

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 31 OCTOBER 2024

THE NOOK, STATION ROAD, BARRY, CARNOUSTIE

REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE & CHANGE

1. ABSTRACT

- 1.1 The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of dwellinghouse, application No 23/00534/FULL, at The Nook, Station Road, Barry, Carnoustie.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

- 2.1 This Report contributes to the following local outcomes contained within the Angus Council Plan 2023-2028:

- Caring for our people
- Caring for our place

3. RECOMMENDATIONS

- 3.1 It is recommended that the Committee:-

- (i) consider and determine if further procedure is required as detailed at Section 4;
- (ii) if further procedure is required, the manner in which the review is to be conducted;
- (iii) if no further procedure is required:
 - (a) review the case submitted by the Planning Authority (**Appendix 1**); and
 - (b) review the case submitted by the Applicant (**Appendix 2**)

4. CURRENT POSITION

- 4.1 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.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from the recommendations in this Report.

6. RISK MANAGEMENT

- 6.1 There are no issues arising from the recommendations of this Report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no direct environmental implications arising from the recommendations of this report.

8. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

- 8.1 A screening assessment has been undertaken and a full equality impact assessment is not required.

9. CHILDRENS RIGHTS AND WELLBEING IMPACT ASSESSMENT

- 9.1 A Childrens Rights and Wellbeing Impact Assessment is not required as the “General Principles” do not apply to this proposal.

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

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 23/00534/FULL

APPLICANT- MR GRAHAM MURRAY

PROPOSAL & ADDRESS – ERECTION OF DWELLINGHOUSE AT THE NOOK STATION
ROAD BARRY CARNOUSTIE

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Angus Council

Application Number:	23/00534/FULL
Description of Development:	Erection of Dwellinghouse
Site Address:	The Neuk Station Road Barry Carnoustie DD7 7RS
Grid Ref:	354154 : 734129
Applicant Name:	Mr Graham Murray

Report of Handling**Proposal**

The proposal seeks planning permission for the erection of a house on land at The Nook, Station Road, Barry. The proposed 3 bedroom house is over 2-storey's with the majority of the accommodation at first floor level. The development would involve subdivision of existing garden ground associated with The Nook in order to form a new curtilage for the proposed house. The application form indicates a connection to the public drainage and water supply networks and that SUDS would be provided to deal with surface water.

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 25 August 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

22/00534/FULL for Erection of Dwellinghouse was determined as "Refused" on 3 November 2022.

21/00234/PPPL for Erection of Dwellinghouse within garden ground was determined as "Application Withdrawn" on 17 August 2021.

Applicant's Case

Supporting Statement:

- Refers to flats granted planning permission in Carnoustie in 2007. SEPAs response to that application refers to a 'safe' floor level for these flats. Floor levels were conditioned to be 500mm higher than the road level of Links Parade and the building has not suffered from flooding.
- This has also been the case for Barry Settlement where the application being made by Mr & Mrs Murray is located. The mitigation measures of bunding around the Barry burn and the maintenance regime now established proved sufficient and allowed the area to remain free from severe flood spill completely. The severe weather conditions photographed and reported earlier this year (2023), tested the existing area. Mitigation is the answer and the design of the proposed house, does not raise the habitable floor level of the house by 500mm or 750mm above the worst anticipated but 2,600mm above it.
- This is more than sufficient to allow the worst anticipated flood level.
- Design complies with Angus Council's Guidelines for appearance, amenity space and window to window and safeguards habitable accommodation.

- Queries settlement boundary of Barry in ALDP;
- Plot sizes match those in the vicinity;
- Questions using PV12 of the ALDP in the previous refusal;
- The house proposed is a good example of how a contemporary design can contribute to a settlement;
- States that subjective attitude towards design should be avoided.

Letter from agent dated 16/08/23

- Confirms that a Flood Risk Assessment will not be provided.
- Already accept that the site is in a risk area in which there is a possible 1 in 500 year event, at which time there is a possible surrounding water depth of 300/500 mm. That resulted in mitigation features being added into the design which raise all habitable accommodation to be raised above that point by supporting on suitably designed steel columns.
- This solution is sustainable and a more sympathetic method of mitigation and along with the removal of the existing double garage will not increase the flood risk to any of the surrounding properties and thereby comply with even the latest national guidelines for Planning in Scotland.

Consultations

Scottish Environment Protection Agency - Objects in principle to the proposed development. While there is a flood prevention scheme at the location, it is not built to current standards and additional residential development at this location would put additional people and property at risk of flooding. The proposal is contrary to NPF4 Policy 22 and any intention to grant permission contrary to SEPA advice would require notification of the application to Scottish Ministers.

Flood Prevention Authority - Objects to the application on the ground of flood risk on the basis it fails to meet the requirements of NPF4 Policy 22.

Environmental Health - No objection in terms of amenity impacts associated with the proposed flue.

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

Roads (Traffic) - No objection.

Scottish Water - No objection.

Representations

There were no letters of representation.

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 9 Brownfield, vacant and derelict land and empty buildings

Policy 13 Sustainable transport

Policy 14 Design, quality and place

Policy 16 Quality Homes

Policy 17 Rural homes

Policy 18 Infrastructure first

Policy 22 Flood risk and water management

Policy 23 Health and safety

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV12 : Managing Flood Risk
Policy PV6 : Development in the Landscape

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.

Policy DS1 of the Angus Local Development Plan (ALDP) indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land. NPF4 Policy 9 indicates that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the local development plan.

The application site is not within a development boundary as defined by the ALDP and relates to the existing garden ground of The Nook which is located in an RSU1 countryside location.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. It supports proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and in a number of specified circumstances. ALDP Policy TC2 indicates that in countryside locations the council will support proposals for the development of houses which fall into at least one of a number of categories. The policy is supported by adopted countryside housing supplementary guidance.

The site is within a category 1 rural settlement unit (RSU) as defined by the ALDP. The local development plan states that in category 1 RSU's (which are areas that are not remote from towns) the opportunity for new development outwith settlements will be more restricted, as development should be directed towards existing settlements. This is an area where council policy seeks to restrict new housing development in the countryside with the objective of directing new development to sustainable locations within existing settlements.

In general terms, in category 1 RSU's, Policy TC2 indicates that new-build houses may be acceptable where development involves regeneration or redevelopment of a brownfield site and would deliver significant environmental improvement. Individual new houses may be acceptable where they would round off an established building group of 3 or more existing dwellings; meet an essential worker requirement; or fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop, or a community facility.

The statutory adopted supplementary guidance provides further clarity on policy interpretation. Amongst other things, it indicates that: -

- o the sub-division of existing residential curtilages to artificially create new build plots will not be supported
- o new house plots in category 1 RSU's should be between 800 and 2000sqm in area
- o proposals should not extend ribbon development
- o proposals should contribute to the rural character of the surrounding area and not be urban in form and/or appearance
- o proposals should provide a good residential environment.

In this case, the proposal forms part of the established curtilage of an existing dwelling. It is not a brownfield site where development would provide any environmental benefit. There may be some merit in a suggestion that development would round off the existing building group or that the land forms a gap site between the existing dwelling and the embankment of the burn. However, the development would involve sub-division of an existing curtilage and that is expressly prohibited by the policy. In addition, the proposed plot measures around 730sqm in area which is below the 800sqm minimum plot size requirement for an RSU1 area, and the development would extend ribbon development. It is relevant to note that the resultant plot remaining for the existing dwelling would also be below the minimum plot size requirement. For these reasons the proposal is contrary to policy TC2 of the ALDP.

NPF4 policy 17 includes a similar set of circumstances in national policy which lend support to new rural housing, such as reuse of brownfield land, redundant buildings, or historic assets; the erection of an essential worker or retired farm accommodation; the subdivision of an existing dwelling; or the reinstatement of a former dwelling. The proposal fails to comply with any of these circumstances. The proposal is also contrary to NPF4 policy 17.

NPF4 Policy 22 relates to flood risk and water management, the policy intent is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The policy states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for: essential infrastructure where the location is required for operational reasons; water compatible uses; redevelopment of an existing building or site for an equal or less vulnerable use; or 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. It states protection offered by an existing formal flood protection scheme can be taken into account when determining flood risk. The policy also states development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Policy PV12 of the ALDP also deals with flood risk. Amongst other things, the policy states, there will be a general presumption against built development on the functional flood plain. It indicates that in areas of medium to high risk of flooding, a flood risk assessment may be required. The policy indicates that residential development may be appropriate in existing built-up areas at medium to high risk of flooding provided flood protection measures to the appropriate standard already exist.

The site is at medium risk of surface water flooding and at high risk of flooding from the Barry Burn. In this case, both SEPA and the council's roads service in its capacity as flood prevention authority have objected to the application. Both suggest the proposal would fail to comply with NPF4 Policy 22. SEPA advise that the site is entirely within an area identified as being at risk of flooding from the Barry Burn. SEPA indicates that the proposal is located next to an existing flood prevention scheme associated with the Barry Burn. They advise that whilst flood protection schemes can reduce flood risk they cannot eliminate it entirely and the primary purpose of such schemes is to protect existing development from flood risk rather than to facilitate new development. Furthermore, SEPA state the existing flood prevention scheme does not meet current standards of protection.

Therefore, as the application involves the building of a new residential house within the garden ground of an existing house, it would not propose a water compatible use and would result in an increase in flood risk and land use vulnerability at a site which is not identified for redevelopment in the local development plan. The proposal would fail to comply with the exceptions identified in NPF4 policy 22 which lend support to development within a flood risk area. In considering protection offered by existing flood defences, these do not meet current standards and no information has been provided by the applicant to address flood risk matters. In these circumstances, a proposal for a new house in an area at significant risk of flooding is contrary to policy PV12 of the ALDP and Policy 22 of NPF4. A house on a site that is at

significant risk of flooding would not provide a good residential environment for future occupants and in this respect the application is also contrary to policy TC2.

In this case, design is a secondary consideration as the principle of development is contrary to development plan policy. However, the design does not reflect and complement traditional properties in the area, including the characterful neighbouring properties. To confirm, there is a strong building line established by the properties to the south and that would be breached by this proposal. The proposal would not fit with the character and pattern of development in the area and an elevated building of the design proposed would appear incongruous at this location. A building at significant risk of flooding would not provide a safe and pleasant environment. The proposal is contrary to policy DS3 of the ALDP and also Policies 14 and 17 of NPF4.

The proposal does not give rise to significant issues in terms of remaining development plan policy and associated issues could be addressed by condition. However, the principle of a new house at this location and on a site that is subject to significant flood risk is contrary to the development plan.

In addition to the development plan, other material planning considerations have been taken into account which comprise of the information submitted in support of the application and relevant planning history. The applicant's agent questions the appropriateness of the development boundary defined by the ALDP and appears to suggest that it has been drawn such that it runs through or subdivides the applicant's garden ground. That assertion is factually incorrect. The development boundary for Carnoustie and Barry is located around 100m to the east of the application site. The boundary, and the planning policies that apply to the application site, were established through the appropriate statutory planning process. Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Disagreement with those policies is not a material planning consideration.

Matters of design and plot size have been discussed and are deemed unacceptable for the reasons listed above.

The agent has made reference to another 2007 proposal on another site some distance away, within Carnoustie. Each application is to be assessed on its own individual merit against relevant development plan policies and any material considerations. A 2007 permission on another site within a development boundary some distance away would not be a material consideration in this case. Furthermore, there is no concept of binding precedent in planning law.

The application site is located adjacent to the Barry Burn and all available flood risk data suggests that the site is at high probability of flood risk. The applicant's agent has not provided a Flood Risk Assessment. The applicant accepts that the site is in a flood risk area but have advised that they have considered this and the flood mitigation measures of bunding around the Barry burn have proved sufficient and have allowed the area to remain free from severe flood spill and the proposal provides a mitigating design supported on steel columns with all habitable accommodation at first floor sufficiently raised to avoid the worst anticipated flood level. The agent ascertains that this solution is sustainable and along with the removal of the existing double garage at the site, the proposal will not increase the flood risk to any of the surrounding properties. However, no information has been provided to support or demonstrate the site would be safe from flooding or to suitable address the concerns raised by SEPA. Both SEPA and the council's roads service have objected to the application in principle. Furthermore, the intent of NPF4 policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle. Notwithstanding the incompatibility with the exceptions listed in NPF4 policy 22 and discussed above, the inclusion of flood mitigation measures (such as elevated structures) as a means to address flood risk would not comply with the intent of NPF4 policy 22.

The agent queries the use of ALDP Policy PV12. The proposal is an area of flood risk and as such ALDP policy PV12 would apply. The proposal has not been supported by a flood risk assessment and would materially increase the probability of flooding to the proposed development. Therefore the proposal would fail to comply with this policy. SEPA and the council's roads service have provided clear advice that a proposal for a new house on this site is contrary to policy. No information has been provided to justify departure from that advice. SEPA has also confirmed that as it has objected to the application, any intention to grant permission contrary to its advice would require notification of the application to Scottish

Ministers.

In addition to the above, it is also relevant to consider recent planning history at the site. Planning permission was refused in November 2022 for a house of the same design on this plot as part of application ref: 22/00534/FULL. That application was refused on the basis of failure to comply with ALDP countryside housing policy TC2 on a number of grounds; failure to comply with ALDP policy PV12 as the proposal would increase the number of properties at risk of flooding; and failure to comply with ALDP policy DS3 as the house design does not fit with the character and pattern of development in the area and would not provide a safe and pleasant environment. There has not been any information provided which would alter this view and the policy context for refusal of the proposal has been strengthened with the introduction of NPF4 since that decision, where, as detailed above, the proposal also fails to comply with NPF4 policies relating to rural homes, flood risk and design.

In conclusion, the principle of a new house at this location is contrary to development plan policies relating to rural homes. It involves sub-division of an existing plot in circumstances where that is expressly prohibited. It provides a plot that does not comply with minimum plot size criteria. It extends ribbon development where that is expressly prohibited. In addition, this is a location where there is a high probability of flood risk and where expert consultation bodies have raised objection regarding flood risk. No information has been submitted to suitably address that matter and the proposal is contrary to local and national flood risk policies. A site at risk of flooding cannot provide an acceptable residential environment and it does not provide a safe and pleasant development. The matters raised in support of the application do not justify approval of the application contrary to the provisions of development plan policy. There are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.

Human Rights Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. The proposal is contrary to NPF4 policy 17 and ALDP policy TC2 of the Angus Local Development Plan and its associated, Countryside Housing Supplementary Guidance because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural areas. Furthermore, the proposal involves sub-division of an existing residential curtilage to artificially create a new plot; it provides a plot that does not meet the minimum plot size requirement for a new house at this location; and it would extend ribbon development.

2. The proposal is contrary to NPF4 policy 22 and ALDP policy PV12 as the site is at high probability of flood risk and as it would increase the number of properties at risk of flooding. The proposal is also contrary to NPF4 policy 14 and ALDP policies TC2 and DS3 as it would not provide a satisfactory residential environment, and as it would not provide a safe and pleasant or resource efficient development due to flood risk.

3. The proposal is contrary to NPF4 policy 14 and ALDP policy DS3 of the Angus Local Development Plan and its associated Design Quality and Placemaking Supplementary Guidance, as it does not fit with the character and pattern of development in the area; does not provide a safe and

pleasant environment or resource efficient development due to flood risk; does not provide a high design standard that contributes positively to the character and sense of place of the area; and has not been designed to improve the quality of the area.

Notes:

Case Officer: James Wright
Date: 31 July 2024

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 9 Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

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 17 Rural homes

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

d) Development proposals for new homes 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 its rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

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.

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

- o the site is not allocated or protected for another use; and
- o the proposal is consistent with the character and pattern of development in the surrounding area.

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

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or

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

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

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

*includes houses in multiple occupation, non-mainstream housing for people with particular needs, such as specialist housing for the elderly, people with disabilities, supported housing care and nursing homes.

**Rural Settlement Units are defined in the Glossary and their role is further explained on Page 9.

Policy PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

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

Policy 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.

Wednesday, 23 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
www.scottishwater.co.uk



Dear Customer,

The Neuk, Station Road, Barry, Carnoustie, DD7 7RS
Planning Ref: 23/00534/FULL
Our Ref: DSCAS-0092909-96V
Proposal: Erection of Dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. 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 Clatto 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

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

Please Note

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

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ 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

▶ 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 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

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.

Yours sincerely,

Angela Allison

Development Services Analyst

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."

From: [Adrian G Gwynne](#)
To: [PLNProcessing](#)
Subject: RE: Planning Application Consultation 23/00534/FULL
Date: 24 August 2023 07:21:48

No further comments

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: 21 August 2023 12:35
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 23/00534/FULL

Please see attached document.

From:Martin Petrie
Sent:7 Sep 2023 11:56:44 +0100
To:James Wright
Subject:FW: Planning Application Consultation 23/00534/FULL flare 553650
Attachments:ufm27_E-mail_-_Standard_Consultation.pdf

Hi James

I can now advise that I have had an opportunity to peruse the documents for this application and my thoughts on this are:

This application proposes the erection of a new house within the garden area of an existing property, the new proposed property does contain provision for a wood burning stove and associated flue and as such there is the potential for loss of residential amenity arising from smoke and odour.

The flue of this proposal is located over 20m from the closest residential property and further for that properties amenity space, therefore I have no objections to this application.

If you have any further queries please do not hesitate to contact me.

Kind regards
Martin

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

From: Linda Petrie <PetrieL@angus.gov.uk>
Sent: 21 August 2023 16:32
To: Martin Petrie <PetrieM@angus.gov.uk>
Subject: FW: Planning Application Consultation 23/00534/FULL flare 553650

Please see attached document.



James Wright
Planning Department
Angus Council

Our Ref: 10513
Your Ref: 23/00534/FULL

By email only to: PLNProcessing@angus.gov.uk

SEPA Email Contact:
planning.south@sepa.org.uk

09 October 2023

Dear James

**Town and Country Planning (Scotland) Acts
Erection of Dwellinghouse, The Neuk Station Road Barry Carnoustie DD7 7RS**

Thank you for consulting SEPA on 14 September 2023 in relation to the above application. We understand the reason for consultation is flood risk.

Advice for the planning authority

We **object in principle** to the application and recommend that planning permission is refused. This is because the proposed development may put people or property at risk of flooding which is contrary to national planning policy. Please note the advice provided below.

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

1. Flood risk

- 1.1 In line with NPF4 (Policy 22) a precautionary approach to flood risk should be adopted by avoiding development in flood risk areas defined as land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change.
- 1.2 The site is located adjacent to the Barry Burn in an area entirely shown to be at risk of flooding based on the [SEPA Future Flood Maps](#). This indicates there is a potential risk of fluvial flooding from the Barry Burn.
- 1.3 The house will be located next to and below a formal flood embankment which also has a walled section as part of the scheme – the wall would be to mitigate erosion risk as the site is on the bend of the river. Flood protection schemes can reduce flood risk but cannot eliminate it entirely. Their primary purpose is to protect existing development from flood risk rather than to facilitate new development.



Chairman
Bob Downes

CEO
Nicole Paterson

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

- 1.4 It is our understanding the scheme was built in 1979 to a standard of protection of 1 in 100 years. This is less than the level which NPF4 requires development to be assessed against i.e. 1 in 200 years plus an appropriate allowance for climate change.
- 1.5 Development proposals in a flood risk area will only be supported in four instances under NPF4 Policy 22a. As the proposal involves the building of a new residential house within the garden ground of an existing house it does not appear to meet any of the exceptions as it involves an increase in [flood risk and land use](#) vulnerability of the site. Therefore, as NPF4 intends to strengthen resilience to flood risk by promoting avoidance as a first principle, new development not meeting these exceptions should be located outside of flood risk areas without the need for flood mitigation measures such as elevated structures.
- 1.6 We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk as a first principle as promoted by NPF4. As it is proposed to develop a house in a flood risk area, we **object in principle** to planning application on flooding grounds.

2. Other planning matters

- 2.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/.

Advice for the applicant

3. Regulatory advice

- 3.1 Details of regulatory requirements and good practice advice can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: FAD@sepa.org.uk.

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk including our reference number in the email subject.

Yours sincerely

Simon Watt
Senior Planning Officer
Planning Service

Ecopy to: wrightj@angus.gov.uk

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

Veronica Caney

From: Georgia Kirtsi-Mathieson
Sent: 12 December 2023 11:45
To: James Wright
Subject: FW: 23/00534/FULL
Attachments: 3430328-Consultation-SEPA.pdf; 3321457-Consultation-ROADS - FLOODING AND DRAINAGE.pdf

Importance: High

James

Planning Application 23/00534/FULL | Erection of Dwellinghouse | The Neuk Station Road Barry Carnoustie DD7 7RS

Further to your consultation request, I have now considered the above planning application and I am unable to support the proposed development on the grounds of flood risk as the development proposals does not meet NPF4 requirements for flood risk, Policy 22. The applicant should refer to 'Angus Council's Technical Guidance for Developers and Regulators - Flood Risk' for further information (https://www.angus.gov.uk/media/technical_guidance_for_developers_and_regulators_flood_risk_pdf).

Should you have any further queries please contact me.

Regards

Georgia

Georgia Kirtsi-Mathieson | Design Engineer - Flood Risk and Structures | Angus Council | kirtsi-mathiesong@angus.gov.uk | www.angus.gov.uk



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[Visit our Facebook page](#)

For information on COVID-19 goto www.NHSInform.scot

Think green – please do not print this email

From: James Wright <WrightJ@angus.gov.uk>
Sent: 11 December 2023 17:16
To: Georgia Kirtsi-Mathieson <Kirtsi-MathiesonG@angus.gov.uk>
Subject: 23/00534/FULL
Importance: High

Erection of Dwellinghouse at The Neuk, Station Road, Barry, Carnoustie, DD7 7RS

Hi Georgia,

As discussed, could you let me know your comments on this application please?

I have attached SEPAs response on the current application and also your comments on the previous application for ease of reference.

Any queries let me know.

Regards

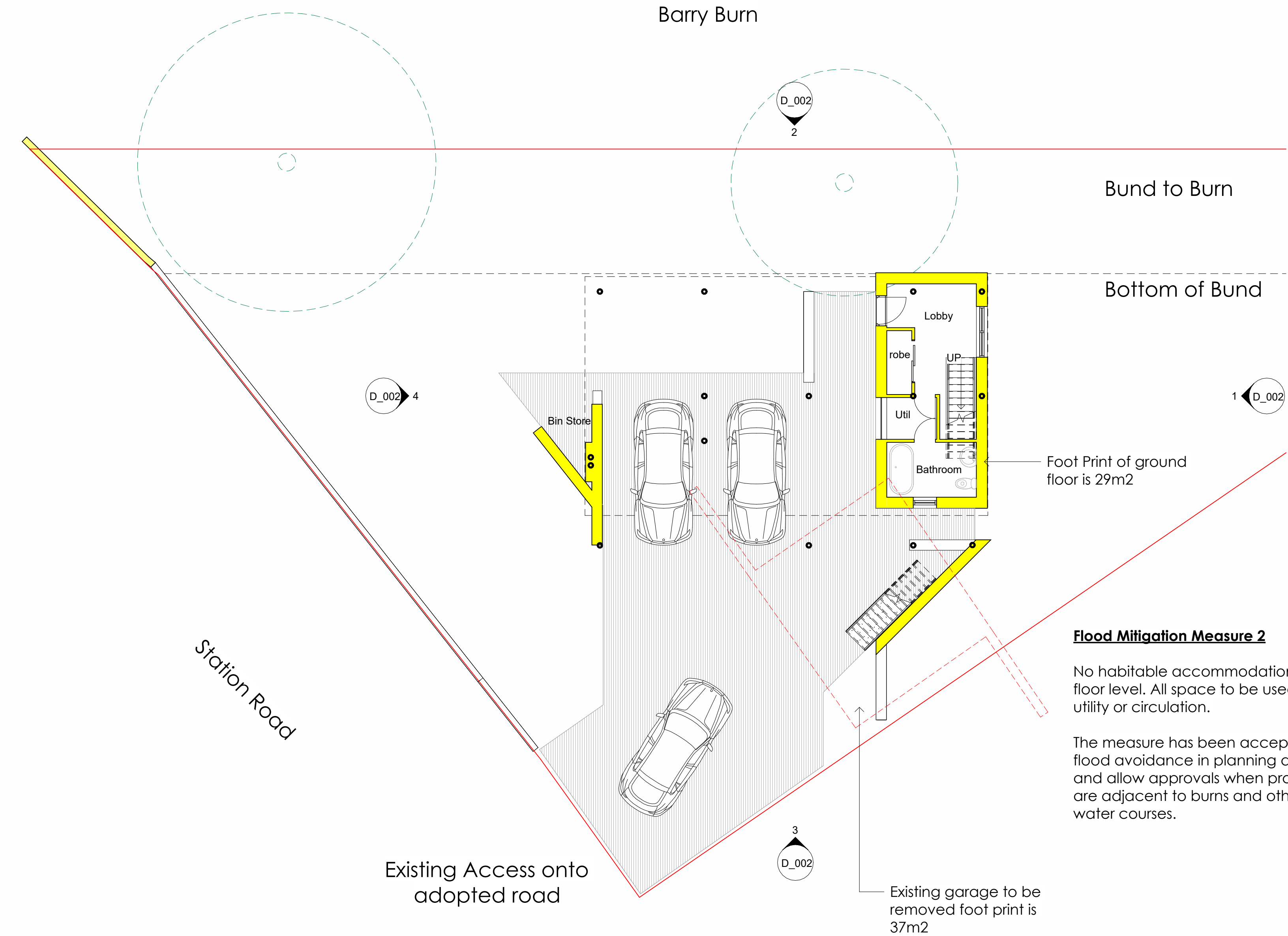
James Wright | Planning Officer (Development Standards) | Angus Council | 01307 492629 | WrightJ@angus.gov.uk
| www.angus.gov.uk

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

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Think green- please do not print this email

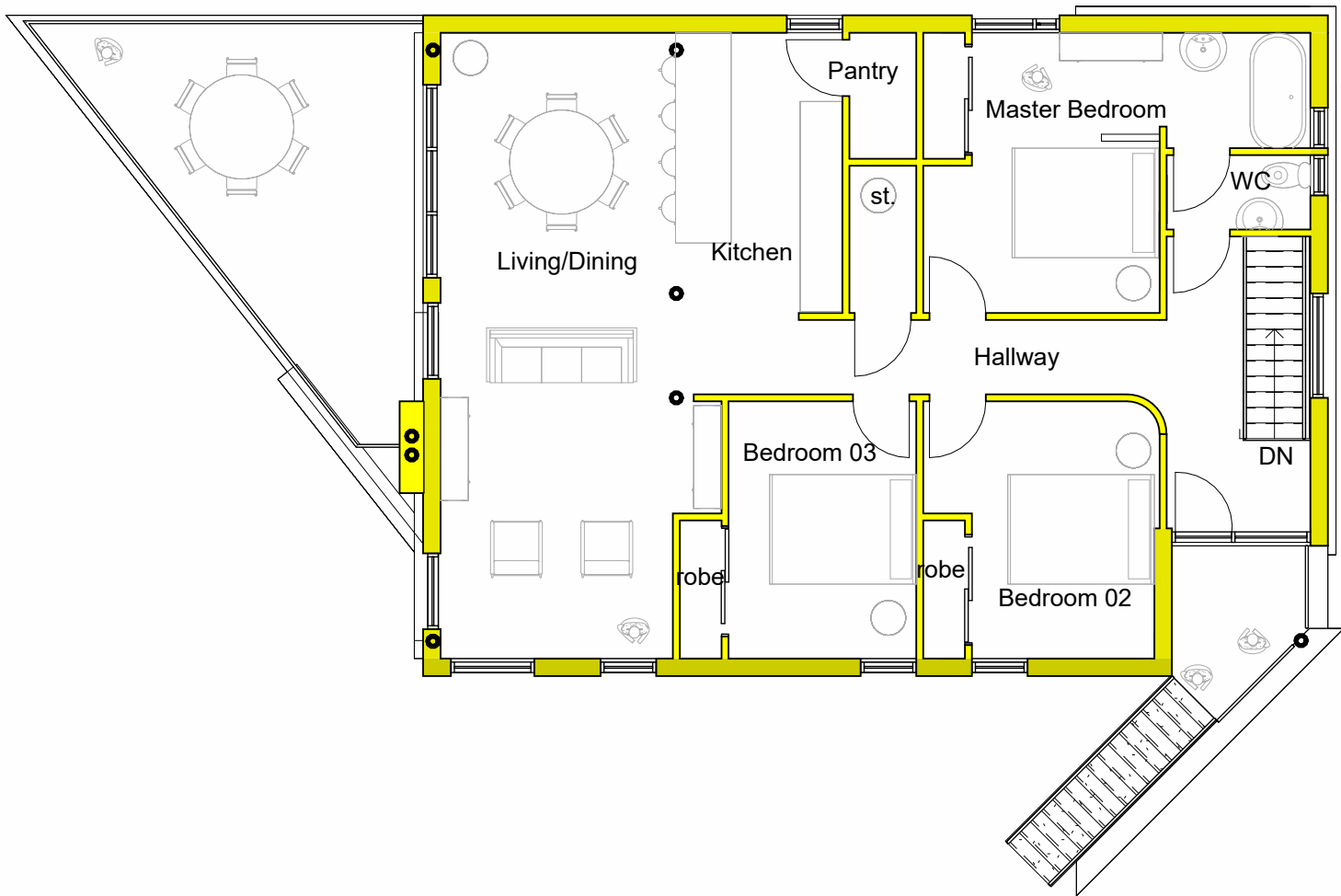


Flood Mitigation Measure 2

No habitable accommodation on ground floor level. All space to be used for bathroom, utility or circulation.

The measure has been acceptable to satisfy flood avoidance in planning applications and allow approvals when proposed houses are adjacent to burns and other low lying water courses.

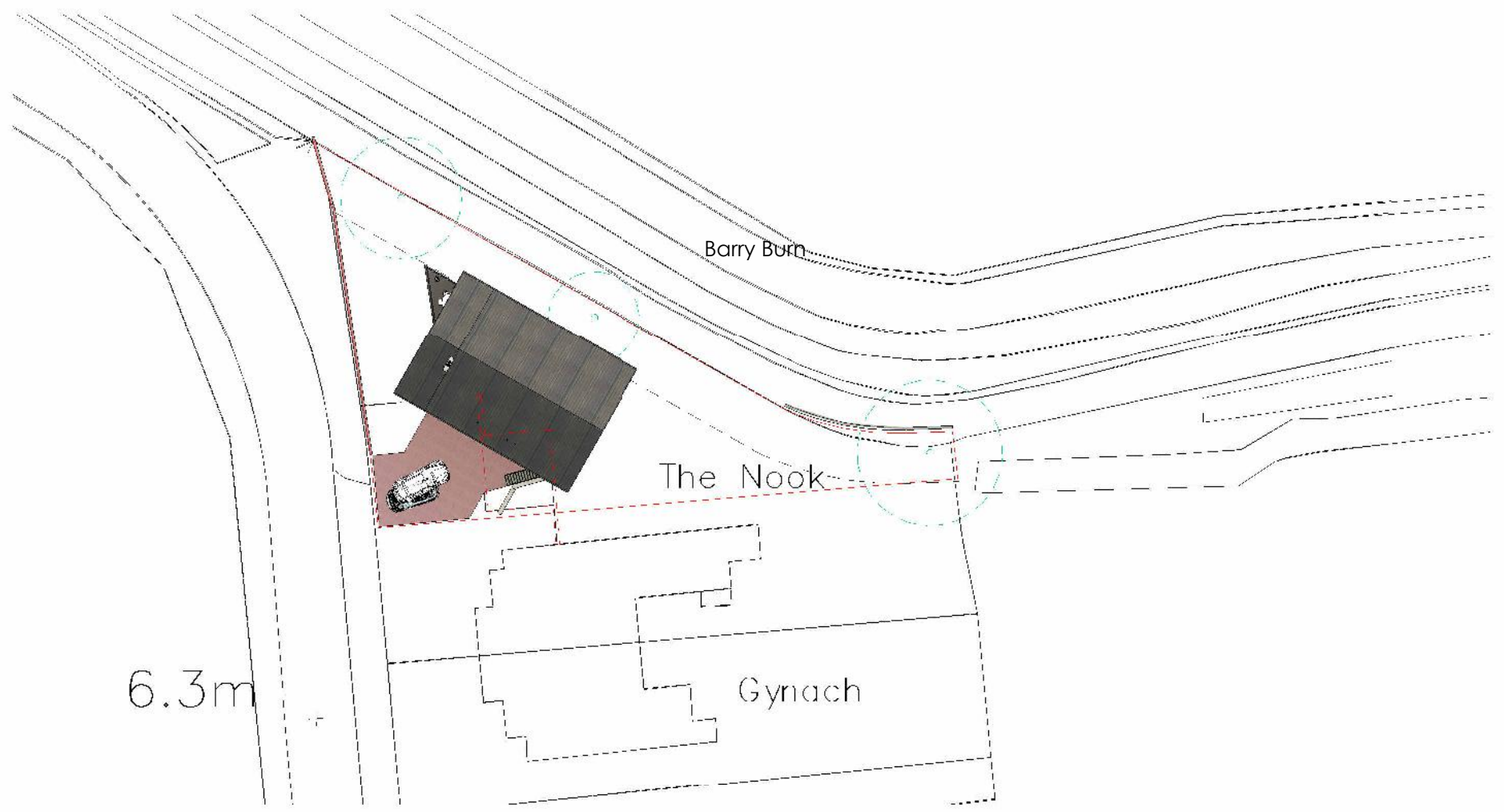
Proposed - Ground Floor Level
1 : 100



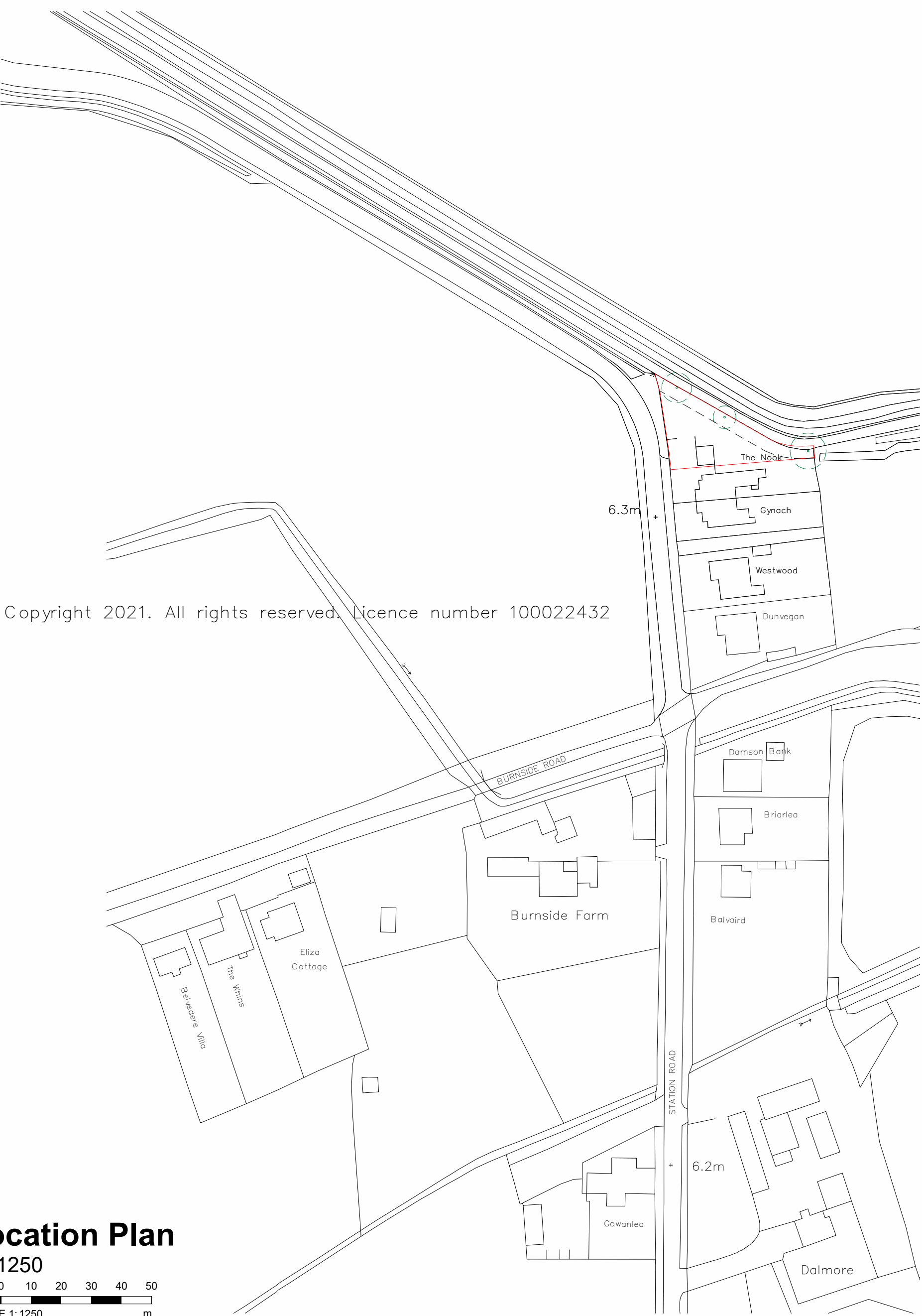
Flood Mitigation Measure 1

The building is built on steel pilots which raise all habitable accommodation 2.5 metres above the SEPA published flood level for a 500 year flood event.

Proposed - First Floor Level
1 : 100



Proposed - Block Plan
1 : 500



Location Plan
1 : 1250

A	PLANNING APPLICATION	25.07.22
B	RESUBMIT PLANNING APPLICATION	02.08.23
REV	Description	Date
Client: Mr and Mrs Murray		
Project: New House at The Neuk, Barry		
Sheet Name: Floor and Site Plans		
Drawing Number: 2446_ D_001 B		



Proposed South Elevation
1 : 100

Flood Mitigation Measure 2

No habitable accommodation on ground floor level. All space to be used for bathroom, utility or circulation.

The measure has been acceptable to satisfy flood avoidance in planning applications and allow approvals when proposed houses are adjacent to burns and other low lying water courses.



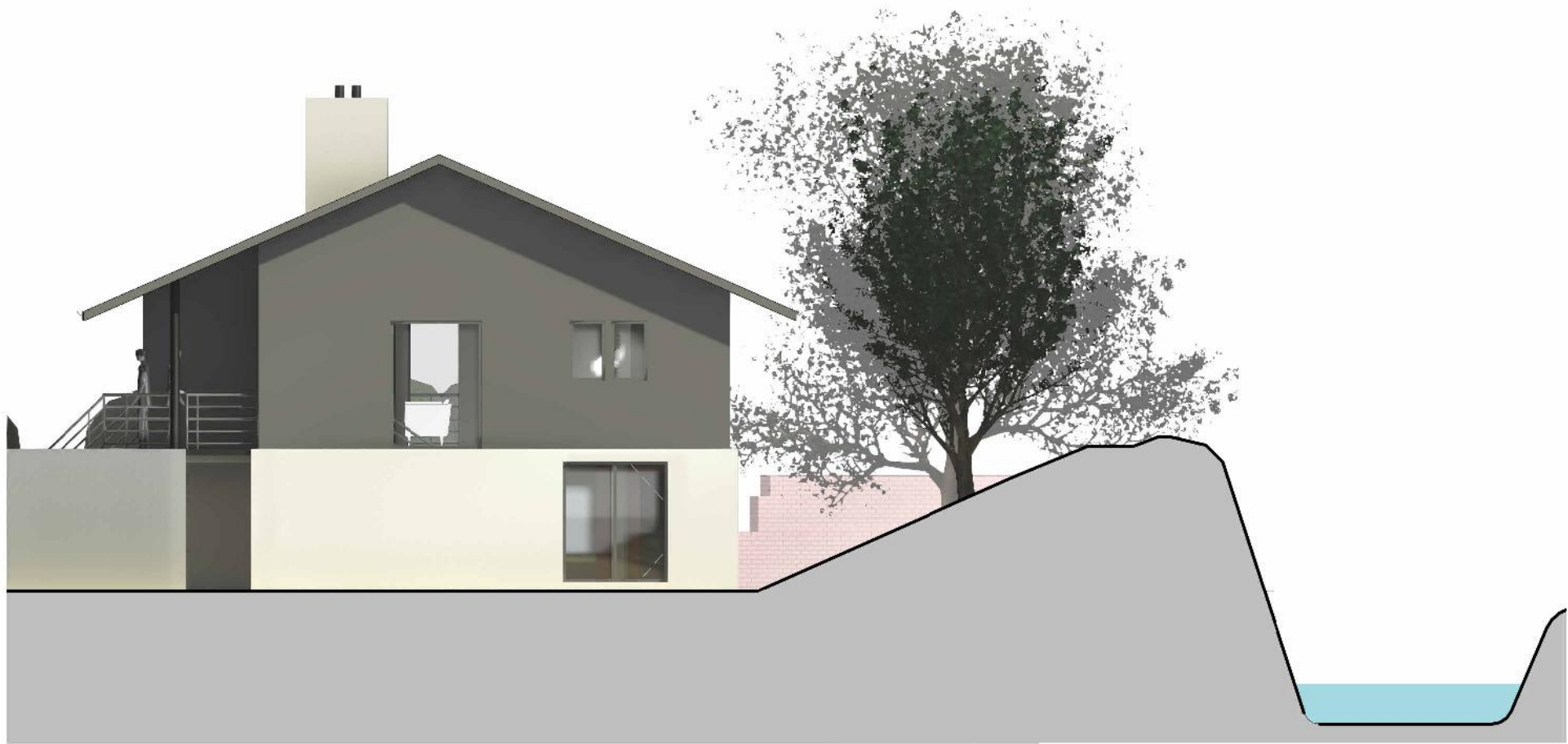
Aerial View

Flood Mitigation Measure 1

The building is built on steel pilotis which raise all habitable accommodation 2.5 metres above the SEPA published flood level for a 500 year flood event.



View from Road



Proposed East Elevation
1 : 100



Proposed West Elevation
1 : 100

FLOOD RISK DEPTH FOR 1 in 500 YEAR OCCURANCE ESTIMATED LEVEL 300/500mm ABOVE EXISTING GROUND LEVEL.

ALL HABITABLE ACCOMODATION KEPT ABOVE THIS LINE.



Proposed North Elevation
1 : 100



REV	Description	Date
A	PLANNING APPLICATION	25.07.22
B	RESUBMIT PLANNING APPLICATION	02.08.23
C	BUND HIDDEN ON NORTH ELEV	09.08.23
Client:		
Mr and Mrs Murray		
Project:		
New House at The Neuk, Barry		
Sheet Name:		
Elevations and Views		
Drawing Number:		
2446_ D_002 C		



































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

**PLANNING PERMISSION REFUSAL
REFERENCE : 23/00534/FULL**

To **Mr Graham Murray
c/o Brunton Design
95 Dundee Street
Carnoustie
Angus
DD7 7EW**

With reference to your application dated 16 August 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of Dwellinghouse at The Nook Station Road Barry Carnoustie DD7 7RS for Mr Graham Murray

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

The reasons for the Council's decision are:-

1. The proposal is contrary to NPF4 policy 17 and ALDP policy TC2 of the Angus Local Development Plan and its associated, Countryside Housing Supplementary Guidance because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural areas. Furthermore, the proposal involves sub-division of an existing residential curtilage to artificially create a new plot; it provides a plot that does not meet the minimum plot size requirement for a new house at this location; and it would extend ribbon development.
2. The proposal is contrary to NPF4 policy 22 and ALDP policy PV12 as the site is at high probability of flood risk and as it would increase the number of properties at risk of flooding. The proposal is also contrary to NPF4 policy 14 and ALDP policies TC2 and DS3 as it would not provide a satisfactory residential environment, and as it would not provide a safe and pleasant or resource efficient development due to flood risk.
3. The proposal is contrary to NPF4 policy 14 and ALDP policy DS3 of the Angus Local Development Plan and its associated Design Quality and Placemaking Supplementary Guidance, as it does not fit with the character and pattern of development in the area; does not provide a safe and pleasant environment or resource efficient development due to flood risk; does not provide a high design standard that contributes positively to the character and sense of place of the area; and has not been designed to improve the quality of the area.

Amendments:

The application has not been subject of variation.

Dated this **1 August 2024**

Jill Paterson

Service Lead

Planning and Sustainable Growth

Angus Council

Angus House

Orchardbank Business Park

Forfar

DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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



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

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

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

1. If the applicant is aggrieved by the decision of the planning authority-

- a) to refuse permission for the proposed development;
- b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

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

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



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

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

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

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

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

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

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

DESIGN STATEMENT

**New House, The Neuk
Station Road, Barry
BDS ref: 2446**



02/08/2023

Design Statement and Observations on SEPA Comment Previous Planning Refusal 22/00534/FULL

In 2007, Planning consent was granted for 72 flats at Dalhousie Court, Links Parade, Carnoustie.

As part of the consultation process, the likelihood of flooding was considered by SEPA and reference was made to the flood risk map produced by SEPA.

Risk is assessed and shown in graphic form (SEPA Flood Map Data) and shades of blue indicate extent and by implication depth and likelihood.

A "safe" floor level of these flats and the floor level of the major Hotel and Links Headquarters Building was established and conditioned on these approvals as being 500mm higher than the road level of Links Parade.

Neither building or for that matter any of the existing houses have suffered from any of the flooding caused by the recent extreme weather and tidal events. This has also been the case for Barry Settlement where the application being made by Mr & Mrs Murray is located. The mitigation measures of bunding around the Barry burn and the maintenance regime now established proved sufficient and allowed the area to remain free from severe flood spill completely. The severe weather conditions

photographed and reported earlier this year 2023, tested the existing area. Mitigation is the answer and the design of the proposed house, does not raise the habitable floor level of the house by 500mm or 750mm above the worst anticipated but 2,600mm above it!

This is more than sufficient to allow the worst anticipated flood level. As designers we discussed and advised the applicant of how to mitigate and avoid the effects of exceptional weather events and they agreed to the proposal.

We have designed a modern house which has plenty of amenity space, compromises no-ones' privacy, attracted no complaint from neighbours, Roads and Transport or Environmental Health Departments. Its design as a house on steel stilts complies with Angus Council's Guidelines for appearance, amenity space and window to window and safeguards habitable accommodation.

We need the design mitigation incorporated properly considered and not have the application automatically considered as compromised because it sits in a SEPA risk area. We know its risk, have designed to take that into account and create a dwelling which is safe, even if a five-hundred year flood came back next week.

I emphasise the fact has still not been explained by Angus Council why the settlement boundary for Barry took an arbitrary line through the applicant's garden rather than following their houses' long-established boundary, fences and walls. The published Angus Local Development Plan created an arbitrary line which did not follow the applicant's boundary and no reasoning was ever given. Every other related boundary in the settlement of Barry (and other Angus Settlement) followed a defined boundary, e.g. a burn a fence, a roadway or path, but not in the case of "The Neuk". A Planning Officer decided that the creation of the Development Boundary running through the middle of a garden, following no fence line or path, would prevent an application for a future house plot by artificially creating a restriction and giving a future reason for refusal, as has happened here. An explanation of the reason behind the choice of boundary has been requested by the applicant, this agent, many times but never give.

The plot size matches several of the properties in the immediate vicinity and using this as a reason to refuse is tenuous to the extreme. The existing house is still left with in excess of 400m² amenity.

The use of PV 12 as another reason for refusal is again tenuous. The existing double garage is to be removed completely which reduces the amount of ground covered with the steel columns and non-habitable ground floor accommodation is a fraction of the mass and volume of the double garage. Using this supposedly "adding to the risk of the houses flooding" is puerile and not thought through. It is an example of an authority trying to find any reason to refuse but which does not stand up to any scrutiny.

The house proposed is a good example of how a contemporary design can contribute to a settlement which has developed gradually along its only road, with a variety of house styles. The colours and materials of the proposed house are not garish and attention-seeking but would form a good focal point for the settlement start.

This subjective attitude towards design should be avoided. There were no objections to the previously refused Planning Application from any member of the public.

The new Public National Framework 4 is complied with from mitigating measures, biodiversity and sustainability. The appearance and visual contribution to the immediate surroundings is compatible and makes for a much better entrance to the settlement than other large developments previously granted consent by this Council closeby.

The application should be supported and approved.



16/08/2023

James Wright
 Planning Officer (Development Standards)
 Angus Council

James,

Our Job Ref: 2446

Your Ref: 23/00534/FULL

Proposal: Erection of Dwellinghouse, The Neuk, Station Road, Barry, Carnoustie, DD7 7RS

I refer to your email dated 03/08/2023.

- 1. Elevations** - Please provide an additional north elevation plan that shows the full extent of the elevation (i.e. Without the bund screening the elevation).

Sent to you by email by Allan Mudie on 09/08/2023 and uploaded to e-portal 16/08/2023

Additional information (not required for validation):

- Flood Risk Assessment: If you do not intend to provide any further information in this regard please confirm by response.

We will not provide a Flood Risk Assessment.

We already accept that the site is in a risk area in which there is a possible 1 in 500 year event, at which time there is a possible surrounding water depth of 300/500 mm. That has had us design in mitigation features which raise all habitable accommodation to be raised above that point by supporting on suitably designed steel columns.

This solution is sustainable and more sympathetic method of mitigation and along with the removal of the existing double garage will not increase the flood risk to any of the surrounding properties and thereby comply with even the latest national guidelines for Planning in Scotland.

With the information provided, I hope you can see the project as a positive contributor and grant it consent.

Regards,



Rodger Brunton, DipArch RIBA FRIAS ARB
 for **BRUNTON DESIGN** | CHARTERED ARCHITECTS

APPENDIX 2

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

THE NOOK, STATION ROAD, BARRY, CARNOUSTIE

APPLICATION NO 23/00534/FULL

APPLICANT'S SUBMISSION

PAGE NO.

ITEM 1	Notice of Review
ITEM 2	Further Statement
ITEM 3	Design Statement
ITEM 4	Location Plan, Site Plan etc
ITEM 5	Original Planning Application



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100387710-003

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Brunton Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Rodger"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Brunton"/>	Building Number:	<input type="text" value="95"/>
Telephone Number: *	<input type="text" value="01241 858153"/>	Address 1 (Street): *	<input type="text" value="Dundee Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Carnoustie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Angus"/>
		Postcode: *	<input type="text" value="DD7 7EW"/>
Email Address: *	<input type="text" value="admin@bruntondesign.com"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="The Nook"/>
First Name: *	<input type="text" value=" & Mrs"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Murray"/>	Address 1 (Street): * <input type="text" value="Station Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Barry"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="DD7 7RS"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="admin@bruntondesign.com"/>	

Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="THE NOOK"/>
Address 2:	<input type="text" value="STATION ROAD"/>
Address 3:	<input type="text" value="BARRY"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="CARNOUSTIE"/>
Post Code:	<input type="text" value="DD7 7RS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="734115"/>	Easting	<input type="text" value="354155"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of Dwellinghouse

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 do not believe that the application has been treated on its own merits. The design of the house mitigates against the flood potential. No satisfactory explanation has been given as to why the settlement boundary has been moved through the middle of the applicant's garden. For the last 20 years this site has remained free of flooding of any kind. The mitigation put into the design will more than protect residents. See Developed Statement attached.

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)

Developed statement for reason to seek a review Design Statement Site Photos (4 documents) Floors and Site Plans Elevations and Views Drawings

Application Details

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

23/00534/FULL

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

16/08/2023

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

01/08/2024

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

An inspection will show how well the house will fit into the adjoining (applicant's) house and the house types/styles going along Station Road. It will show that there is no overlooking of gardens or window to window problems. There were no objections from any neighbours, Roads and Environmental Health Departments. Only the automatic, standard SEPA objection which took no account of design mitigation. The applicant still has a right to have their application on its own merits.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Brunton Design Studio Edith Pringault

Declaration Date: 04/09/2024



Our ref: 2446

Your ref: : 23/00534/FULL

Developed Statement of reasons for seeking review

We do not believe that the application has been treated on its own merits.

The design of the house mitigates against the flood potential by removing all habitable accommodation to the first floor by placing the building on columns.

No satisfactory explanation has been given as to why the settlement boundary has been established through the middle of the applicant's garden rather than following the long-established fence surrounding the property in place for more than 100 years and reflected on the properties title deeds.

For the last 20 years, whilst many parts of Angus have been inundated by flood, this site has remained free of flooding of any kind and the mitigation put into the design will more than protect residents.

None of the previously mentioned factors seem to have been taken into account.

DESIGN STATEMENT

**New House, The Neuk
Station Road, Barry
BDS ref: 2446**

BRUNTON DESIGN
CHARTERED ARCHITECTS



02/08/2023

Design Statement and Observations on SEPA Comment

Previous Planning Refusal 22/00534/FULL

In 2007, Planning consent was granted for 72 flats at Dalhousie Court, Links Parade, Carnoustie.

As part of the consultation process, the likelihood of flooding was considered by SEPA and reference was made to the flood risk map produced by SEPA.

Risk is assessed and shown in graphic from (SEPA Flood Map Data) and shades of blue indicate extent and by implication depth and likelihood.

A "safe" floor level of these flats and the floor level of the major Hotel and Links Headquarters Building was established and conditioned on these approvals as being 500mm higher than the road level of Links Parade.

Neither building or for that matter any of the existing houses have suffered from any of the flooding caused by the recent extreme weather and tidal events. This has also been the case for Barry Settlement where the application being made by Mr & Mrs Murray is located. The mitigation measures of bunding around the Barry burn and the maintenance regime now established proved sufficient and allowed the area to remain free from severe flood spill completely. The severe weather conditions

photographed and reported earlier this year 2023, tested the existing area. Mitigation is the answer and the design of the proposed house, does not raise the habitable floor level of the house by 500mm or 750mm above the worst anticipated but 2,600mm above it!

This is more than sufficient to allow the worst anticipated flood level. As designers we discussed and advised the applicant of how to mitigate and avoid the effects of exceptional weather events and they agreed to the proposal.

We have designed a modern house which has plenty of amenity space, compromises no-ones' privacy, attracted no complaint from neighbours, Roads and Transport or Environmental Health Departments. Its design as a house on steel stilts complies with Angus Council's Guidelines for appearance, amenity space and window to window and safeguards habitable accommodation.

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I emphasise the fact has still not been explained by Angus Council why the settlement boundary for Barry took an arbitrary line through the applicant's garden rather than following their houses' long-established boundary, fences and walls. The published Angus Local Development Plan created an arbitrary line which did not follow the applicant's boundary and no reasoning was ever given. Every other related boundary in the settlement of Barry (and other Angus Settlement) followed a defined boundary, e.g. a burn a fence, a roadway or path, but not in the case of "The Neuk". A Planning Officer decided that the creation of the Development Boundary running through the middle of a garden, following no fence line or path, would prevent an application for a future house plot by artificially creating a restriction and giving a future reason for refusal, as has happened here. An explanation of the reason behind the choice of boundary has been requested by the applicant, this agent, many times but never give.

The plot size matches several of the properties in the immediate vicinity and using this as a reason to refuse is tenuous to the extreme. The existing house is still left with in excess of 400m² amenity.

The use of PV 12 as another reason for refusal is again tenuous. The existing double garage is to be removed completely which reduces the amount of ground covered with the steel columns and non-habitable ground floor accommodation is a fraction of the mass and volume of the double garage. Using this supposedly "adding to the risk of the houses flooding" is puerile and not thought through. It is an example of an authority trying to find any reason to refuse but which does not stand up to any scrutiny.

The house proposed is a good example of how a contemporary design can contribute to a settlement which has developed gradually along its only road, with a variety of house styles. The colours and materials of the proposed house are not garish and attention-seeking but would form a good focal point for the settlement start.

This subjective attitude towards design should be avoided. There were no objections to the previously refused Planning Application from any member of the public.

The new Public National Framework 4 is complied with from mitigating measures, biodiversity and sustainability. The appearance and visual contribution to the immediate surroundings is compatible and makes for a much better entrance to the settlement than other large developments previously granted consent by this Council closeby.

The application should be supported and approved.



























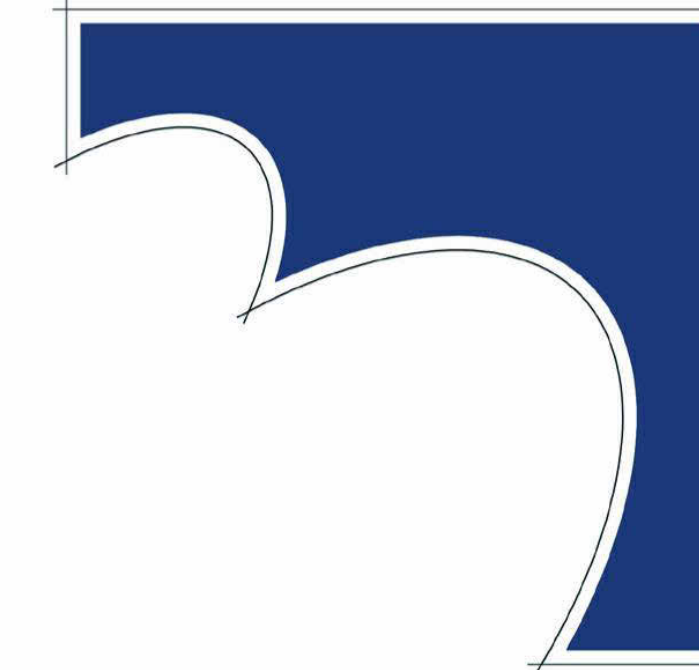




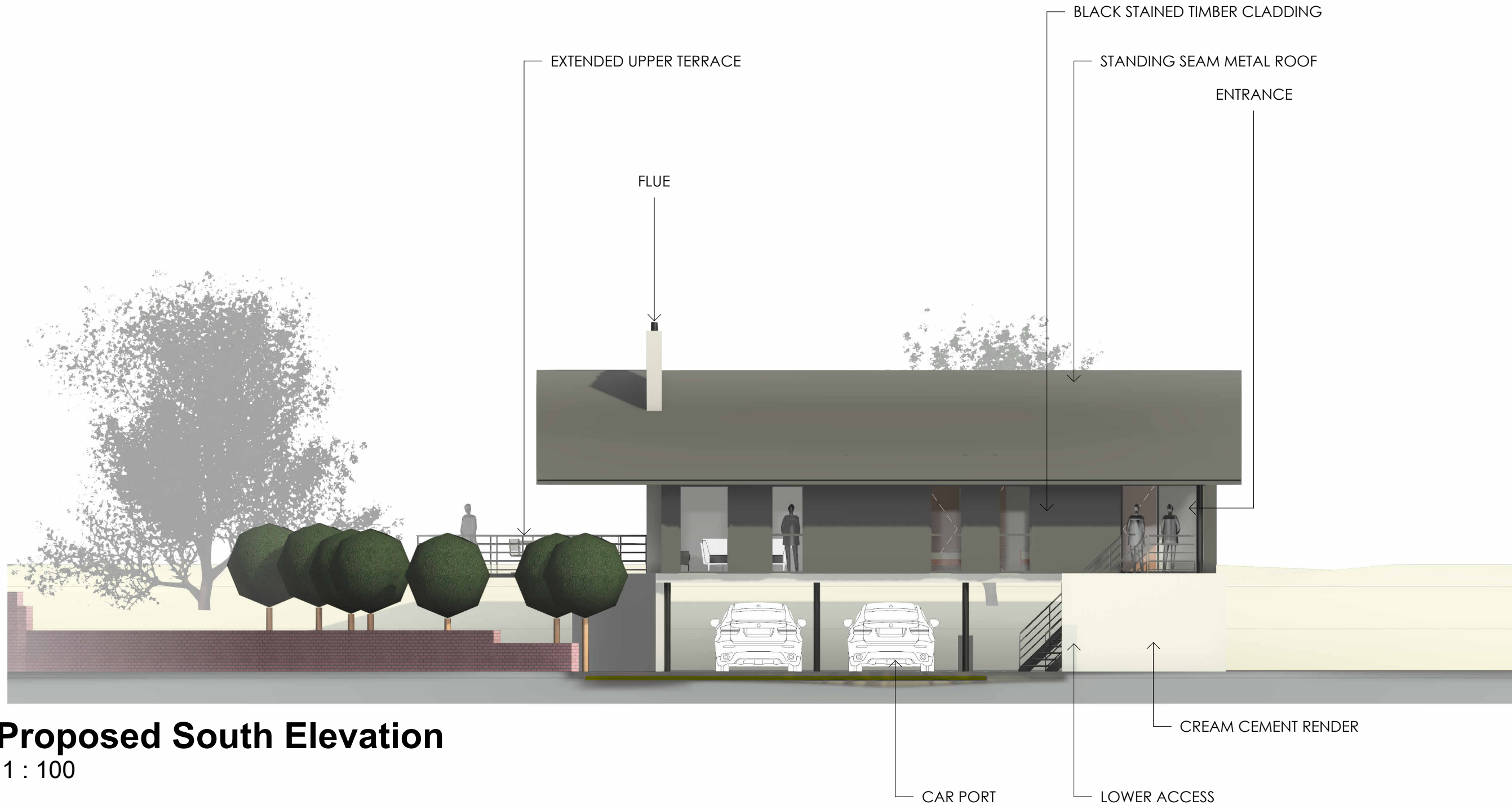
ITEM 4iii







A	PLANNING APPLICATION		25.07.22
B	RESUBMIT PLANNING APPLICATION		02.08.23
REV	Description		Date
Client: Mr and Mrs Murray			
Project: New House at The Neuk, Barry			
Sheet Name: Floor and Site Plans			
Drawing Number: 2446_D_001 B			



Proposed South Elevation
1 : 100

Flood Mitigation Measure 2

No habitable accommodation on ground floor level. All space to be used for bathroom, utility or circulation.

The measure has been acceptable to satisfy flood avoidance in planning applications and allow approvals when proposed houses are adjacent to burns and other low lying water courses.



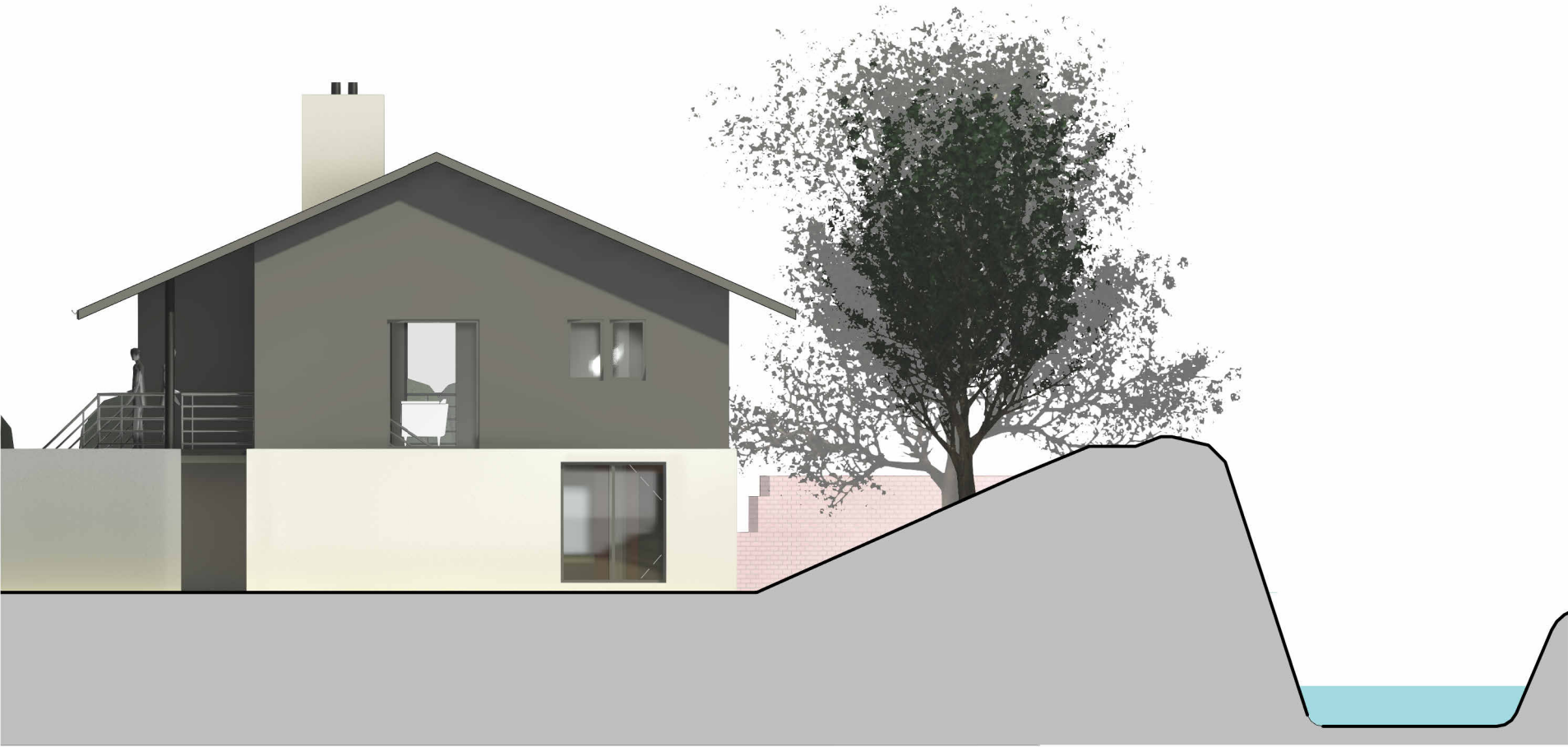
Aerial View

Flood Mitigation Measure 1

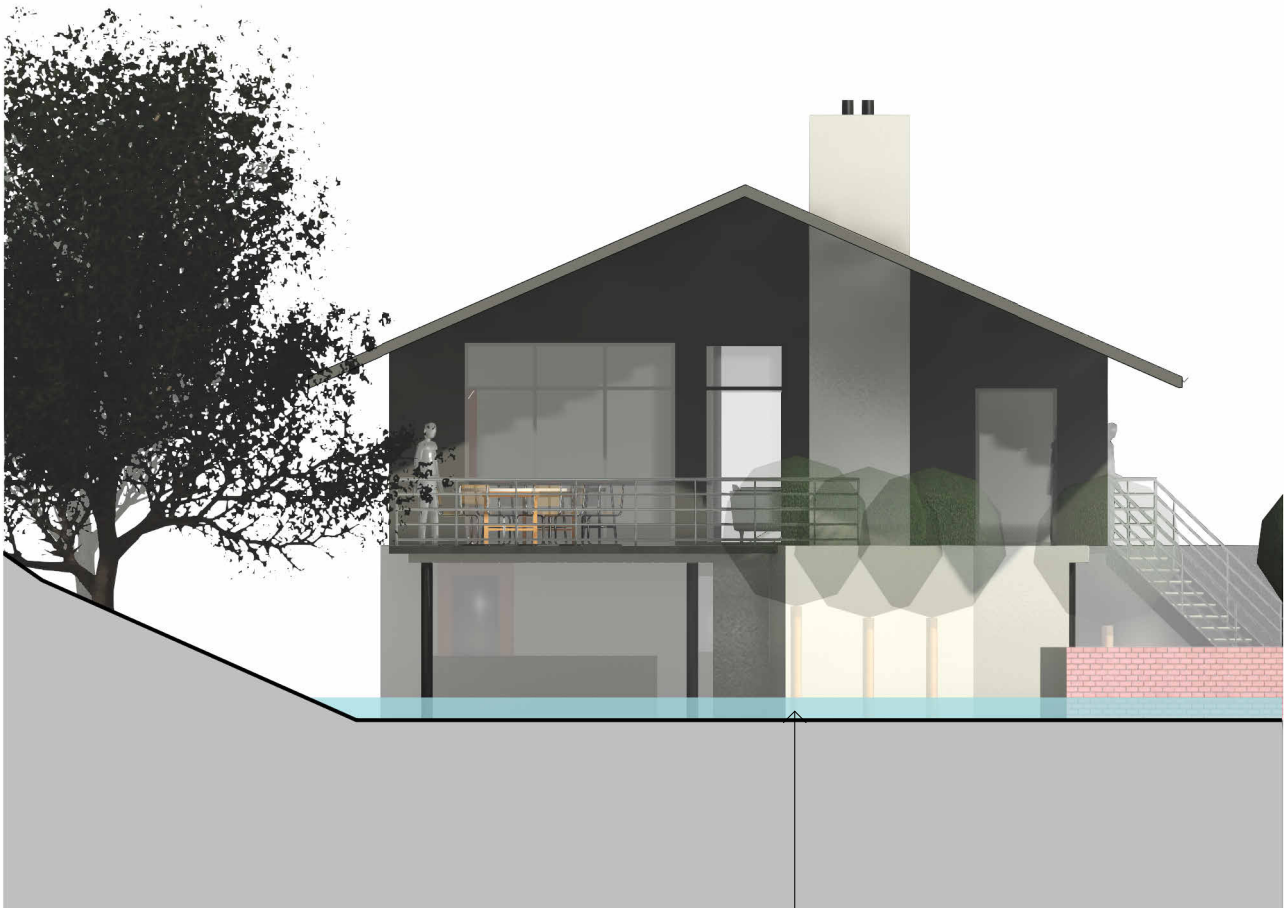
The building is built on steel pilotis which raise all habitable accommodation 2.5 metres above the SEPA published flood level for a 500 year flood event.



View from Road



Proposed East Elevation
1 : 100



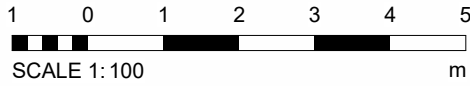
Proposed West Elevation
1 : 100

FLOOD RISK DEPTH FOR 1 in 500 YEAR OCCURANCE ESTIMATED LEVEL 300/500mm ABOVE EXISTING GROUND LEVEL.

ALL HABITABLE ACCOMODATION KEPT ABOVE THIS LINE.



Proposed North Elevation
1 : 100



A	PLANNING APPLICATION	25.07.22
B	RESUBMIT PLANNING APPLICATION	02.08.23
C	BUND HIDDEN ON NORTH ELEV	09.08.23
REV	Description	Date
Client: Mr and Mrs Murray		
Project: New House at The Neuk, Barry		
Sheet Name: Elevations and Views		
Drawing Number: 2446_ D_002 C		



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100638059-001

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

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of Dwellinghouse within the grounds at The Nook, Station Road, Barry, Carnoustie

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Brunton Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Edith	Building Name:	
Last Name: *	Pringault	Building Number:	95
Telephone Number: *	01241 858153	Address 1 (Street): *	Dundee Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Carnoustie
Fax Number:		Country: *	Angus
		Postcode: *	DD7 7EW
Email Address: *	admin@bruntondesign.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	The Nook
First Name: *	Graham	Building Number:	
Last Name: *	Murray	Address 1 (Street): *	Station Road
Company/Organisation		Address 2:	Barry
Telephone Number: *		Town/City: *	Carnoustie
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	DD7 7RS
Fax Number:			
Email Address: *	admin@bruntondesign.com		

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

THE NOOK

Address 2:

STATION ROAD

Address 3:

BARRY

Address 4:

Address 5:

Town/City/Settlement:

CARNOUSTIE

Post Code:

DD7 7RS

Please identify/describe the location of the site or sites

Northing

734115

Easting

354155

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Discussion has taken place for previous Planning Application 22/00534/FULL (Refusal) with Planning Development Officer at Angus Council James Wright. Last email dated 06/09/2022 & Refusal notice dated 03/11/2022

Title:

Other title:

First Name:

James

Last Name:

Wright

Correspondence Reference
Number:

22/00534/FULL

Date (dd/mm/yyyy):

06/09/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

730.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

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

Garden Ground

Access and Parking

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

☐

Yes

☒

No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐

Yes

☒

No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒

Yes

☐

No

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

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒

Yes

☐

No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

☒ Yes ☐ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

As per local authority guidelines

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Certificates and Notices

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

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

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

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Edith Pringault

On behalf of: Mr Graham Murray

Date: 03/08/2023

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☒ Other.

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

Site layout, elevations, floor plans and photographs of current site, and Design Statement are included in submission

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Brunton Design Studio Edith Pringault

Declaration Date: 03/08/2023