of the River South Esk Special Area of Conservation.

Angus Council therefore concludes that the proposal will not adversely affect the integrity of the River South Esk Special Area of Conservation subject to the mitigation measures which could be secured by planning condition.