

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 27 NOVEMBER 2023**

**SCHOOLHOUSE, CHAPELTON, ARBROATH**

**REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE & CHANGE**

**ABSTRACT:**

The Committee is asked to consider an application for a review in respect of an appeal of conditions 2 & 3 of planning permission ref 23/00166/FULL for change of use of land for erection of shed for a gift shop/takeaway and ancillary works (retrospective), at Schoolhouse, Chapelton, Arbroath.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

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

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN**

This Report contributes to the following local 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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Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

Appendix 3 – Further Lodged Representations

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

**APPLICATION NUMBER – 23/00166/FULL**

**APPLICANT – Mr Graham Campbell**

**PROPOSAL & ADDRESS – Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective) at Schoolhouse, Chapelton, Arbroath, DD11 4RT**

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**Angus Council**

<b>Application Number:</b>	23/00166/FULL
<b>Description of Development:</b>	Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)
<b>Site Address:</b>	Schoolhouse Chapelton Arbroath DD11 4RT
<b>Grid Ref:</b>	362592 : 747839
<b>Applicant Name:</b>	Mr Graham Campbell

**Report of Handling****Proposal**

Retrospective planning permission is sought for the change of use of land and the erection of a shed for a gift shop/takeaway and ancillary works within the curtilage of the dwellinghouse at Chapelton Schoolhouse.

The shed is located within the curtilage of the house to the west of the dwellinghouse itself. Available information suggests that the development was built and commenced operation in August 2021. The building measures around 2.3 metres in height, 2.4 metres in length and 3 metres in width. The roof is finished in black roofing felt and the walls and doors are finished in timber.

The proposal does not include any other operational development and does not include the covered seating area which has been constructed adjacent to the proposed shed.

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 12 May 2023 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**

There is no planning history for the site.

**Applicant's Case**

The following information was submitted in support of the proposal: -

- An email which identifies that the shed was built and then opened in August 2021. It indicates that the shed is partly utilised as a gift shop and partly used as a takeaway. The shop sells cakes, traybakes, candles, chopping boards, frames, paintings, hats and unique gifts which are made by local crafters. The takeaway sells bacon rolls, chips, hot and cold food, ice cream, tea and coffee. The information suggests that the business is open Tuesday - Friday 10:00 - 15:00, and Saturday - Sunday 10:00 - 17:00 during the summer months. The shed is open Wednesday - Saturday between the hours of 10:00 - 15:00 during the winter months. An extractor fan is fitted in the shed. It also identifies that vehicular parking and turning arrangements are provided in the curtilage of the dwellinghouse. Goods are delivered around twice a

month and are stored either in the shed or in the house. The information suggests that the proposal does not employ any staff other than the applicant.

### **Consultations**

**Environmental Health (Arbroath)** - has no objection to the use of the premises as a class 1A shop permitting the sale of cold food for consumption off the premises, with no seating area, and subject to a noise limit condition.

However, environmental health has indicated that it would object to the use of the premises as a hot food takeaway. They indicate that the nearest neighbouring residential properties are approximately 20 metres away and the shed is against the boundary wall which puts it in very close proximity to the next-door neighbour's garden/outside amenity space. They indicate that it has not been demonstrated that impacts from odour are not significant and could be adequately controlled to prevent disamenity to householders in the surrounding area. Having regard to the location of the shed; the types of hot food proposed to be prepared and served from the shed; and the low-level dispersal point for cooking fumes, a very high level of odour abatement would be required which is likely to be impractical/infeasible for a small shed to be able to accommodate. In addition, this is further exacerbated by the fact that cooking fumes will not be able to be diluted and dispersed at height through the roof, as the dwellinghouses in the surrounding area will be much higher than the height of any flue which would result in downwash conditions to occur.

Environmental health is concerned that a hot food takeaway use has the potential to cause serious odour and noise disamenity to nearby residential properties. Environmental Health indicates that if the hot food takeaway element were removed from the application and the premises were operated under Class 1A and used as a gift shop and for the sale of cold food for consumption off the premises, they would have no objections to the proposal subject to appropriate conditions being attached to the consent to control noise.

**Flood Prevention Authority** - There was no response from this consultee at the time of report preparation.

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

**Roads (Traffic)** - has confirmed no objection.

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

### **Representations**

22 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 0 objected to the proposal and 22 supported the proposal.

The main points raised were as follows: -

- The proposal would provide a value service for the community.
- The proposal would be economically beneficial, providing a place for local crafters to sell their products and would generate footfall in the area.
- The site is a good location for motorcycle meets.
- There is ample parking at the property
- The applicant is very good at what they do and produce good cakes.

### **Development Plan Policies**

#### **NPF4 – national planning policies**

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places  
 Policy 12 Zero waste  
 Policy 13 Sustainable transport  
 Policy 14 Design, quality and place  
 Policy 15 Local living and 20 minute neighbourhoods  
 Policy 18 Infrastructure first  
 Policy 22 Flood risk and water management  
 Policy 23 Health and safety  
 Policy 27 City, town, local and commercial centres  
 Policy 28 Retail  
 Policy 29 Rural development

### **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 TC17 : Network of Centres  
 Policy TC20 : Local Convenience Shops and Small Scale Retail  
 Policy PV6 : Development in the Landscape  
 Policy PV15 : Drainage Infrastructure  
 Policy PV18 : Waste Management in New Development

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.

In this case the development plan comprises: -

- National Planning Framework 4 (NPF4) (Published 2023)
- Angus Local Development Plan (ALDP) (Adopted 2016)

The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

The ALDP was adopted in September 2016 while NPF4 was adopted in February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and the provision of a local development plan, whichever of them is the later in date is to prevail.

The site is located outwith a development boundary and is not allocated or otherwise identified for development within the Angus Local Development Plan (2016) (ALDP). Policy DS1 in the 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.

In relation to rural development, NPF4 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced. NPF4 Policy 29 indicates that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. The NPF4 approach to retail seeks to encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes. NPF4 Policy 28 offers support to development proposals for shops in rural areas where they are ancillary to

other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations where it will serve local needs, impacts on nearby town and commercial centres are acceptable, it will provide a service throughout the year, and the likely impacts of traffic, access and parking are acceptable.

NPF4 Policy 27 indicates that development proposals for non-retail uses (including hot food takeaways) will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. Policy 27 relates to specifically to city, town, local and commercial centres, but the considerations it includes are also relevant to the consideration of this proposal.

ALDP Policy TC20 relates to local convenience shops and small scale retail and indicates that outwith development boundaries, proposals for small scale retail development will only be supported where the proposal constitutes rural diversification and is ancillary to tourism, agricultural, equestrian, horticultural or forestry operations and where the proposal does not undermine any of the town centres; is of a scale and nature in keeping with the character of the local landscape and pattern of development; and is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

ALDP Policy DS4 requires consideration of amenity impacts associated with development proposals. It indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. It indicates that consideration will be given to (amongst other things) air quality, noise and disturbance, odours and fumes, traffic and residential amenity. It suggests that development which is considered to have an impact on such considerations may be supported if the use of conditions will ensure that appropriate mitigation and / or compensatory measures are secured. It suggests that applicants may be required to submit detailed assessments in relation to any of the above criteria to the council for consideration.

Council guidance provided in Advice Note 2/2018 relates to proposals for hot food takeaways and is relevant to this proposal. It indicates that hot food takeaways will not normally be considered acceptable in predominantly residential areas unless located within a freestanding area within a residential area which will not unduly detract from the amenity of surrounding residential properties.

The proposal involves two distinct elements. Firstly, the provision of a gift shop/small scale retail and secondly, the provision of a takeaway including the preparation and sale of hot food. The different elements have the potential to give rise to materially different impacts and as such they are addressed separately as follows.

### **Proposed gift shop/small scale retail**

Chapelton is a small rural hamlet located 3.6km southeast of Friockheim, 5km north of Arbroath and 4km west of Inverkeilor. It contains a small number of dwellings and a blacksmiths workshop further to the east, but there are no established shops or services easily accessible to the community without the need to travel to a larger settlement. The proposal would introduce a small-scale retail operation within a garden building of the house which could meet a local need and potentially reduce the need for those that live locally to travel to purchase basic provisions. It also has the potential to provide a location for the sale of locally produced crafts and foods to be sold to passing trade, as noted in the letters of support submitted. The scale of the development proposed is unlikely to result in any material impact on any of the Angus town centres.

There is parking available to serve the premises and while a proposal of this nature could give rise to some amenity impacts on neighbouring property, it is considered that those impacts could be mitigated by the planning conditions attached, including a condition which limits the retail use within the site to the garden building proposed in the application.

The building itself is relatively small and its appearance would not give rise to any unacceptable impacts on the character of the surrounding area. The building would not result in any significant direct or indirect impact on existing and future occupants of the dwellinghouses in the surrounding area in terms of overlooking and loss of privacy, outlook, sunlight, daylight or overshadowing.

The operation of a small-scale retail building, which would allow the sale of crafts and food for consumption off the premises raises no significant conflicts when considered against development plan policies. Environmental health has offered no objection to the retail use of the garden building, subject to a noise limit condition. A condition would also be required to prevent the use premises being changed from Class 1A, as other uses (including Class 3 food and drink) could give rise to significant impacts on the amenity of neighbours.

### **Proposed Takeaway**

As noted above, the sale of cold food (and hot drinks) for consumption off the premises falls within Class 1A and it is considered that those items could be sold from the premises without significant or unacceptable impacts on the amenity of neighbours. Consumption of cold food and hot drinks off the premises would limit the time customers were gathered in the garden ground of the property and would reduce the potential for significant amenity impacts on neighbours.

The use of the building for the preparation and sale of hot food could however give rise to significant impacts on amenity. The cooking and associated sale of hot food can generate noise and smells, and development plan policy and associated guidance indicates that hot food takeaways will not normally be considered acceptable in predominantly residential areas. The advice note also indicates that applicants will require to demonstrate that smells from the hot food takeaway will not cause detrimental impacts upon the amenity of surrounding residential property; and indicates that a noise impact assessment may be required depending on the proximity of the proposed use to residential premises.

The shed where the takeaway is proposed is located in a predominantly residential area with the closest dwellinghouses located around 20 metres to the west (Rose Cottage), around 24 metres to the southwest (New House) and around 25 metres to the south (The Smiddy) of the shed. A new house was also recently approved (22/00577/MSC) between New House and Smithy House in the gap to the south of the site access track. The proposed shed is located around 1.5 metres from the garden boundary of Rose Cottage, and the majority of its useable garden ground is located in the area to the immediate west of the proposed takeaway. The location of the proposed takeaway in the garden ground of an existing house and adjacent to other housing and gardens in a relatively quiet residential area is not consistent with the locational guidance for hot food takeaways found in advice note 2/2018.

The proposal is not supported by information to illustrate how neighbouring dwellinghouses would be impacted by noise and odour generated by the takeaway, which is a requirement of PAN 2/2018. The environmental health service has objected to the use of the premises as a hot food takeaway, referring to the lack of evidence to demonstrate that impacts from odour are not significant and could be adequately controlled to prevent disamenity to neighbours in the surrounding area. They express concern relating to the location of the shed; the types of hot food to be prepared and served; and a low-level dispersal point for cooking fumes. They indicate that a very high level of odour abatement would be required for the proposed development, which is likely to be impractical/infeasible for a small shed to be able to accommodate. They note that cooking fumes are unlikely to be able to be successfully diluted and dispersed at height through the roof, as the dwellinghouses in the surrounding area are higher than the height of shed and any flue which could reasonably be attached to it. On the basis of the above, there is a significant risk that the use of the shed for the sale and preparation of hot food could result in significant disamenity to neighbours and the onus is on the applicant to demonstrate that such impacts could be adequately mitigated. No evidence has been submitted to demonstrate that impacts on neighbours would not be significant.

The proposed use of a shed as a hot food takeaway in domestic garden ground in a quiet residential area close to neighbouring housing does not comply with council guidance on the siting of hot food takeaways. The information submitted does not demonstrate that amenity impacts as a result of noise and odour have been fully considered or can be mitigated. The use of the building as a hot food takeaway is contrary to development plan policies aimed at protecting amenity.

The proposal does not give rise to any other significant issues when considered against development plan policies. There is no reason to consider that it would in significant impacts on infrastructure, the built or natural environment or road safety, having regard to the advice provided by consultees. The scale of

the proposal is such that it does not raise any significant conflicts when considered against policies designed to promote sustainable travel, address the climate or nature crises, or promoting biodiversity enhancement.

In conclusion, the proposed hot food takeaway element of the proposal raises conflict with development plan policies aimed at siting hot food takeaways in appropriate locations and safeguarding residential amenity. It is however recognised that a small retail facility in this location which would allow the applicant to sell cold food and hot drinks for consumption off the premises (as well as locally produced crafts) could be accommodated in this area without significant or unacceptable amenity impacts. The retail element could also provide a valuable service to those that live locally and reduce the need for those living nearby to travel to a larger settlement to secure some provisions. The content of the letters of support are noted and it is possible to support the retail element of the proposal subject to the exclusion of the hot food takeaway aspect. A planning condition is attached to clarify that no hot food shall be sold from the premises, which is sufficient to overcome the concerns expressed by environmental health and should safeguard amenity. Subject to that condition, the proposal complies with development plan policy and there are no material considerations which justify refusal of planning permission.

In passing it is noted that a covered seating area has been formed within the site. The application under consideration proposes a shop and takeaway and does not propose a café (Class 3 use) or the formation of a covered external seating area which has been formed without the benefit of planning permission. Those elements are not assessed in this application.

### **Human Rights Implications**

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

### **Decision**

The application is approved subject to conditions

### **Reason(s) for Decision:**

1. The proposal is generally in accordance with the development plan subject to the exclusion of the hot food being sold. It is compatible with the relevant locational criteria identified in the development plan and as it does not result in a significant direct or indirect impact on amenity, built, cultural or natural heritage designations, road safety or infrastructure subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

### **Conditions:**

1. That the development hereby approved shall only be operated by a person or persons who occupy and/or own the dwellinghouse known as Chapelton Schoolhouse.

Reason:

To ensure that the operator of the development is linked to the occupation of the dwelling in the interests of safeguarding amenity.

2. The planning permission hereby approved only permits the use of the proposed shed (as identified in black on the proposed site plan) for the sale of goods other than and excluding hot food. For clarification and the avoidance of doubt, no other areas within the application site shall be used for the sale or display of goods; and no hot food shall be sold from within the application site at any time.



**Reason:**

In order to clarify the terms of this planning permission; in order to limit the Class 1A use permitted to only the shed erected for that purpose as that is the basis on which the application has been assessed; and in order to prevent the site being used as a hot food takeaway in the interests of safeguarding the amenity of neighbouring residents and because a hot food takeaway in this location is contrary to development plan policies and council planning guidance.

3. The proposed shed (as identified in black on the proposed site plan) hereby approved shall only be used for activities falling within Class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), unless otherwise approved through the express grant of planning permission on application to the planning authority.

**Reason:**

In order to restrict the use of the building hereby approved to uses falling within Class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) only, as uses within alternative use classes could give rise to materially different impacts on the amenity of neighbouring residents.

4. Noise from any mechanical ventilation associated with the development hereby approved shall not exceed Noise Rating Curve 30 between 07:00 and 22:00 hours daily, or Noise Rating Curve 20 at all other times as measured within any residential or noise sensitive property with the windows open at least 50 millimetres.

**Reason:**

In the interests of safeguarding the amenity of existing and future occupants of residential or noise sensitive properties.

**Notes:**

Case Officer: Walter Wyllie  
Date: 8 September 2023

**Appendix 1 - Development Plan Policies****NPF4 – national planning policies****Policy 1 Tackling the climate and nature crises**

When considering all development proposals significant weight will be given to the global climate and nature crises.

**Policy 2 Climate mitigation and adaptation**

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

**Policy 3 Biodiversity**

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:



- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

#### Policy 4 Natural places

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will

only be supported where the proposal:

- i) will support meeting renewable energy targets; or,
- ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

#### Policy 12 Zero waste

a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

b) Development proposals will be supported where they:

- i. reuse existing buildings and infrastructure;
- ii. minimise demolition and salvage materials for reuse;
- iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
- iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
- v. use materials that are suitable for reuse with minimal reprocessing.

c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i. provision to maximise waste reduction and waste separation at source, and
- ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:

- i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
- ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
- iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
- iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
- v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
- vi. consideration has been given to co-location with end users of outputs.

e) Development proposals for new or extended landfill sites will only be supported if:

- i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
- ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.

g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:

- i. is consistent with climate change mitigation targets and in line with circular economy principles;
- ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
- iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
- iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
- v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

#### Policy 13 Sustainable transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
  - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
  - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
  - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
  - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
  - ii. Will be accessible by public transport, ideally supporting the use of existing services;
  - iii. Integrate transport modes;
  - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
  - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
  - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
  - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
  - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation

measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

#### Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

#### Policy 15 Local living and 20 minute neighbourhoods

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- o sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- o employment;
- o shopping;
- o health and social care facilities;
- o childcare, schools and lifelong learning opportunities;
- o playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- o publicly accessible toilets;
- o affordable and accessible housing options, ability to age in place and housing diversity.

#### Policy 18 Infrastructure first

a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.

b) The impacts of development proposals on infrastructure should be mitigated. Development

proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

Policy 22 Flood risk and water management

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i. essential infrastructure where the location is required for operational reasons;
  - ii. water compatible uses;
  - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
  - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- o that the proposal does not create an island of development and that safe access/ egress can be achieved.

- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes

will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

#### Policy 23 Health and safety

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.

c) Development proposals for health and social care facilities and infrastructure will be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

#### Policy 27 City, town, local and commercial centres

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

i. will be supported in existing city, town and local centres, and

ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:

o all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;

o the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and

o the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.



- c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
- i. Hot food takeaways, including permanently sited vans;
  - ii. Betting offices; and
  - iii. High interest money lending premises.
- d) Drive-through developments will only be supported where they are specifically supported in the LDP.

#### Town centre living

- e) Development proposals for residential development within city/town centres will be supported, including:
- i. New build residential development.
  - ii. The re-use of a vacant building within city/ town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area.
  - iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.
- f) Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:
- i. retain an attractive and appropriate frontage;
  - ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and
  - iii. not result in an undesirable concentration of uses, or 'dead frontages'.
- g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:
- i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or
  - ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.

#### Policy 28 Retail

- a) Development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals:
- i. will be supported in existing city, town and local centres, and
  - ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP.
  - iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).
- b) Development proposals for retail that are consistent with the sequential approach (set out in a) and click-and-collect locker pick up points, will be supported where the proposed development:
- i. is of an appropriate scale for the location;
  - ii. will have an acceptable impact on the character and amenity of the area; and
  - iii. is located to best channel footfall and activity, to benefit the place as a whole.
- c) Proposals for new small scale neighbourhood retail development will be supported where the proposed development:
- i. contributes to local living, including where relevant 20 minute neighbourhoods and/or
  - ii. can be demonstrated to contribute to the health and wellbeing of the local community.
- d) In island and rural areas, development proposals for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations will be supported where:
- i. it will serve local needs, support local living and local jobs;
  - ii. the potential impact on nearby town and commercial centres or village/local shops is acceptable;
  - iii. it will provide a service throughout the year; and
  - iv. the likely impacts of traffic generation and access and parking arrangements are acceptable.

#### Policy 29 Rural development

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
  - i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
  - ii. diversification of existing businesses;
  - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
  - iv. essential community services;
  - v. essential infrastructure;
  - vi. reuse of a redundant or unused building;
  - vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
  - viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
  - ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
  - x. improvement or restoration of the natural environment.
- b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
- c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
  - i. will support local employment;
  - ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
  - iii. is suitable in terms of location, access, siting, design and environmental impact.
- d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
  - i. is in an area identified in the LDP as suitable for resettlement;
  - ii. is designed to a high standard;
  - iii. responds to their rural location; and
  - iv. is designed to minimise greenhouse gas emissions as far as possible.

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

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

All proposals will be expected to support delivery of the Development Strategy.

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

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

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

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



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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

#### Policy DS3 : Design Quality and Placemaking

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

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

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

#### Policy DS4 : Amenity

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

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

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

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

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

#### Policy TC17 : Network of Centres

Angus Council will seek to protect and enhance the scale and function of the centres as set out in Table 2 below.

A town centre first policy is applied to uses including retail, commercial leisure, offices, community and cultural facilities that attract significant numbers of people. Support will be given to development proposals in town centres which are in keeping with the townscape and pattern of development and which conform with the character, scale and function of the town centres.

All development proposals within a Commercial Centre will have to satisfy criteria within Policy TC19 Retail and Town Centre Uses.

#### Policy TC20 : Local Convenience Shops and Small Scale Retail

Within development boundaries, proposals for the development and improvement of local convenience shops\* will not be subject to the sequential approach. Such proposals will be supported where they are not detrimental to the surrounding amenity and are in keeping with the townscape and pattern of development. Preference will be given to development proposals which effectively reuse or redevelop vacant or derelict land.

Outwith development boundaries, proposals for small scale retail development (around 500 m2) will only be supported where the proposal constitutes rural diversification and is ancillary to tourism, agricultural, equestrian, horticultural or forestry operations and where the proposal:

- o does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;
- o is of a scale and nature in keeping with the character of the local landscape and pattern of development; and
- o is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Where planning permission is granted, conditions may be attached limiting the range of goods which can be sold.

\*A local convenience shop is broadly defined as retailing drinks, tobacco, newspapers, magazines, food and confectionary which are purchased regularly for relative immediate consumption and measure 500 m2 gross floorspace or less and are located outwith defined town centre boundaries as identified within the Proposals Maps.

#### Policy PV6 : Development in the Landscape

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

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

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

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

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

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

#### Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

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

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

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

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

## ANGUS COUNCIL

## PLANNING

## CONSULTATION SHEET

PLANNING APPLICATION NO

23/00166/FULL

Tick boxes as appropriate

ROADS

No Objection

☒

Interest

☐

(Comments to follow within 14 days)

Date

12	05	23
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**From:** [Louise Akroyd](#)  
**To:** [Walter K Wyllie](#)  
**Cc:** [Ed Taylor](#)  
**Subject:** 23/00166/FULL - Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)  
**Date:** 28 July 2023 10:42:10  
**Attachments:** [image001.gif](#)  
[image002.jpg](#)

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Walter

**23/00166/FULL**

**Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)  
Schoolhouse, Chapelton, Arbroath, DD11 4RT**

I refer to the above application and can advise that I have visited the site and seen the submitted plans.

This is a retrospective application, and the shed has already been erected and is situated in the grounds of the applicant's residential property within a small residential hamlet of Chapelton. I understand that the proposed hours of use will be from 10:00 – 15:00 hours Tuesday - Friday and 10:00 – 17:00- Saturday and Sundays during and summer months and 10:00 – 15:00 Wednesday – Saturday in winter months and the types of hot food that will be prepared and served from the premises will include bacon rolls and chips. I also note from visiting the site that there is an outside seating area and that the premises are currently closed and not operating.

I would advise that the nearest neighbouring residential properties, are approximately 20 metres away and the shed is against the boundary wall which puts it in very close proximity to the next-door neighbour's garden/outside amenity space. No information has been submitted on how odour from cooking will be controlled and the only ventilation currently appears to be an expel air vent in the wall on the shed and therefore there is no odour extraction system installed to control cooking odours from the premises. Based on the types of food to be cooked and served, the location of the premises, and a low-level dispersal point for cooking fume, a very high level of odour abatement would be required which is likely to be impractical/infeasible for a small shed to accommodate. This is further exacerbated by the fact that cooking fumes will not be able to be diluted and dispersed at height through the roof, as surrounding buildings will be much higher than the height of any flue and would therefore result in downwash conditions to occur.

I am therefore concerned that the proposed use has the potential to cause serious odour and noise disamenity to nearby residential properties. It would also be contrary to Planning Advice Note for Hot Food Takeaways, in relation to its location and would cause conflict with neighbouring land uses. In terms of noise from the proposed use, I am concerned about noise from people sitting outside the premises and noise from any ventilation, however, this could be controlled by attaching appropriate conditions to the consent, but this does not resolve the serious issues concerning cooking odours coming from the takeaway.

In light of the above, based on the current proposal, Environmental Health

would be unable to support this application as it has not been demonstrated that cooking odours can be adequately controlled to prevent disamenity to nearby residential properties and accordingly this service objects to this application on these grounds. However, if the hot food takeaway element were removed from the application and the premises were operated under a Class Use 1 and be used as a gift shop and only prepare and served cold food, I would have no objections to the proposal subject to appropriate conditions being attached to the consent to control noise.

If you have any further queries, please let me know

Kind Regards

**Louise Akroyd**

**Environmental Health Officer | Angus Council | Communities | Environmental & Consumer Protection | Angus House, Orchardbank Business Park, Forfar DD8 1AN | 01307 491827 |**

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**Walter K Wyllie**

---

**From:** Louise Akroyd <AkroydL@angus.gov.uk>

**Sent:** 06 September 2023 15:33

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

**Cc:** Kathy Keenan <KeenanK@angus.gov.uk>

**Subject:** 23/00166/FULL - Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Hi Walter,

**23/00166/FULL**

**Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)**

**Schoolhouse, Chapelton, Arbroath, DD11 4RT**

I refer to the above application.

I understand that the proposal will be restricted to a Class 1 use as a gift shop with the sale of cold food for the consumption off the premises and that there will be no outdoor seating area.

In light of the above, I would advise that Environmental Health would have no objections subject to the following condition;

1. Noise from any mechanical ventilation associated with the development shall not exceed NR Curve 30 between 0700 and 2200 and NR Curve 20 at all other times, as measured within any dwelling or noise sensitive premises with the windows open at least 50 mm.

If you have any further queries, please let me know.

Kind Regards

**Louise Akroyd**

**Environmental Health Officer | Angus Council | Communities | Environmental & Consumer Protection | Angus House, Orchardbank Business Park, Forfar DD8 1AN | 01307 491827 |**



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Monday, 28 August 2023



Local Planner  
Planning Service  
Angus Council  
Forfar  
DD8 1AN

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

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



Dear Customer,

**Schoolhouse Chapelton, , Arbroath, DD11 4RT**  
**Planning Ref: 23/00166/FULL**  
**Our Ref: DSCAS-0093151-M4F**  
**Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **Water Capacity Assessment**

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

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

### **Waste Water Capacity Assessment**

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



## Please Note

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

## Surface Water

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

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

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

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

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

## **Next Steps:**

### **▶ All Proposed Developments**

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

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

### **▶ Non Domestic/Commercial Property:**

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

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

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

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

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

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

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Alison Cameron

Address: Chapelton Smiddy Friockhiem Arbroath

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We fully support the planning by Mr Graham Campbell and supporting of a local small business.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Anne Todd

Address: 41 Woodend drive Kirriemuir

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Miss Debbie Milne

Address: 28 Guthrie street Friockheim

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is a great thing to have and a great location for when on bike runs, going to and from funerals, travelling to the beach or just fancying a run in the car it's somewhere to stop for a refreshment and a look around. Look forward to visiting especially with the nice weather coming. Good luck

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Miss Emily Socha

Address: 22 Mid street St Combs

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Chapelton cakes and candles currently stock my items in their current shop

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Forrest Haxton

Address: 46 Railton Crescent Arbroath

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I highly support this request! Does so much for the local community.



# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Gail Holm

Address: Granary Cottage Inshewan Estate Forfar

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support Kerry 100%. What she is doing is great for the community. She provides an Avenue for me to display and sell my handmade hats which is brilliant. What an asset Kerry and her she's are to the local community.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Heather Grimmer

Address: Haven Cottage Kinnaird Street Friockheim

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We value the services offered here. There are only positive comments written as we have never had cause to complain about the friendly service, the delicious food served or the superb value at very reasonable prices. I [REDACTED] can vouch for the safety regarding gluten free foods which are few and far between for freshly baked produce.

Furthermore, the valuable contribution to the Communities where there are limited services should not be overlooked.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Jen Varney

Address: Montreathmont Cottage Guthrie Forfar

## Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Love this place. The best cakes and treats. Kerry makes some fantastic food and platters for special occasions and her shop has some lovely gifts. A great asset to the area where you can sit and relax with a cup of tea and watch the world go by and it's very dog friendly.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Karen Soutar

Address: 115 Lenzie Ave Deans Livingston

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Absolutely support 100%, it's a huge asset to the community, Kerry is amazing at what she does.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Laura Butler

Address: The Grange Glamping and Events The Grange, Inverkeilor Arbroath

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As another small local business, I fully support this application and we regularly use Chapelton cakes for supplying us with tablet and cakes for our glamping business, which has proved invaluable for us and we like to support other small local businesses and feel this business is also well supported by the local community.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Lynne Anderson

Address: 87 keptie road Arbroath

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application 100%, it is a fantastic business and Kerry's use of local produce is second to none! She also is a great advocate of local small businesses with lots of small locals selling their goods in the shop! It is used by all the locals, we come from Arbroath to purchase goods and use Kerry for cakes, afternoon teas. All her products are homemade and she is very passionate about her business! She is doing a great thing for the surrounding area, is a great supporter of the local community

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Steven Massie

Address: 19 Ramsay Street Montrose

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am in full support of the proposed planning. Kerry has been doing an amazing job and is getting a good following. The proposed planning would greatly help in taking the business further and create more footfall to the area.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Wendy Robb

Address: 40 Great Michael Road Arbroath

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: 100% support. This is a great asset to everyone in and around the Angus area. Kerry works hard for this business and her cakes are just amazing.



# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Kerry Reddington

Address: South cottage Gardyne Arbroath

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I think we should do all we can to support local small businesses and see no reason why this would have any detrimental effects.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Miss Hayley Haxton

Address: 3c pitalpin court Dundee

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This place hosts our bike meets.... Tayside N Angus bike meets. We donate to charities. This place is highly recommended, very friendly and foods lovely, area is perfect for bikers which they love being at chapelton. It's for the community and its highly supported by myself and alot of other bikers. Brilliant place to be

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mr Murray Paton

Address: 47 Easterbank Forfar

## Comment Details

Commenter Type: Miscellaneous

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is a brilliant little wooden shed/shop

It's concealed in a small corner of the property/grounds

It is a great outlet for chapelton cakes and candles

But also is an outlet for other small crafters

Local to the area

If this application is refused??

It would be detrimental to small business in the area?

Also it is very popular for Kerrys ,tray bakes and exquisite cakes

It is tucked conveniently well off the main road

And parking is not a problem, as there is lots of room, around the property

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Mrs Pauline Gunn

Address: 9A Doon-By Leysmill Arbroath Angus

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Fab little shop, great for our rural community and supports local crafters by selling their products in the shop

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Miss Chrissie Clinkscale

Address: 40 Newton Avenue Arbroath

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I 100% support the proposed planning. This is a fantastic place. The food/cakes/treats are outstanding in quality and taste. Kerry uses local produce and helps and supports the local community, and local crafters selling their items in her wee gift shop. This is a great asset to the Angus area. Very dog friendly and a great wee place to sit and relax with a cuppy and cake.

# Comments for Planning Application 23/00166/FULL

## Application Summary

Application Number: 23/00166/FULL

Address: Schoolhouse Chapelton Arbroath DD11 4RT

Proposal: Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)

Case Officer: Walter Wyllie

## Customer Details

Name: Miss Samantha Jacobson

Address: 5 Back Wynd Queen Street Forfar

## Comment Details

Commenter Type: Member of Public

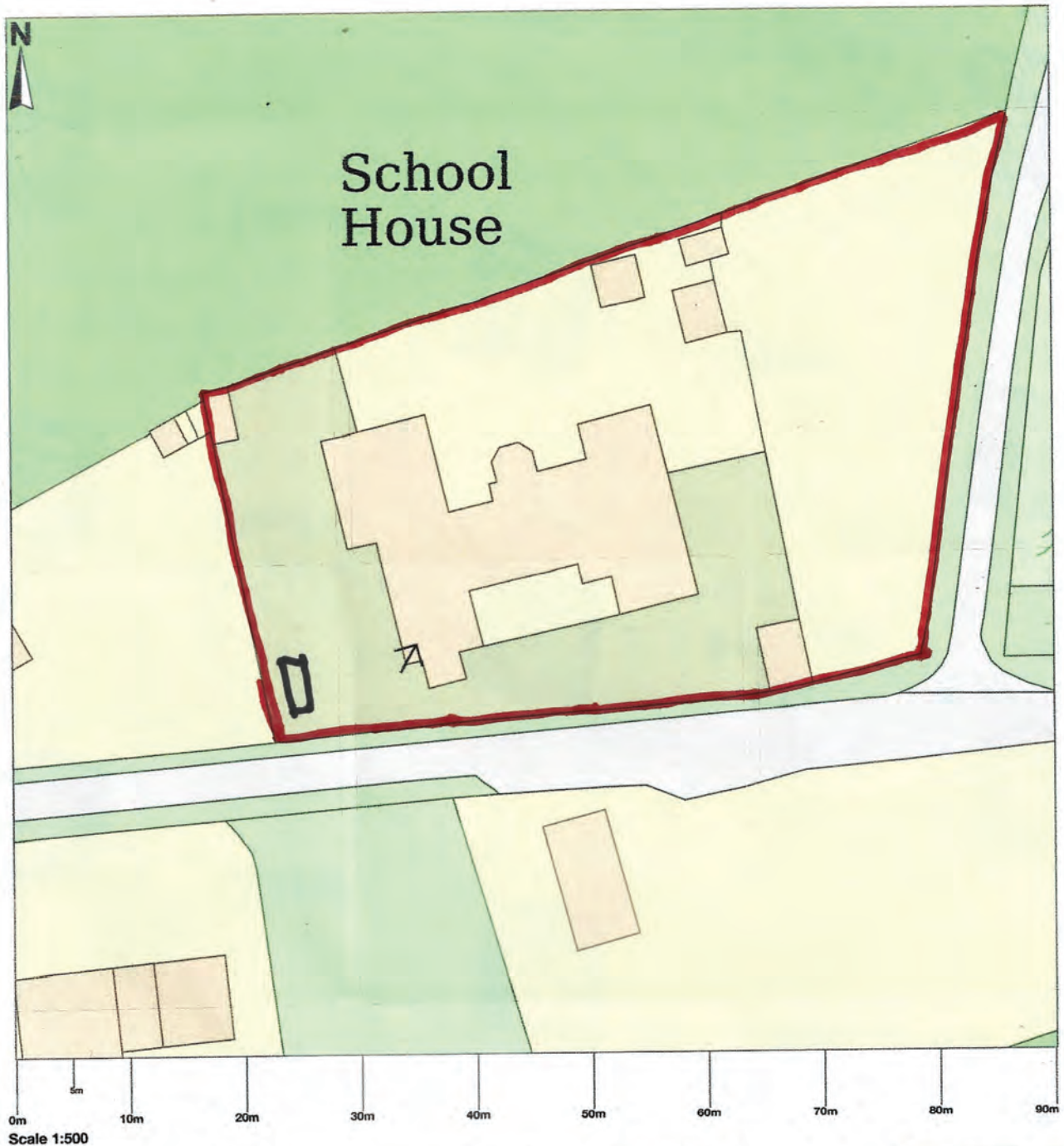
Stance: Customer made comments in support of the Planning Application

Comment Reasons:

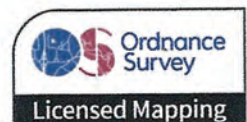
Comment:



# Schoolhouse, Chapelton, Arbroath, DD11 4RT



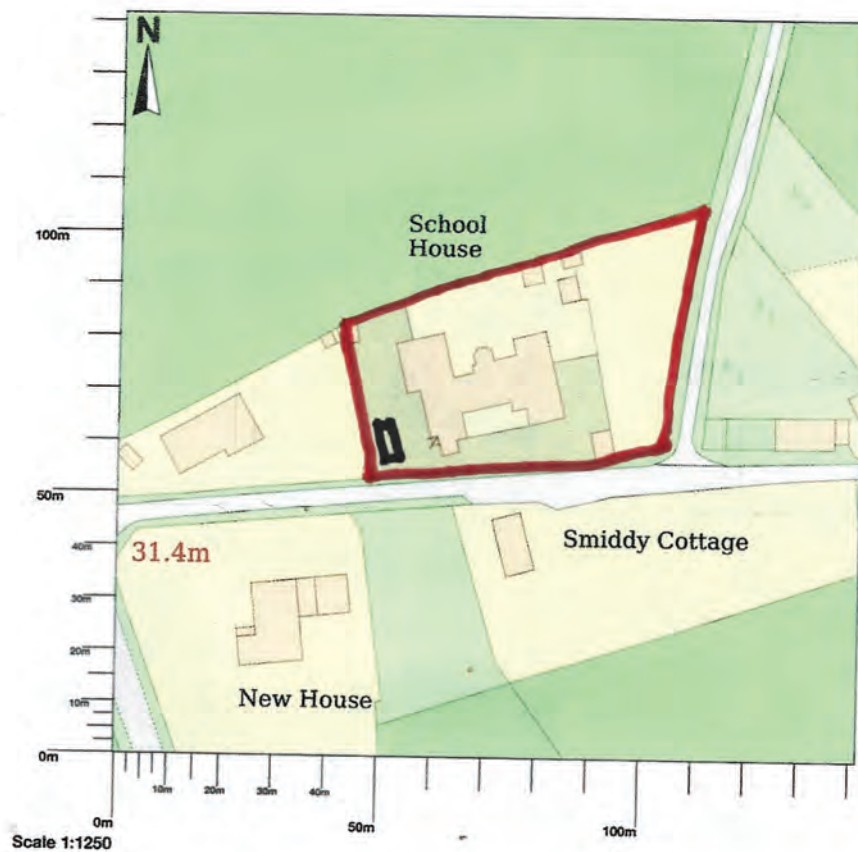
© Crown copyright and database rights 2023 OS 100054135. Map area bounded by: 362541,747785 362631,747875. Produced on 17 April 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: b90c/uk/937047/1264146



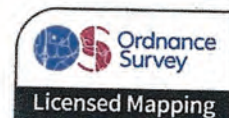




# Schoolhouse, Chapelton, Arbroath, DD11 4RT



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## ANGUS COUNCIL

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

## PLANNING PERMISSION - CONDITIONAL APPROVAL

REFERENCE : 23/00166/FULL



To: Mr Graham Campbell  
Schoolhouse  
Chapelton  
Boysack  
Arbroath  
Angus  
DD11 4RT

With reference to your application dated **3 May 2023** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

**Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective) at Schoolhouse Chapelton Arbroath DD11 4RT for Mr Graham Campbell**

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

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

- 1 That the development hereby approved shall only be operated by a person or persons who occupy and/or own the dwellinghouse known as Chapelton Schoolhouse.
- 2 The planning permission hereby approved only permits the use of the proposed shed (as identified in black on the proposed site plan) for the sale of goods other than and excluding hot food. For clarification and the avoidance of doubt, no other areas within the application site shall be used for the sale or display of goods; and no hot food shall be sold from within the application site at any time.
- 3 The proposed shed (as identified in black on the proposed site plan) hereby approved shall only be used for activities falling within Class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), unless otherwise approved through the express grant of planning permission on application to the planning authority.
- 4 Noise from any mechanical ventilation associated with the development hereby approved shall not exceed Noise Rating Curve 30 between 07:00 and 22:00 hours daily, or Noise Rating Curve 20 at all other times as measured within any residential or noise sensitive property with the windows open at least 50 millimetres.

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

- 1 To ensure that the operator of the development is linked to the occupation of the dwelling in the interests of safeguarding amenity
- 2 In order to clarify the terms of this planning permission; in order to limit the Class 1A use permitted to only the shed erected for that purpose as that is the basis on which the application has been assessed; and in order to prevent the site being used as a hot food takeaway in the interests of safeguarding the amenity of neighbouring residents and because a hot food takeaway in this location is contrary to development plan policies and council planning guidance.
- 3 In order to restrict the use of the building hereby approved to uses falling within Class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) only, as uses within alternative use classes could give rise to materially different impacts on the amenity of neighbouring residents.

- 4 In the interests of safeguarding the amenity of existing and future occupants of residential or noise sensitive properties.

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

1. The proposal is generally in accordance with the development plan subject to the exclusion of the hot food being sold. It is compatible with the relevant locational criteria identified in the development plan and as it does not result in a significant direct or indirect impact on amenity, built, cultural or natural heritage designations, road safety or infrastructure subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **15 September 2023**

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

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

**Amendments:**

The application has not been subject of variation.

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

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



# WARNING

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

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

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

Produced by:

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

## Planning Decisions – Guidance Note

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

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

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

### DURATION

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.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>
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.	<i>Local Review Body – See details on attached Form 2</i>
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.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>

**Notification of initiation of development (NID)**

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

**Notification of completion of development (NCD)**

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

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

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

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

Telephone 03452 777 780  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)



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

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

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

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to 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, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



Comhairle Aonghais

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

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

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

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> . Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



## NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **23/00166/FULL** for **Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)** at **Schoolhouse Chapelton Arbroath DD11 4RT** for **Mr Graham Campbell** dated **15 September 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Do you own the land subject to the above permission?

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

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

Date you intend to commence the above development:

## NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

AC26

This notice should be fully completed by the person who completed the development approved in application reference **23/00166/FULL** for **Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)** at **Schoolhouse Chapelton Arbroath DD11 4RT** for **Mr Graham Campbell** dated **15 September 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Date of completion of the above development:

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

SCHEDULE 7

Development at **Schoolhouse Chapelton Arbroath DD11 4RT**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Graham Campbell** on **15 September 2023**.

Application reference **23/00166/FULL**

The development comprises **Change of Use of Land for the Erection of a Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective)**

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

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

Enquiries should be directed to the Service Leader at the above address or to [planning@angus.gov.uk](mailto:planning@angus.gov.uk)

## SGN Overbuild Advisory Note

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

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

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

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

Phone 0800 912 1722 / Email [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)

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

Further information on safe digging practices can be found here:

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

**Walter K Wyllie**

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**From:** Kerry Todd [REDACTED]  
**Sent:** 11 April 2023 10:11  
**To:** Walter K Wyllie <WyllieWK@angus.gov.uk>  
**Subject:** Fwd: 23/00166/FULL

The shed is made of wood and natural colour of a shed and felt is black on the roof there is 2 windows at the front of the shop that do not open as shed windows with glass and 2 doors on at the front and one at the back. There is black pvc guttering along roof and the side of the shed now and runs into the ground for rain water.

**Walter K Wyllie**

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**From:** Kerry Todd [REDACTED]  
**Sent:** 11 April 2023 10:19  
**To:** Walter K Wyllie <WyllieWK@angus.gov.uk>  
**Subject:** 23/00166/FULL

The nature of the business is a gift shop/ takeaway. We make all homemade cakes , traybakes , bespoke cakes. The gift shop also has local crafters who make homemade products. We do not take a commission from local crafters for having their products in the shop as we wanted a place for local crafters who can not or do not have a shop. They advertise where their products are and we advertise for them also our page. We wanted a community theme to the shop with local gifts and products. We would also like to run a little takeaway with bacon rolls , chips , hot and cold food , ice cream tea and coffee where people can just sit outside and watch the world go by in the countryside. We have local business nearby that would use the takeaway.

The shed was built in 2021 and opened in August 2021. As we were informed didn't need warrant to build shed and planning would be in touch if needed.

The hours we are open is Tuesday-Friday 10-3 , Saturday & Sunday 10-5 during the summer , winter is Wednesday-Saturday 10-3.

We have an explain fan fitted in the shed the only odours that would be from the shed would be from cooking hot food.

We have our own parking as we have a large property that has private parking in our driveway as it was an old school and plenty of parking spaces available off the main road. The road is privately owned by all properties and maintained by us as there is also a business at the top of the road.

Customers would visit during opening hours as stated above.

There is not many deliveries for the business unless ordered online which comes from dpd , amazon which is a couple of times a month as I go to the cash & carry myself for any goods I need for cooking , making cakes etc.

The only storage we need is for cake boxes which are stored in the shed itself or in my property.

We do not employ anyone. It is solely run by Kerry.

The goods we sell are old fashioned cakes , traybakes, handmade products such as candles , chopping boards, frames , paintings , hats , unique local gifts.

We also are part of a bike group which we have meets occasionally around the area for local charities. Sometimes they are held at our shed where we have the charities in attendance to explain to everyone what they do and raise money from the bikers for the charity. Also a place for bikers as off road parking to meet up with friends for a coffee and a chat.

























AC31















AC32





**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**  
**APPLICATION FOR REVIEW – SCHOOLHOUSE, CHAPELTON,**  
**ARBROATH**

**APPLICATION NO 23/00166/FULL**

**APPLICANT'S SUBMISSION**

**Page No**

**ITEM 1**      Notice of Review



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100644180-001

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

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Schoolhouse"/>
First Name: *	<input type="text" value="Graham"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Campbell"/>	Address 1 (Street): *	<input type="text" value="Chapelton"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Schoolhouse"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Arbroath"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="DD11 4RT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="chapeltoncakescandles@gmail.com"/>		

## Site Address Details

Planning Authority:

Angus Council

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

Address 1:

SCHOOLHOUSE

Address 2:

CHAPELTON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ARBROATH

Post Code:

DD11 4RT

Please identify/describe the location of the site or sites

Northing

747830

Easting

362586

## 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)

We received our planning decision from angus Council planning department which had conditions that we were not allowed to sell hot food. 23/00166/FULL The application was for gift shop / takeaway. As we are not near any houses which our neighbours are over 2 metres away from the shop.

## 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.

We are seeking a review as we have been informed that we are not allowed to sell any hot food. We have I assume been classed as class a1. After looking at other class a premises which they are allowed to sell hot dogs, pies etc heated up. So why are we not allowed to ?? We live in the countryside with our neighbours over 2 metres away which they have actually messaged planning to inform them they have no objections to the shop. We were informed for the smells of food on our neighbours

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)

I have emails from planning decision

## Application Details

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

23/00166/FULL

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

15/03/2023

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

15/09/2023

## 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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Graham Campbell

Declaration Date: 19/09/2023

## **FURTHER LODGED REPRESENTATIONS**

**From:** [REDACTED]  
**To:** [Roselyn Brown](#)  
**Subject:** Re: Application for Review - Change of Use of Land and Ancillary Works (Retrospective) at Schoolhouse, Chapelton, Arbroath, DD11 4RT  
**Date:** 29 September 2023 12:01:14

---

Dear Roselyn

Schoolhouse, Chapelton - Review

With reference to the above, we as neighbours, stand by our original representation in favour of the change of use for Gift Shop/Takeaway.

Regards  
Alison  
Cameron Blacksmith

On Fri, 29 Sep 2023 at 11:33, Roselyn Brown <[BrownR@angus.gov.uk](mailto:BrownR@angus.gov.uk)> wrote:

Dear Sir/Madam

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

**Application for Review – Appeal of Conditions 2 &3 of planning permission ref 23/00166/FULL for Change of Use of Land for Erection of Shed for a Gift Shop/Takeaway and Ancillary Works (Retrospective) at Schoolhouse, Chapelton, Arbroath, DD11 4RT – Mr Graham Campbell**

**Application No 23/00166/FULL - DMRC-11-23**

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

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

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so,



you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

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

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

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

Kind regards

Roselyn

Roselyn Brown | Executive Support Officer (Members Services) and  
Committee Assistant | Angus Council | 01307 491994

**From:** [REDACTED]  
**To:** [Roselyn Brown](#)  
**Subject:** Re: Application for Review - Change of Use of Land and Ancillary Works (Retrospective) at Schoolhouse, Chapelton, Arbroath, DD11 4RT  
**Date:** 29 September 2023 12:34:14

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Good afternoon,

I don't understand why other class 1a business are allowed to sell hot food and Chapelton is not, This is a great place especially where it is located for the surrounding businesses , passing trade vans etc! Would be great if was allowed! Councils should be supporting small businesses right now!

Karen Soutar

Sent from my iPhone

On 29 Sep 2023, at 11:34, Roselyn Brown <BrownR@angus.gov.uk> wrote:

Dear Sir/Madam

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

Roselyn

Roselyn Brown | Executive Support Officer (Members Services) and  
Committee Assistant | Angus Council | 01307 491994

<decision notice.pdf>