

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 3 JULY 2025

LAND AT GOWANBANK, ARBROATH ROAD, FORFAR

REPORT BY THE ACTING 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 the proposed erection of a dwellinghouse and associated works, application No 24/00543/FULL, at land at Gowanbank, Arbroath Road, Forfar.

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.

Report Author: Laura Stewart, Committee & Elections Officer

E-Mail: LEGDEM@angus.gov.uk

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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 – 24/00543/FULL****APPLICANT- David Wren Architect Ltd****PROPOSAL & ADDRESS – Proposed erection of a dwellinghouse and associated works at Land At Gowanbank Arbroath Road Forfar****CONTENTS**

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Angus Council

Application Number:	24/00543/FULL
Description of Development:	Proposed erection of a dwellinghouse and associated works
Site Address:	Land At Gowanbank Arbroath Road Forfar
Grid Ref:	347269 : 750860
Applicant Name:	David Wren Architect Ltd

Report of Handling**Proposal**

The application seeks planning permission for the erection of a dwellinghouse. The triangular shaped application site comprises of agricultural land that measures around 1120sqm. The site is bound to the north and west by a core path (the Rosie Road), to the east by agricultural land and to the south by residential properties and an access strip serving those residential properties.

The proposed single storey dwelling is to be located in the east of the plot and has a footprint of 165sqm with a ridge height of roughly 5m. The external materials comprise of a slate effect roof tile and off white rendered external walls. The accommodation comprises an open plan living/kitchen/dining area, 3 bedrooms and a bathroom. Vehicular access to the site is located at the southwest corner of the plot with parking for 3 cars provided within the plot. The boundary enclosures are proposed to be a combination of 0.6m high dry-stone walling and 1.8m high timber fencing. The proposed foul drainage arrangements would connect to the public sewer, surface water drainage arrangements would connect to a sustainable urban drainage system and water supply arrangements would connect to the public water main. A 3.5m wide access strip is adjacent to the south boundary to maintain access for the neighbouring properties to the south.

An amended drawing was submitted on 9 October 2024. The amended drawing is: -

2024.346.1 Rev. A: Location and Proposed by David Wren Architect.

The proposal has been varied to confirm the proposed boundary enclosures and the provision of a turning space within the house plot.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 13 September 2024 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

Application 13/00863/FULL for Erection of a Dwellinghouse was determined as "Application Withdrawn" on 27 November 2013.

Application 14/00313/PPPM for Erection of 63 houses including access, landscaping, associated works and demolition of property (Rosewood), Arbroath Road, Gowanbank, Forfar was determined as "approved subject to conditions" on 14 October 2015.

Application 18/00340/FULM for Residential Development Incorporating Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure was refused on 21 April 2021. The application was refused by committee for the following reasons: -

1. The proposal is contrary to Policies DS2, DS3, PV3 and F2 of the Angus Local Development Plan and its accompanying adopted design and placemaking supplementary guidance as the layout and design of the development does not deliver a high design standard that contributes positively to the character and sense of place of the area and that is safe, pleasant, and well-connected, and as it would detract from the existing amenity value of the Rosie Road as a recreational route.
2. The proposal is contrary to Policies DS4, TC2 and F2 of the Angus Local Development Plan as it has not been demonstrated that the proposals would provide a good standard of amenity for future occupants and would not have an adverse impact on the amenity of existing neighbouring properties by virtue of impact on existing drainage infrastructure within the site.

Planning appeal PPA-120-2058 was lodged with DPEA and sought to challenge the council's decision in relation to application 18/00340/FULM. That appeal was dismissed and planning permission was refused on 18 January 2022. The decision letter in respect of that appeal stated: -

While I am satisfied the layout of the development has addressed the broad requirements of the LDP housing allocation F2 it has done so in a way that conflicts with other policies of the development plan. Especially those policies that seek to achieve a good quality development that at the same time protects and enhances key landscape features and important access routes at the site. Consequently, I find the proposed development would be contrary to the development plan overall.

Applicant's Case

The following documents have been submitted in support of the application: -

Supporting Statement - this statement provides an assessment of the development in the context of the land allocation policy for the wider F2 site. It considers that approval of the plot independently of the rest of 'Gowanbank' would in fact strengthen the Council's position if it faced an appeal against a refusal of another single house or small-scale development. This single house plot at the SW corner of the F2 site is unique. It has an established vehicular access and was excluded from the refused 18/00340/FULM application (which was also dismissed at appeal), and consequently is absent from any remarks made by Angus Council or the Reporter concerning that application.

Ground Investigation Report - this report details the findings of ground investigations that were undertaken to ascertain whether any private drainage infrastructure serving the properties to the south of the site were located within the application site. The report advises that a shallow but wide trench was dug down to subsoil along the boundary running E-W parallel with the rear of the houses running along the Arbroath Road and extending the full length of the application site and did not identify any private drainage infrastructure within the application site.

Updated Ground Investigation Report - this report updates the initial ground investigation report to provide a definitive response to a comments from the environmental health service and a representation from the property (Rossair) bounding the application site. The report advises a more intrusive excavation was undertaken and this identified a soakaway serving Rossair located within the access strip adjacent to the application site with a gravel area below the subsoil located within the application site. This area of gravel is likely to be part of the soakaway arrangement serving Rossair due to the property owner confirming the period when the works to the soakaway were undertaken.

Surface Water Drainage Report - this document identifies a design to deal with surface water from the development. The report notes that the site is not within a flood risk area based on the SEPA Flood Risk map. Based on the ground conditions of the site it is proposed that the surface water scheme will accept water from the new roof and routed through a soakaway to be discharged into the ground.

Scottish Water Letter - this document is a response from Scottish Water to a pre-development enquiry submission which advises Scottish Water has carried out a capacity review and there is currently

sufficient capacity in the Lintrathen Water Treatment Works to service the development. There is currently sufficient capacity in the Forfar Waste Water Treatment works to service the development. There are no issues currently identified within our water and wastewater network that would adversely affect the demands of your development.

Responses to Countryside Access Officer Consultations - these replies seek to address comments made by the consultee by demonstrating how vehicles accessing the site, including delivery vehicles, can turn without compromising the safety of users of the Core Path.

Consultations

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

Roads (Traffic) - This consultee has offered no objection to the application.

Scottish Water - This consultee has offered no objection to the application.

Angus Council - Countryside Access - This consultee has raised some concerns over the potential impact of the proposed development on the character and amenity value of the Rosie Road. Specifically, how the proximity of the plot boundary, and of the proposed dwelling, would impact on the open character of the core path when combined with the existing proximity of a high fence on the western side of this part of the path. Concern is also raised that the increased vehicular traffic associated with the dwelling would have some impact on the amenity value of the path and may have some impacts on safety.

Environmental Health - This consultee has offered no objection to the application but has noted that Area B (which substantially lies within the application site) referred to in the Updated Ground Investigation Report could be part of the neighbour's soakaway arrangements. Therefore, they advise that in order to ensure the development would not give rise to any amenity issues, the proposal should have no impact on the soakaway capacity.

Representations

One letter of representation was received in objection to the proposal. The main points of concern were as follows:

- Impacts on existing private drainage infrastructure located within the application site.

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 5 Soils

Policy 6 Forestry, woodland and trees

Policy 7 Historic assets and places

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 13 Sustainable transport

Policy 14 Design, quality and place

Policy 15 Local living and 20 minute neighbourhoods

Policy 16 Quality homes

Policy 18 Infrastructure first

Policy 20 Blue and green infrastructure

Policy 21 Play, recreation and sport

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 DS5 : Developer Contributions
 Policy TC1 : Housing Land Supply / Release
 Policy TC2 : Residential Development
 Policy TC3 : Affordable Housing
 Policy PV1 : Green Networks and Green Infrastructure
 Policy PV2 : Open Space within Settlements
 Policy PV3 : Access and Informal Recreation
 Policy PV5 : Protected Species
 Policy PV6 : Development in the Landscape
 Policy PV7 : Woodland Trees and Hedges
 Policy PV8 : Built and Cultural Heritage
 Policy PV12 : Managing Flood Risk
 Policy PV15 : Drainage Infrastructure
 Policy PV20 : Soils and Geodiversity
 F2 Housing - Gowanbank

The full text of the relevant development plan policies can be viewed within the above documents.

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 within the above documents 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.

ALDP Policy DS1 states that 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. NPF4 Policy 16 states that development proposals for new homes on land allocated for housing in LDPs will be supported.

The application site comprises land that lies within the development boundary of Forfar as defined by the ALDP. The application site is allocated for residential development by ALDP land allocation Policy F2.

ALDP Policy F2 identifies land allocated for residential development of around 60 units. It includes a requirement that the public footpath (Rosie Road Core Path) which crosses the land allocation be taken into account and incorporated into the layout of the development of the site. Development is also required to take account of the amenity of existing properties around the perimeter of the site and any loss of amenity or nuisance to future occupiers in terms of noise or odour associated with the operational landfill site to the east, as well as respect the cordon sanitaire associated with the nearby landfill site.

The proposed development provides for a single dwellinghouse located in the southwest corner of the wider allocated F2 site, with access taken from the Arbroath Road via the Rosie Road. While the principle of residential development at this location is compatible with ALDP Policy F2, and as such also generates

a level of support from NPF4 Policy 16, the relevant issues in relation to this application are, whether development of a single dwellinghouse would give rise to implications for the delivery of a successful development scheme on the wider F2 allocated site, and whether detailed matters regarding the layout and design of the proposal are acceptable having regard to development plan policy, design guidance, and other material considerations.

The F2 site has several identified constraints including the core path (Rosie Road), adjoining land uses, undulating landform and private drainage infrastructure of adjoining residential properties being located within the allocated site. As indicated above, an application for 81 residential units on the wider allocated site (which did not include this application site) was refused in 2020 by the development standards committee and subsequently dismissed at appeal by the Scottish Government as it was concluded that the layout and design of that proposal responded poorly to the site and its surroundings. The layout and design did not comply with the council's design quality and placemaking supplementary guidance in a number of significant respects, including failure in areas to provide an outward facing perimeter block design. The government Reporter also considered that the previous proposal would significantly detract from the existing amenity value of the Rosie Road as a recreational route due to rear or side garden boundaries of proposed plots lining the path. Therefore, it is evident that any design solution required for the wider F2 site will be subject to challenges and development of a single house in isolation could affect the ability to deliver a successful layout/development on the site in manner that is compatible with relevant development plan policies and design guidance.

While policy F2 does not preclude a phased or piecemeal approach towards development of the site, policy DS1 states that sites allocated for development in the ALDP will be safeguarded for the uses set out. The application site forms part of a larger site allocated for the development of around 60 dwellings and policy safeguards it for that form of development. There is a public interest in ensuring that any development that takes place on part of the allocated site does not prejudice ability to deliver the wider development anticipated by the ALDP land allocation.

The 60 dwelling number identified in the ALDP allocation recognises the constraints that affect the site. It recognises that a successful residential development must reflect the environment within which it is located and encompass open space, landscaping, public access routes, roads and other infrastructure, as well as dwellings. Consequently, not every part of land allocated for residential development will be expected to accommodate a dwelling.

The Rosie Road is a core path located within the allocated F2 site and policy specifically requires development proposals on the allocated land to take it into account and incorporate it into the layout of the site. Development plan design policy requires proposals to retain and sensitively integrate important features and to provide safe, pleasant, and well connected places. NPF4 states that LDPs should safeguard access rights and core paths, and policy PV3 of the ALDP states that new development proposals should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Policy PV1 of the ALDP seeks to protect, enhance and extend the value of the green network, which includes core paths. The Reporter associated with the previous planning appeal confirmed the need for the design to respond positively to the qualities of the core path and summarised those qualities as its purpose as a recreational route linking the town with other countryside access paths, its predominantly open character, the way it follows the prevailing ground levels of the undulating land and, the unsurfaced and varying width of the path itself.

In this case, the proposed house would be located adjacent to the core path in the southwest corner of the larger allocated site. The proposed house would take vehicular access over a section of the core path which runs between the application site boundary and Arbroath Road. That is a small section of the overall core path, and it is an area that already experiences vehicular traffic associated with existing dwellings at this location. While the vehicular traffic associated with a single new house would not be significant, additional vehicular activity on the path would detract from its overall character and amenity value as a recreational pedestrian route. Such impact might be justifiable and acceptable in circumstances where it was necessary to see delivery of the wider land allocation, but that is not the case. Use of the core path for vehicular access is only necessary because this application proposes development of a small part of the overall allocated site in a piecemeal manner. A comprehensive development proposal for the F2 allocation would necessitate some vehicular crossing of the core path and that would adversely impact the character and amenity of the path. Where such impact is necessary

and unavoidable, it would be desirable to minimise or avoid impact elsewhere on the core path. A comprehensive development proposal could avoid the need for additional vehicular traffic movement on that part of the path network affected by this proposal. The proposal, which necessitates additional vehicular activity on the core path, is not consistent with development plan policy, including the F2 land allocation.

The western boundary of the plot is conterminous with the core path for a distance in the region of 65m. The layout and design of the dwelling is such that two elevations of the building would face the path and these would contain windows serving living room and bedroom accommodation. This arrangement would provide some natural surveillance of the core path. However, the majority of the garden ground available for the dwelling would sit between the building and the core path. While it is indicated that a low stone boundary wall would be provided to define the plot, it is likely that any residents would reasonably expect a higher boundary next to the path that provided privacy for the sizeable garden area, particularly when the larger land allocation is developed and use of the path increases. It would be difficult to resist provision of a more substantial boundary enclosure in such circumstance. This is a general arrangement not unlike that found unacceptable in determination of the planning appeal for the larger allocated site. It is not consistent with the council's design quality and placemaking supplementary guidance and would be undesirable in terms of adverse impact on the core path.

As indicated in the appeal decision, the open nature and rural feel of the core path is one of its key qualities. That would be affected by development of the larger land allocation. However, such impact could be mitigated by providing open space necessary for the residential development adjacent to the core path and ensuring that it is overlooked by public areas of new dwellings. The current proposal, which involves development adjacent to the core path would increase enclosure of the path and would not be consistent with the overall objective of successfully integrating the Rosie Road into the development in a manner that protects and enhances its value as part of a green network. Allowing this form of development on this site would make it more difficult to resist a similar form of development elsewhere on the larger land allocation.

In addition, the layout makes provision for the retention of a small field access to the south of the plot which would sit to the rear of existing dwellings. It is indicated that drainage infrastructure associated with the existing dwellings is located in this area, and provision is made for access to this infrastructure to be retained. A 1.8m high timber fence would be provided adjacent to that access and this would provide some screening for an area of garden ground that would sit between it and the proposed house. There would be no natural surveillance of this area.

It is relevant to note that future development of the larger allocated F2 site will require mitigation of potential impact on drainage infrastructure associated with the existing dwellings that front Arbroath Road. This might reasonably be anticipated to require provision of a similar 'buffer strip' to the rear of all of those properties which would connect to the retained field access and the Rosie Road. This could serve as an additional pedestrian route or as an area of open space within the larger development and it could have some amenity value in that respect. However, consistent with relevant design guidance, any such route or area should be designed such as to benefit from natural surveillance. The current proposal provides no meaningful natural surveillance for the retained access to the south; there is no indication how the access would be incorporated into any development of the larger land allocation; and successful development of the larger area could be compromised by the current development proposal. Again, this arrangement is not consistent with the council's design guidance.

The proposal does not give rise to significant issues in terms of remaining development plan policy and any associated issues could be addressed by condition. It should be noted that as the proposal forms a phase of the wider allocated site, which exceeds 0.5ha and is allocated for well over 10 units, developer contributions would be required in line with relevant policy on the matter. Were the proposal otherwise acceptable, this matter could be secured via condition and/or legal agreement.

As with any proposal, the application attracts some support from development plan policy, but it does not comply with those policies that seek to achieve a good quality development and that seek to protect and enhance important access routes at the site, including the F2 allocation which deals specifically with development at this location. In overall terms, the proposal is contrary to the development plan.

In addition to the development plan, it is necessary to have regard to other material planning considerations. In this case those include the representation submitted in objection to the proposal, the planning history relevant to the proposal, and the potential impact the development could have on delivery of an allocated local development plan site, and the information provided by the applicant.

Issues regarding potential impact on existing drainage systems could potentially be addressed by planning condition. However, approval of this application could potentially adversely impact the approach towards dealing with this matter for the remainder of the site as discussed above.

The council has previously refused planning permission for residential development in this vicinity that did not take appropriate account of the Rosie Road core path. A subsequent planning appeal was dismissed and the council's position regarding the design failings of that development were supported. This proposal gives rise to similar issues in terms of its impact on the core path. While there is no concept of binding precedent in planning law, there is an expectation that proposals that give rise to similar issues will be dealt with in a similar manner.

While the application site is on land that is allocated for residential development, that does not mean that this part of the land allocation is inherently a suitable or appropriate location for the erection of a house. Any decision regarding the suitability of the proposal should have regard to the public interest and desirability of seeing the larger allocated site developed in an appropriate manner. In this case, the proposal could adversely affect future consideration of drainage and access arrangements for development of the larger allocated F2 site. Any development of the larger allocated site would need to be built around the additional constraints imposed by this development and that would affect the location of houses, access routes, and open space. Piecemeal development that potentially affects delivery of an appropriate design solution on allocated land is not desirable.

There is nothing in the applicant's supporting information that would lead to a different conclusion on the acceptability of this proposal.

In conclusion, while the principle of residential development on the larger allocated site F2 is established by the ALDP and is supported by NPF4 Policy 16, this proposal is not consistent with the requirements of the land allocation because it does not take proper account of the existing core path. The proposal would unnecessarily adversely impact the character and amenity of the core path and as such is not consistent with NPF4 policies 14 and 20 or ALDP policies DS3, PV1 and PV3 or the council's approved design quality and placemaking supplementary guidance. In addition, the application site forms part of a larger area of land allocated for residential development in the ALDP. Approval of this application would impact on issues associated with the layout and design of the wider site and could adversely impact the ability to deliver a well-designed and successful development on the larger site in a manner that complies with development plan policy and associated design quality and placemaking supplementary guidance. The proposal is contrary to the development plan and 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 application is contrary to land allocation F2 identified in the Angus Local Development Plan because it fails to take appropriate account of the Rosie Road core path and would have an adverse impact on the character and amenity of that path, contrary to the provisions of NPF4 policies 14 and 20, ALDP policies DS3, PV1 and PV3, and the council's approved design quality and placemaking supplementary guidance.
2. Approval of this application would impact on issues associated with the layout and design of the larger F2 land allocation as defined by the Angus Local Development Plan and could adversely impact the ability to deliver a well-designed and successful development on the larger site in a manner that complies with development plan policy and associated design quality and placemaking supplementary guidance.

Notes:

Case Officer: Ruari Kelly
Date: 30 December 2024

Ruari Kelly

From: Paul R Clark
Sent: 10 September 2024 20:55
To: Ruari Kelly
Subject: Consultation response - 24/00543/FULL - Land at Gowanbank, Arbroath Road, Forfar

Ruari

This plot is Adjacent to Core Path 286, Arbroath Road to Montrose Road (Rosie Road). The proposed vehicle access to the development is over the core path.

The reporters findings for 18/00340/FULM considered that the amenity and characteristics of the Rosie Road, including its existing open character, should be protected.

I have some concerns over the potential impact of the proposed development on the character and amenity value of the core path. The proximity of the plot boundary, and of the proposed dwelling, combined with the existing proximity of a high fence on the western side of the path, will impact on the open character of that part of the core path. The increased vehicular traffic associated with the dwelling will also have some impact on the amenity value of the path and may have some impacts on safety. Whilst the levels of vehicular traffic associated with the house may not in themselves be particularly high they will represent a significant increase on existing levels of use, and should be considered in the context of the fact that the path is well-used by pedestrians and cyclists and is likely to see a considerable increase in use as and when the wider area is developed.

If development is approved I would recommend the following:

- The building should be located as far back as possible from the boundary of the core path.
- The maximum height of the boundary between the plot and core path (including any proposed hedging) should be controlled by condition, to ensure that the path is well overlooked and that impacts on its open character are minimised.
- Consideration should be given to how vehicles accessing the site, including delivery vehicles etc, can turn without compromising the safety of path users (which will include cyclists and unaccompanied children).

Best regards

Paul Clark | Countryside Access Officer | Angus Council | 01307 491863 | clarkpr@angus.gov.uk
| www.angus.gov.uk

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Ruari Kelly

From: Paul R Clark
Sent: 17 October 2024 16:42
To: Ruari Kelly
Subject: RE: Gowanbank ref 24/00543/FULL

Hi Ruari

On point 3, space for vehicles turning, the drawing is somewhat ambiguous as the layout at the top right of the page is different to the one at bottom left. The drawing at top right appears to show sufficient space for vehicles to turn. However it relies in residents vehicles being parked in a way that makes that possible, and on vehicles having to enter the relatively narrow gateway. It is unlikely that delivery vehicles etc will choose to enter the gateway, particularly if the gate is closed. A wider ungated entrance (such as the one at Woodlea on the opposite side of the track) might be more conducive to delivery vehicles using the area for turning. Even if such an arrangement is available, it is likely that some vehicles will still choose to drive onto the part of Rosie Roadie that is beyond the entrance then reverse into the plot. This may result in deterioration of the surface of the core path. I would therefore recommend that the core path is re-surfaced with an appropriate crushed stone material such as Type 1 for at least 5 metres beyond the entrance.

Best regards

Paul Clark | Countryside Access Officer | Angus Council | 01307 491863 | clarkpr@angus.gov.uk
| www.angus.gov.uk

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Thursday, 12 September 2024



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,

Land At Gowanbank, Arbroath Road, Forfar, DD8 2RL
Planning Ref: 24/00543/FULL
Our Ref: DSCAS-0117469-LXM
Proposal: Proposed erection of a dwellinghouse and associated works

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. 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

- This proposed development is within the Lintrathen Water Treatment Works catchment. Single house developments; unless utilising private water sources, are required to submit a Water Connection Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.

Waste Water Capacity Assessment

- There is currently sufficient capacity for a foul only connection in the Forfar 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. When planning permission has been granted and a formal connection application has been submitted, 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 refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

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,

Ruth Kerr

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."

Supplementary Guidance

- 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 Development Operations 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 a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

Veronica Caney

From: Adrian G Gwynne
Sent: 13 September 2024 07:41
To: PLNProcessing
Subject: FW: Planning Application Consultation 24/00543/FULL

No objection

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: Monday, September 9, 2024 2:46 PM
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 24/00543/FULL

Please see attached document.

Ruari Kelly

From: Iain H Graham
Sent: 30 October 2024 09:23
To: Ruari Kelly
Subject: RE: 24/00543/FULL - Land At Gowanbank, Forfar Road, Forfar

Ruari

Thank you for providing me with the additional information below. As discussed the location and extent of the soakaway serving the objector's septic tank is still unknown and this Service remains concerned that the proposed development may lead to future drainage issues affecting both properties that may be difficult and costly to resolve. Whilst I understand that the applicant has undertaken some surface excavations along the southern boundary of the application site I am not convinced that this investigation adequately demonstrates the absence of any drainage infrastructure serving the objector's property crossing in to the site. On the basis that the outfall pipe from the objector's property must be to the north of his property I would suggest that the applicant seeks permission from the relevant landowner to excavate a trench to an appropriate depth from the south eastern corner of the application site to the north eastern corner of the objector's boundary to see if the soakaway passes through this area. If it does and it can be adequately demonstrated that the soakaway area does not encroach on to the application site then this Service would be happy to support the application.

I trust that you find the above helpful but please do not hesitate to contact me if you wish to discuss anything further.

Regards

Iain

Iain Graham | Environmental Health Officer | Angus Council - Place | Housing, Regulatory and Protective Services | Angus House, Orchardbank Business Park, Forfar, DD8 1AN |  

Ruari Kelly

From: Iain H Graham
Sent: 21 November 2024 16:10
To: Ruari Kelly
Subject: FW: 24/00543/FULL - Land At Gowanbank, Forfar Road, Forfar

Ruari

Further to my email below I understand that the applicant has undertaken further ground excavations and has identified the location of the soakaway serving the property to the south known as Rossair. From the report submitted it looks like the extent of the current soakaway referred to as Area A is outwith the application site however a worst case scenario would be to consider the additional area of gravel/soil mix referred to in the report as Area B to be part of the soakaway arrangement. As a substantial part of Area B lies within the proposed development site this Service would require assurances that an appropriate buffer of undeveloped ground would be provided around Area B to ensure that there was no impact on the soakaway capacity giving rise to any amenity issues and that suitable access to the soakaway is provided to the occupier of Rossair for the purposes of maintenance and repair. If the application moves to approval this could be achieved by a requirement to submit a written scheme detailing the measures to be taken to provide the ongoing protection of the soakaway for the written approval of the Planning Authority.

I trust that you find the above to be helpful but please do not hesitate to contact me if you wish to discuss anything further.

Regards

Iain

Iain Graham | Environmental Health Officer | Angus Council - Place | Housing, Regulatory and Protective Services | Angus House, Orchardbank Business Park, Forfar, DD8 1AN | 📞 [REDACTED]

Comments for Planning Application 24/00543/FULL

Application Summary

Application Number: 24/00543/FULL

Address: Land At Gowanbank Arbroath Road Forfar

Proposal: Proposed erection of a dwellinghouse and associated works

Case Officer: Ruari Kelly

Customer Details

Name: Mr Gerald Callander

Address: Rosair Arbroath Road Forfar DD8 2RJ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The plans as submitted include a 3 meter strip at the rear of my property for access. Of itself this does not seem unreasonable, however the soak away for my septic tank is located at least three meters from the boundary wall. It is very likely that the ground work which will need to be undertaken and the heavy machinery associated with this will damage the soak away. Either this work or just time (soak aways don't last forever) will require the soak away to be replaced, but there'll be no place to site it.



Location 1:1250



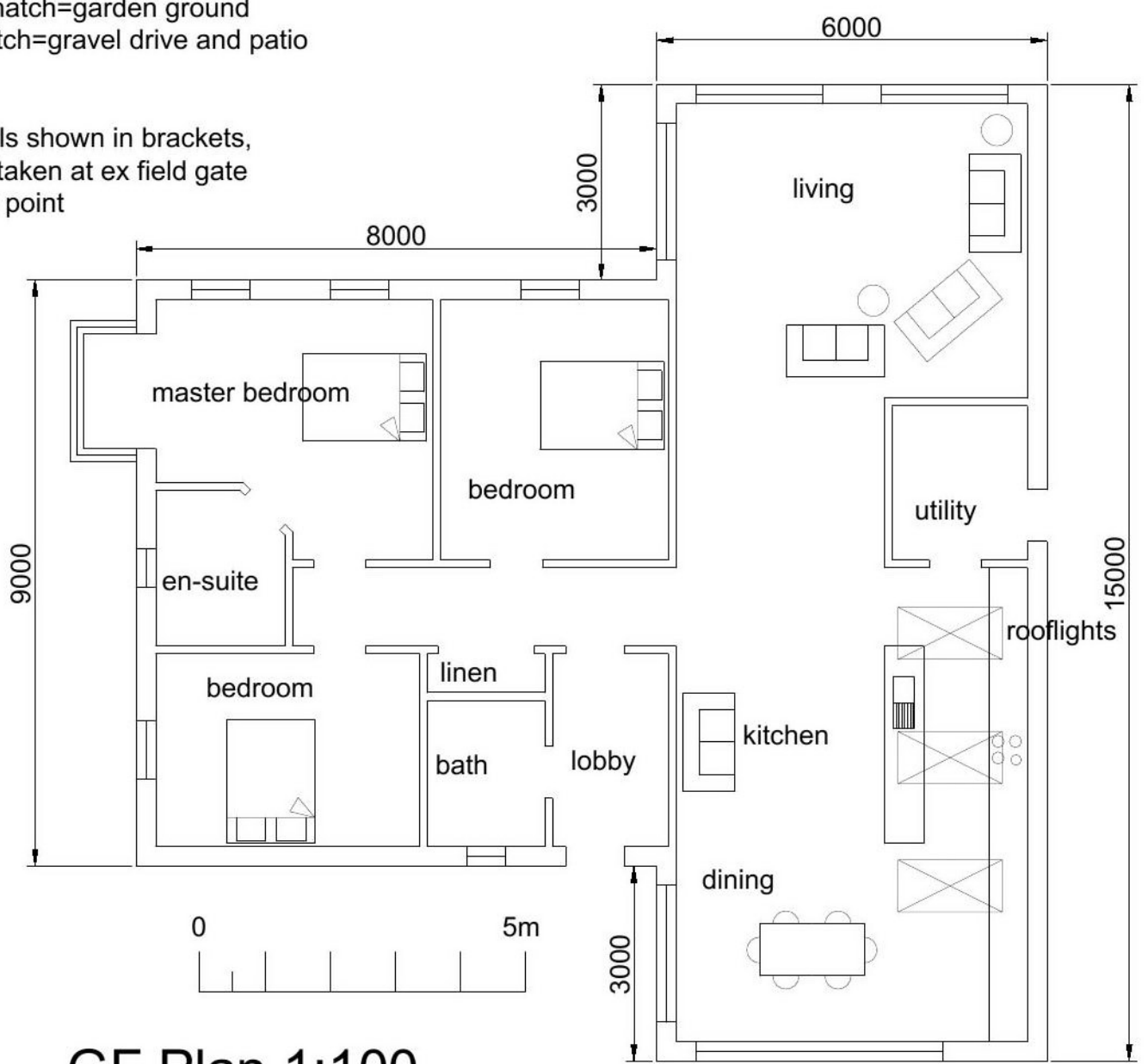
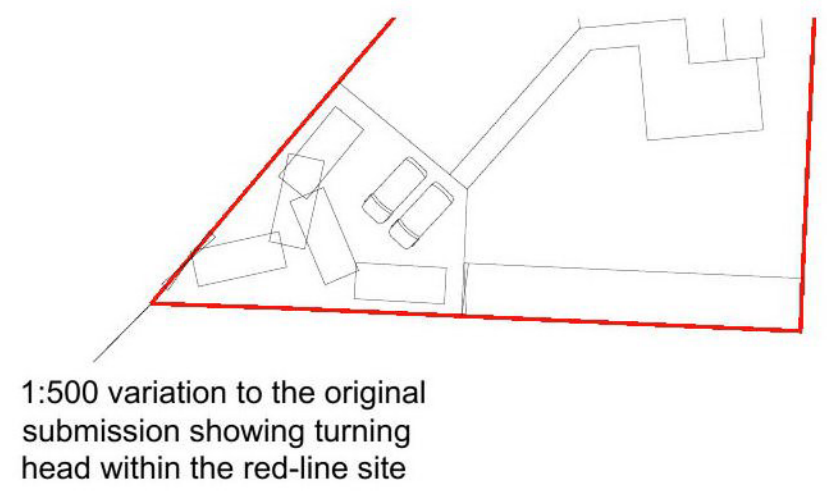
Site 1:500

Boundaries and Landscape:

- A-A-A close boarded fence +1.8m
- B-B-B dry stone dyke +0.6m max
- C 3.5m wide strip to enable occasional service access to the rear of neighbouring properties. This retains the existing access arrangement, but with a minor improvement from the ex 3m wide gate.

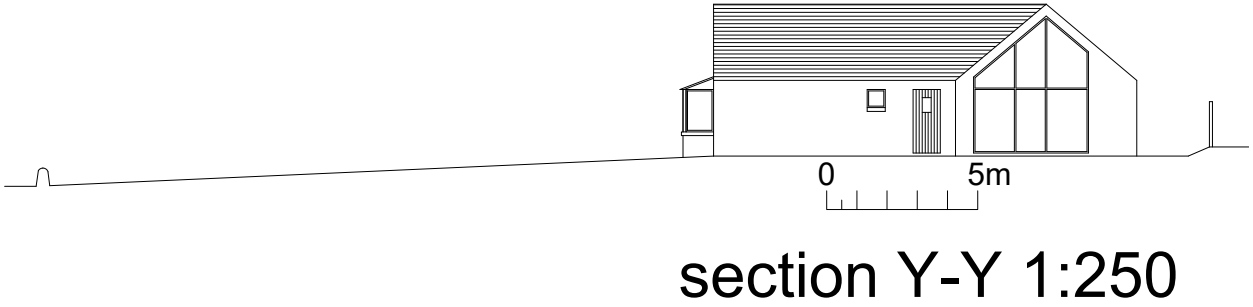
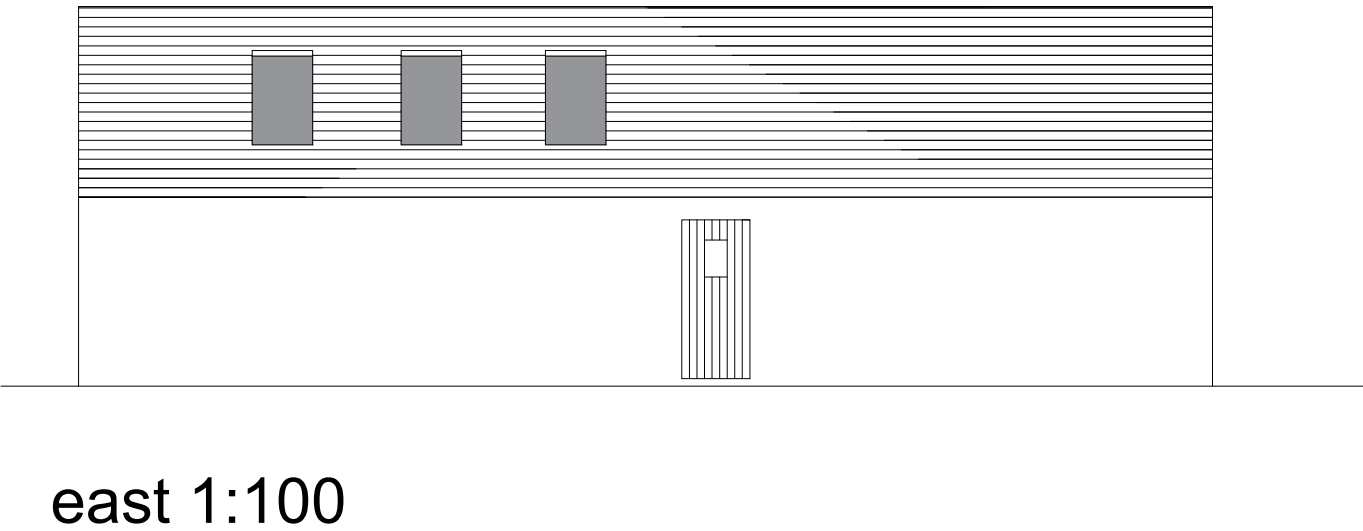
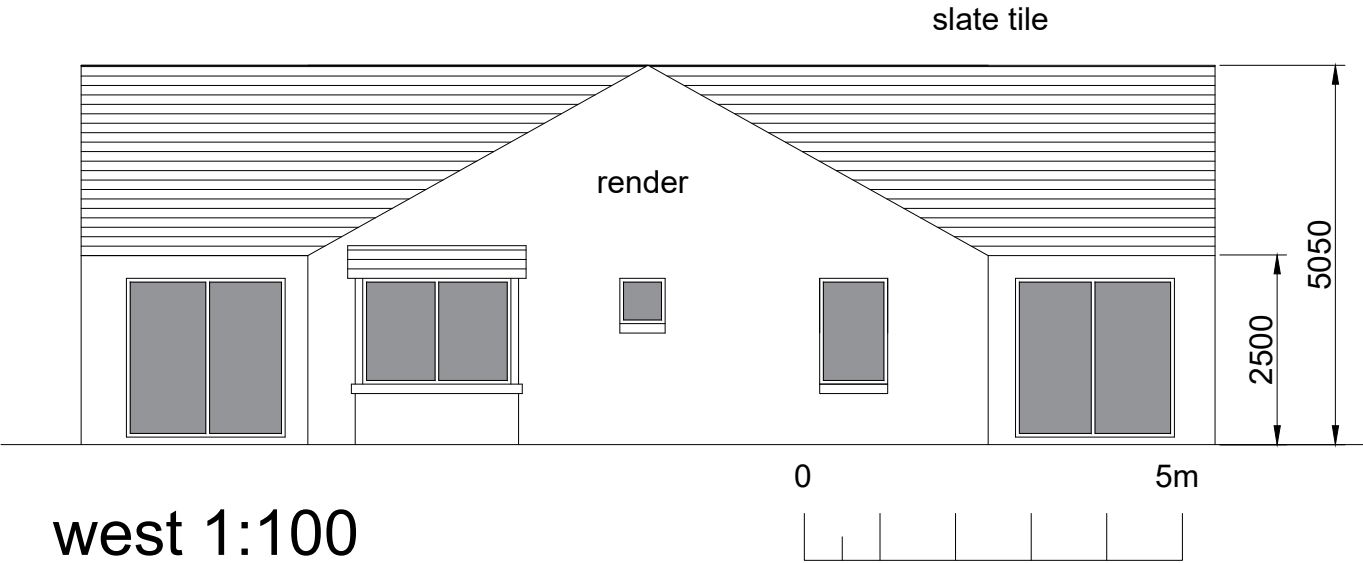
green hatch=garden ground
buff hatch=gravel drive and patio areas

ex levels shown in brackets,
datum taken at ex field gate
access point



GF Plan 1:100

DO NOT SCALE FROM THIS DWG FOR CONSTRUCTION	
Plot approx 1120m2	
GF area approx 150m2	
FFL at approx [+1.1]	
REV	A
2024.346.1	
7.8.24	
New House, Gowanbank, Forfar. DD8 2RJ	
Location and Proposed	
D.Wren	
DAVID WREN ARCHITECT LTD info@davidwrenarchitect.co.uk ©	



DO NOT SCALE FROM THIS DWG FOR CONSTRUCTION	
Materials: roof, slate-tile walls, off white render windows, white UPVC rainwater goods, black UPVC	
REV	
2024.346.2	
7.8.24	
New House, Gowanbank, Forfar. DD8 2RJ	
Elevations and Sections	
D.Wren	
DAVID WREN ARCHITECT LTD info@davidwrenarchitect.co.uk	
©	

David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk

mobile

Development at Gowanbank, Forfar. Ref 24/00543/FULL

Site Photos:



Fig 1 looking North at the Rosie Road, from the A932



Fig 2 looking East into the site from the Rosie Rd, and at the existing access



Fig 3 looking SE from the Rosie Rd at the North end of the site and at the houses along the A932



Fig 4 as above but more Easterly



Fig 5 looking West from the Rosie Rd



Fig 6 looking South along the Rosie Rd, site at LHS



Fig 7 site access and neighbouring property

David Wren 12.9.24



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

**PLANNING PERMISSION REFUSAL
REFERENCE : 24/00543/FULL**

To **David Wren Architect Ltd
Mr David Wren
33/2 Church Street
Broughty Ferry
Dundee
DD5 1HB**

With reference to your application dated 9 September 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Proposed erection of a dwellinghouse and associated works at Land At Gowanbank Arbroath Road Forfar for David Wren Architect Ltd

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

The reasons for the Council's decision are:-

- 1 The application is contrary to land allocation F2 identified in the Angus Local Development Plan because it fails to take appropriate account of the Rosie Road core path and would have an adverse impact on the character and amenity of that path, contrary to the provisions of NPF4 policies 14 and 20, ALDP policies DS3, PV1 and PV3, and the council's approved design quality and placemaking supplementary guidance.
- 2 Approval of this application would impact on issues associated with the layout and design of the larger F2 land allocation as defined by the Angus Local Development Plan and could adversely impact the ability to deliver a well-designed and successful development on the larger site in a manner that complies with development plan policy and associated design quality and placemaking supplementary guidance.

Amendments:

- 1 An amended drawing was submitted on 9 October 2024. The amended drawing is: - 2024.346.1 Rev. A: Location and Proposed by David Wren Architect. The proposal has been varied to confirm the proposed boundary enclosures and the provision of a turning space within the house plot.

Dated this **31 December 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

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 20 APRIL 2021

PLANNING APPLICATION
LAND AT GOWANBANK ARBROATH ROAD FORFAR

GRID REF: 347255 : 750846

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract: This report deals with planning application No. [18/00340/FULM](#) for a residential development incorporating landscaping, open space, SUDS and associated infrastructure for Ogilvie Homes Ltd at Land at Gowanbank, Arbroath Road, Forfar. This application is recommended for refusal.

1. RECOMMENDATION

It is recommended that the application be refused for the reasons given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

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

3. INTRODUCTION

- 3.1 The applicant seeks full planning permission for a residential development incorporating formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure at Gowanbank, Arbroath Road, Forfar. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to some 6ha and is located on the eastern edge of Forfar between the A932 Arbroath Road and the B9113 Montrose Road. It predominantly comprises agricultural land that has an undulating landform with various ground levels throughout. An existing dwelling (Rosewood) on Arbroath Road is also contained within the application site. Residential properties bound the site to the north, south and west. The site is bound to the east by a disused railway embankment with a landfill/quarry/concrete processing plant located beyond. A Core Path (the Rosie Road) bisects the development site although the majority of this feature is not contained within the application site.
- 3.3 The development provides for the erection of 81 dwellings including affordable housing. The existing dwelling known as Rosewood would be demolished in order to allow formation of a new junction with Arbroath Road which would serve the development. The dwellings would consist of one, two, three and four bed properties within a combination of semi-detached, and detached buildings provided over single and two storeys. A range of parking solutions are proposed including parking courts and in-curtilage parking with some dwellings containing integral garages. Several

open space areas are proposed with landscaping incorporated throughout the development. Surface water drainage is proposed to be achieved through underground soakaways located within some of the open space areas and each house plot. The development would provide linkages to the existing path networks in the area.

- 3.4 The application has been subject of variation to reduce the number of houses proposed within the development; amend the layout and design of housing to be provided, including the configuration of internal roadways; proximity of housing to the Rosie Road; the design of the boundary enclosures at visually prominent locations; the inclusion of acoustic fencing adjacent to the eastern boundary of the site; the location and type of areas of open space; the landscaping throughout the site and the surface water drainage arrangements.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission in principle was granted on 5 August 2014 for the erection of 63 houses including access, landscaping, associated works and demolition of property (Rosewood) at the site (Application Ref: [14/00313/PPPM](#) and Report No. [307/14](#) refers). That outline planning permission has subsequently lapsed.
- 4.2 A Proposal of Application Notice (Application Ref: [17/00918/PAN](#)) in respect of a residential development incorporating formation of vehicular access, access roads, open space, landscaping, SUDS and associated infrastructure at the site was considered by Committee at its meeting on 4 January 2018 (Report No. [7/18](#) refers). Committee agreed to note the key issues identified in paragraph 5.2 of the Report and requested that consideration be given to single storey housing adjacent to existing buildings and for Rosie Road to be retained as a recreational link.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application: -
- Pre-application Consultation Report;
 - Design and Access Statement;
 - Supporting Statement;
 - Response to Planning/Consultee Comments and Neighbour Representations (March 2021);
 - Dust Risk Assessment;
 - Noise Impact Assessment;
 - Odour Impact Assessment;
 - Transport Assessment;
 - Flood Risk Assessment;
 - Report on Site Investigations; and
 - Ecological Constraints Survey.
- 5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 2 below.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has indicated no objection to the application subject to a number of conditions. It is indicated that traffic generated by the development can be accommodated on the public road network with no significant, detrimental impacts, as demonstrated by the traffic impact analysis contained within the submitted Transport Assessment. It is noted that the nearest bus stops to the development are located

approximately 400m away from the centre of the site on Arbroath Road where a bus service operates to and from Forfar Town Centre and Foresterseat. It is indicated that improvements should be made to the public transport infrastructure to facilitate the use of these services from the proposed development. In its capacity as Flood Prevention Authority the service has offered no objection in relation to flooding and drainage although it is indicated that additional information on surface water disposal is required should the application be approved.

- 6.2 **Angus Council – Environmental Health** – has objected to the application in relation to public health concerns as the applicant has not demonstrated that the existing private drainage infrastructure located within the application site would not be adversely affected by the proposed development. The submitted noise, dust and odour impact assessments have been reviewed and subject to conditions the service is satisfied that the amenity afforded to all of the proposed houses within the development would not be adversely affected by way of noise, dust and odour. In relation to land contamination, the service is satisfied that subject to conditions the site does not pose a significant risk of harm to the proposed use from land contamination.
- 6.3 **Angus Council – Landscape Services** – has advised that there are a number of matters that require to be addressed in relation to the layout and design of open spaces and landscaping proposals. In relation to open space provision the areas provided exceed the minimum requirement for the development but given the sloping nature of some of the areas there may be restrictions on the type of leisure activities that can take place in the spaces. An enclosure is required around the perimeter of the play area space and full details of the play equipment has to be provided. Additional landscaping is required to be incorporated into the open spaces to provide biodiversity opportunities and enrich their aesthetic value.
- 6.4 **Angus Council – Housing Service** – has advised a 25% affordable housing contribution is required from the proposed development which equates to 20.25 units. The final arrangements for the affordable housing would be subject of further discussions with the applicant.
- 6.5 **Angus Council – Education Service** – has advised that there is sufficient capacity at Whitehills Primary School and Forfar Academy and no developer contribution is required from the proposed development.
- 6.6 **Scottish Environmental Protection Agency (SEPA)** – has offered no objection.
- 6.7 **Scottish Water** – has offered no objection.
- 6.8 **Transport Scotland** – has offered no objection.
- 6.9 **Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

- 7.1 25 letters of representation have been received all raising objection to the application. The letters of representation are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections and are addressed under Planning Considerations: -
- The application is contrary to the Local Development Plan;
 - Housing should not be allowed within 250m of the adjacent landfill site;
 - Overdevelopment of the site;
 - House types, in particular 2 storey houses are not appropriate given the

- character of the surrounding area;
- Unacceptable impacts on residential amenity, including during construction;
- Loss of open space;
- Unacceptable impacts on the Rosie Road including during construction;
- Road traffic safety and amenity impacts;
- Loss of parking at properties on Arbroath Road;
- Unacceptable impacts on wildlife and habitat;
- Unacceptable impacts on existing private drainage infrastructure located within the application site;
- Unacceptable impacts on existing infrastructure;
- The amendments to the application have not addressed matters that have been identified in objections.

8. PLANNING CONSIDERATIONS

- 8.1 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.
- 8.2 In this case the development plan comprises: -
- [TAYplan](#) (Approved 2017)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been considered in preparing this report.
- 8.4 The application site comprises land that lies within the development boundary of Forfar as defined by the ALDP. The majority of the application site is allocated for residential development by land allocation F2 of the ALDP. In relation to the small part of the proposed site (Rosewood) not allocated for development Policy DS1 in the ALDP states that 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.
- 8.5 The F2 land allocation identifies that the site is allocated for residential development of around 60 units. It includes a requirement that the public footpath (Rosie Road) which crosses the land allocation to be taken into account and incorporated into the layout of the site. Development is also required to take account of the amenity of existing properties around the perimeter of the site any loss of amenity or nuisance to future occupiers in terms of noise or odour associated with the operational landfill site to the east and respect the cordon sanitaire associated with the nearby landfill site.
- 8.6 The broad principle of residential development on the allocated F2 site is established by the ALDP. The development provides for a total of 81 dwellings which has been reduced from an initial number of 106. It exceeds the development of around 60 units anticipated by the land allocation. However, the proposed increase in numbers does not give rise to significant issues in terms of land supply within the housing market area and there is scope for some flexibility in relation to that number if the proposal provides a good design solution. The relevant issues in relation to this application are whether the detailed matters regarding the number of dwellings and the layout and design of the development are acceptable having regard to development plan policy, design guidance, and other material considerations.
- 8.7 Development plan policy requires that new residential development is compatible with current and proposed land uses in the surrounding area, and that it provides a satisfactory residential environment for residents. The broad principle of the acceptability of residential development at this site has been established by the

ALDP land allocation. However, the land allocation indicates that development should respect the landfill site to the east and its associated cordon sanitaire. The applicant has submitted detailed information that indicates the cordon sanitaire, which was associated with potential for landfill gas migration into the site, is not necessary. Additional information has also been submitted which indicates that the proposed layout could be accommodated in a manner that would not give rise to unacceptable impacts on prospective residents by virtue of neighbouring land uses, including the landfill site and the adjacent concrete block manufacturing plant subject to appropriate mitigation. That mitigation would include limiting dwellings to single storey in height in the southeast corner of the site and provision of an acoustic barrier of 4.23m in height is incorporated along a section of the east boundary. The barrier would be achieved through alteration of landform and the provision of a 2m high acoustic fence. A timber screen barrier is not considered appropriate as long-term mitigation, but that matter could be addressed by a condition requiring provision of a more durable boundary feature. Notwithstanding, the houses would still be reasonably close to the neighbouring concrete block manufacturing plant.

- 8.8 Development plan policy requires that proposals should provide a satisfactory residential environment for occupants of new dwellings, delivering a high design standard and drawing on those aspects of landscape or townscape that contribute positively to the character and sense of place of the area. The council's adopted design and placemaking supplementary guidance states that all development proposals will require to meet the design qualities distinct in character, safe and pleasant, well connected, adaptable and resource efficient set out in Policy DS3. It indicates that development proposals should be informed by a site and context appraisal and use this to create a high quality development that draws upon the positive features which exist in the wider area.
- 8.9 The supporting information submitted with the application provides little meaningful analysis of the surrounding area and does not demonstrate how the proposal would meet the council's design requirements set out in Policy DS3. The proposed layout identifies two general character zones that are separated by the Rosie Road with a main roadway connecting to the Arbroath Road. That general arrangement is broadly acceptable and responds to some of the constraints evident at the site. The proposal provides for a mix of single and two-storey houses over the site, but the predominance of 2-storey dwellings is not typical of the area. While the garden areas may meet the council's minimum garden size requirements, they are small and generally bear little affinity to those in the area. A higher density development might be acceptable in circumstances where all other matters were acceptable.
- 8.10 The proposed layout does not follow the perimeter block pattern of development advocated by the council's adopted guidance. That guidance indicates development should be designed with principal elevations of buildings facing onto streets and public spaces to provide active frontages and natural surveillance and for private spaces to back on to other private spaces. It indicates that boundaries abutting public spaces and routes should be attractive using high quality materials including walls, quality landscaping and railings. It specifically states that large areas of fencing or blank elevations will not be acceptable where they form a public/private interface. While the proposal provides natural surveillance for formal open space areas within the development, there would be significant areas (more than half the proposed dwellings) where houses generally back on to larger open space areas, including the Rosie Road. Boundaries onto those areas, including much of the Rosie Road are generally proposed as timber fences. The character of that footpath would undoubtedly change with the provision of a housing development on this site but little meaningful attempt has been made to integrate the footpath into the development in a manner that would maintain or improve its amenity or safety. Similarly, little effort has been made to incorporate those areas of the site that the applicant suggests are difficult to develop due to topography into the overall development in a manner that adds positively to the place that would be created.

- 8.11 The resultant layout generally fails to provide a distinctive development that responds to the character of the area. Large areas of open space within the development, including the Rosie Road would not benefit from natural surveillance and as such the proposal fails to create a safe, pleasant, and well-connected place. It is accepted that the site presents certain design challenges, not least due to its undulating topography, but the design quality failings of this proposal could be addressed by reducing the number of dwellings to accord with the yield anticipated by the land allocation. The proposal provides a layout and design that responds poorly to the site and accordingly it is contrary to policies DS2, DS3, DS4, TC2, PV3 and allocation F2 of the ALDP
- 8.12 The distance between existing and proposed dwellings would be consistent with spatial standards set out in council design guidance and would ensure relevant window to window or window to blank wall distances are exceeded. However, development of the site has the potential to impact on existing private drainage infrastructure serving properties on both the Arbroath Road and Montrose Road that are understood to extend into the site. The applicant has indicated a willingness to provide foul drainage connections for those properties or to relocate the private drainage infrastructure into a 6m wide access strips adjacent to the north, south and part of the west boundaries. The applicant has not provided any assessment of that existing infrastructure and has not provided evidence of ability or agreement to undertake alteration. Similarly, the applicant has not demonstrated that the 6m service area would be sufficient to accommodate any necessary relocation of existing drainage systems. The building standards authority has advised that the proposed 6m wide access strips are unlikely to be sufficient to accommodate the private drainage infrastructure as technical standards regarding the size and location of private drainage infrastructure in relation to buildings and boundaries have to be met. The environmental health service has objected to the application as development over or in close proximity to existing drainage systems could give rise to public health implications for both the owners of the systems and the future occupants of any affected plot within the proposed development. The applicant has failed to demonstrate that the proposed development would provide an acceptable amenity for existing or prospective residents and as such the application is contrary to policies DS4, TC2 and F2 of the ALDP.
- 8.13 The site is not subject of any built or natural heritage designation. However, the house and outbuildings that are proposed to be demolished to facilitate the vehicular access are potentially a favourable habitat for bats which are a European Protected Species. A protected species survey was undertaken and concluded there was no evidence that bats utilised the buildings or that they would be significantly affected by the development. There is no evidence that the proposal would give rise to unacceptable impacts on protected species or their habitats. It would not adversely affect any built heritage designation.
- 8.14 In terms of accessibility the application site is located close to bus routes on Arbroath Road. A condition could be attached to any permission requiring improvements to public transport infrastructure on the Forfar bound side of Arbroath Road.
- 8.15 The applicant's transport assessment considers impacts from the development on key junctions and sections of the local road network. The statement indicates that vehicular traffic from the proposed development can be accommodated without any unacceptable impacts on the local road network. The roads service is satisfied the new junction onto Arbroath Road could be designed to meet required standards and the roads service has advised that use of Arbroath Road by vehicles associated with the development does not give rise to any unacceptable impacts in terms of road traffic or pedestrian safety. The access proposals are considered safe and appropriate having regard to the content of the transport assessment, the advice of the roads service and would be unlikely to give rise to unacceptable impacts subject

to appropriate conditions. It is relevant to note that the general access arrangements are similar to those that committee determined acceptable in relation to the previous application for planning permission in principle.

- 8.16 The applicant indicates that the houses would connect to public sewer for foul drainage and the public water supply. This is appropriate within the development boundary and Scottish Water has not offered any objection to this arrangement. The council's road service in its capacity as Flood Prevention Authority has offered no objection but has indicated that further information regarding surface water drainage would be required if the application was to be approved. The site is reasonably large and is likely to be able to accommodate an appropriate and acceptable sustainable urban drainage system in a manner that would not increase flood risk elsewhere.
- 8.17 The application site is located within the catchment area of Whitehills Primary School and Forfar Academy. The developer contributions and affordable housing supplementary guidance indicates that both schools are operating above 80% capacity. However, the council's education service has confirmed that the forecast school rolls take account of new housing development that is planned in the relevant catchment areas. It has also indicated that it has no plans for investment to extend any of the existing schools having regard to the school roll forecasts and, on that basis, does not seek a financial contribution from this development. The adopted supplementary guidance does not identify any other contribution requirements towards infrastructure from housing development at this location.
- 8.18 Policy TC3 and the Developer Contributions and Affordable Housing Supplementary Guidance indicates that 25% of the total number of residential units should be affordable. The proposal makes provision for 20 affordable housing units on site, with the balance (0.25 units) likely to be provided by a commuted payment. The council's housing service has advised that the type of affordable housing does not fully meet current requirements and further discussion would be required with the applicant to ensure the mix of houses incorporated into the layout meets with the needs of the Housing Market Area. Provision of the affordable housing could be secured through a planning condition requiring a Section 75 Planning Obligation.
- 8.19 While the site is allocated for residential development in the ALDP, this application provides for a significant increase in the number of dwellings proposed. That increase in number of units results in a poor quality development that is contrary to policies DS2, DS3, DS4, TC2, PV3 and allocation F2 of the ALDP. The proposal is contrary to development plan.
- 8.20 Notwithstanding the conflict with development plan policy it is necessary to have regard to material planning considerations. In this case, a number of objections have been submitted in relation to the proposal. The matters raised in objection have generally been addressed in the discussion above and support the conclusion that this is an inappropriate development for the site and that it is contrary to development plan policy.
- 8.21 In conclusion, whilst the broad principle of residential development on the allocated F2 site is established by the ALDP, this proposal is contrary to the council's policies as set out in the development plan. The site is allocated for a development of around 60 houses and the proposal provides for a significant increase to that number. The applicant has failed to accommodate that increased number in a manner that complies with the design quality aspirations of the local development plan and its supplementary guidance. The proposed layout and design respond poorly to the site and the characteristics of the surrounding area and makes little attempt to provide or enhance safe and pleasant paths. It would significantly detract from the existing amenity value of the Rosie Road as a recreational route. The applicant has failed to demonstrate that the proposal would not give rise to unacceptable amenity impacts due to impacts on existing private drainage infrastructure serving properties on both

the Arbroath Road and Montrose Road and this could have implications for the future occupants of any affected plot within the proposed development. The matters raised in objection to the application support the conclusion that the proposal is contrary to development plan policy. The proposal is contrary to the development plan and there are no material considerations that justify approval.

9. OTHER MATTERS

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.

10. CONCLUSION

It is recommended that the application be refused for the following reasons:

1. The proposal is contrary to Policies DS2, DS3, PV3 and F2 of the Angus Local Development Plan and its accompanying adopted design and placemaking supplementary guidance as the layout and design of the development does not deliver a high design standard that contributes positively to the character and sense of place of the area and that is safe, pleasant, and well-connected, and as it would detract from the existing amenity value of the Rosie Road as a recreational route.
2. The proposal is contrary to Policies DS4, TC2 and F2 of the Angus Local Development Plan as it has not been demonstrated that the proposals would provide a good standard of amenity for future occupants and would not have an adverse impact on the amenity of existing neighbouring properties by virtue of impact on existing drainage infrastructure within the site.

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

REPORT AUTHOR: KATE COWEY

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DATE: 12 APRIL 2021

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

APPENDIX 5: PLANNING SERVICE PRESENTATION



Appeal Decision Notice

Decision by Elspeth Cook, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-120-2058
- Site address: Land at Gowanbank, Arbroath Road, Forfar, DD8 2SX
- Appeal by Ogilvy Homes Ltd against the decision by Angus Council.
- Application for planning permission 18/00340/FULM dated 27 April 2018 refused by notice dated 21 April 2021.
- The development proposed: Residential development incorporating formation of vehicular access, access roads, open space, landscaping, suds and associated infrastructure.
- Date of site visit by Reporter: 17 October 2021

Date of appeal decision: 18 January 2022

Decision

I dismiss the appeal and refuse planning permission.

Preliminary

The scale and nature of this development is such that it would come within the description of development set out in Class 10 b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposed development was the subject of a screening opinion issued by Angus Council on 25 May 2018 under the aforementioned Regulations. The council decided that an Environmental Impact Assessment would not be required and I agree with this conclusion.

The appellant also confirmed during the course of this appeal that the correct site boundary is that depicted by the location plan LOC-01 which includes Rosie Road.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the TAYplan Strategic Development Plan 2017 (TAYplan) and the Angus Local Development Plan 2016 (LDP) including its supplementary guidance.
2. I am referred by the council and the appellant to Policy 2 Shaping Better Quality Spaces of TAYplan and a further five LDP policies and its supplementary guidance, Design Quality and Placemaking. I find these to be relevant to the appeal proposals and address them in more detail in my findings below.
3. The appeal site is situated on the eastern edge of Forfar and consists of a six hectare area of undulating grassland and a single dwellinghouse on Arbroath Road (to be demolished for access purposes). Housing lies to the north, south and west with a disused railway embankment marking the eastern site boundary. Beyond that there is a concrete

block factory and storage yard located on a former sand and gravel quarry and, a closed landfill site operating as a waste management centre. A core path, Rosie Road, cuts diagonally across the site between Arbroath Road to the south west and Montrose Road to the north east.

4. Some of the representations express resistance to the principle of a residential development at this site however I find this is not a relevant consideration in this case as the local development plan allocates this site for housing development (F2). Although the proposed development of 81 dwellings would exceed the indicative capacity of 60 units set out in F2, the council has not indicated this leads to any conflict with the development plan in terms of an over-supply of housing land, availability of infrastructure eg education capacity, or road safety (or traffic management) matters. The council's concerns centre on the design and layout of those 81 dwellings and the associated open space.

5. I also find the appellant has demonstrated through the supporting information on noise, dust and odour that (subject to the installation of noise mitigation measures) there would be no amenity concerns arising from the erection of housing in the cordon sanitaire (a requirement of F2). The council does not raise any concerns regarding these aspects of the development and its concerns with regard to amenity are focussed on the effect of the development on existing septic tank soakaways within the site boundaries.

6. Having regard to the provisions of the development plan I therefore consider the main issues in this appeal are whether the proposed development would:-

- result in an acceptable form of development at this location; and
- whether the amenity of existing and future residents would be affected by developing over, or near to, existing septic tank soakaways.

Form of development

7. The housing allocation F2 offers some direction on how the site should be developed. The vehicular access is to be taken from Arbroath Road; and Rosie Road is to be "taken into account and incorporated into the layout of the site". There is no further direction offered by F2 in terms of how Rosie Road should be treated in landscape or housing layout terms. I therefore find that the layout of the proposed development, as it incorporates a new vehicular access onto Arbroath Road and retains Rosie Road meets these requirements of F2.

8. Although these broad requirements are met I find the other design orientated policies of the development plan still apply to this proposed development. In particular those that offer direction on the design and layout of new housing, the design of open space and the treatment of existing or new pedestrian and cycle routes. Of particular relevance in this case are the parts of those policies that place emphasis on the importance of understanding and responding to the existing features of the site and those that offer direction on what constitutes good quality design.

9. TAYplan policy 2 Shaping Better Quality Places expects new development to be "place-led", responding to an understanding of the place and incorporating and enhancing existing natural and historic assets. LDP policy DS3 Design Quality and Placemaking expects development to draw on aspects of landscape and townscape that contribute positively to the character or the sense of place of the area. Five key attributes are set out and they are expanded upon within the council's Design and Placemaking Supplementary Guidance (SG). The council highlights the parts of this document that promote a perimeter block approach to the layout of housing and the natural surveillance of open space.

10. Other LDP policies deal more specifically with pedestrian and cycle connectivity. DS2, Accessible Development, expects new development to provide or enhance safe and pleasant paths for walking and cycling and to create new links between existing and new paths. Policy PV3, Access and Informal Recreation, seeks to protect the “integrity or amenity of existing recreational access opportunities” including access rights, core paths and rights of way. Existing access routes should be retained, and new development should incorporate links to green space, path networks, green networks and the wider countryside.

11. Taking into account the requirements of these policies and guidance documents I consider the key issues here are the extent to which the proposals have been ‘place-led’, to what extent the layout has addressed any important landscape or townscape features and how the formal open spaces and informal landscaped areas have been treated.

12. In making my assessment I have taken into account the various submitted plans and the appellant’s documents explaining their design rationale as set out in the original Design and Access Statement, the addendum to that Statement, the Sustainable Development Assessment and the Settlement and Character Assessment. I have also carried out a site inspection, where I was able to walk through and around the site.

Existing landscape and townscape features

13. The site is encircled by housing which dates from different eras of the town’s expansion and as such it demonstrates a variety of designs. The only common feature being the orientation of rear or side boundaries towards the appeal site. I do not therefore find there to be any prevailing architectural style or distinctive townscape characteristics that would be an over-riding consideration at this location. However I find there to be a number of important landscape features at the appeal site that I would expect to influence the design and layout of the development. These are the route of Rosie Road through the site, the undulating nature of the open grassland, and the railway embankment to the east.

Rosie Road

14. Rosie Road is a well-used but unsurfaced pedestrian footpath passing along a fenced corridor of between 5 and 10 metres in width. The representations indicate its value to the local community and this is reflected in its designation as a core path. The retention of the footpath is clearly beneficial not just for recreational purposes within the local community but as a pedestrian link from the proposed housing development to the surrounding area. While Rosie Road is to be retained and linkages made with the housing development, unfortunately it cannot be improved or realigned as the appellant does not control the land within the fenced corridor.

15. Vehicular connectivity and permeability are important design expectations of policy DS3 and the SG. Although Rosie Road is an asset in terms of pedestrian or cycle connectivity I find, because it cannot be altered, it places a constraint on the layout of development. Primarily because it divides the appeal site into two development areas, prevents vehicular links through the site other than the main access road and dictates the ground levels through the centre of the site. On that basis I find it is reasonable that, in retaining Rosie Road, it is necessary to accept the creation of two self-contained development areas that would have limited vehicular connections across Rosie Road.

16. Notwithstanding the above I find it is still important that the design of the two separate areas should respond positively to the qualities of the core path. I find these to be

derived from its purpose as a recreational route linking the town with other countryside access paths, its predominantly open character, the way it follows the prevailing ground levels of the undulating land and, the unsurfaced and varying width of the path itself.

17. The appellant's designs have evolved to incorporate a landscaped corridor alongside Rosie Road and to increase the extent that the proposed open space areas would adjoin the existing Rosie Road corridor. Even with the introduction of these changes I find the stretch of Rosie Road enclosed by the rear or side garden boundaries of the proposed development would undermine the qualities of the route.

18. I do not consider the proposed landscape planting and the single storey house types to the south east would offset these negative impacts. In particular the need to introduce a steep embankment on the southern side would exacerbate the adverse effects of the enclosed corridor. I also find the rear gardens facing Rosie Road to offer little benefit in terms of natural surveillance. The addition of decorative trellises to the rear garden fences or their replacement with hedges would not alter this as, in my opinion, any resident here, for privacy and security reasons, would prefer a robust boundary marker next to the path.

19. Furthermore the crossing point of the new access road with Rosie Road makes no attempt to highlight the importance of the core path in the design of the crossing other than to ensure the levels of Rosie Road are aligned with the new footways.

Undulating land form

20. I accept that any housing development at this site will impact on the character of the undulating grassland but maintaining some variety in ground levels would be beneficial. The appellant has been able to retain some sense of the previous landform through the use of development platforms and the placing of open space and landscaped areas on the steeper ground albeit with the addition, in places, of new engineered embankments.

21. Nevertheless I find there are some negative effects arising from the way that the new housing would relate to the landscaped areas, open spaces and the turning areas at the end of the two cul-de-sacs on the western boundary. I consider there to be distinct visual amenity and safety benefits in providing natural surveillance of informal and formal open space including the turning areas therefore I consider it is important to follow this element of the council's design guidance.

22. Although two 'residential greens' have been created where the housing is arranged to provide natural surveillance and to offer an attractive setting for the housing this approach is not achieved throughout the development. I find the houses mainly present a rear elevation to the larger landscaped areas and open spaces (north of plots 72 to 77, north of plots 12 to 14, north of plots 50 to 54, west of plots 61, 62, 77 and 78 and the turning areas adjacent to plots 61, 62, 77 and 78). This layout reflects a limited use of the perimeter block approach: where housing generally presents a main frontage towards a public place and where rear boundaries abut one another. This approach is advocated by the council's guidance which in turn reflects national guidance (which I return to below).

23. I therefore find the proposals have not accommodated the changing levels across the site in a way that ensures the landscaped areas, open spaces and turning areas would contribute positively to the overall form and visual amenity of the development.

Railway embankment

24. Although a manmade feature, the railway embankment offers a strong sense of enclosure for the site and assists with noise attenuation from the adjacent industrial site. However additional acoustic barriers on part of this boundary are required and the council has some concerns regarding the longevity of the timber fence element. I do not doubt the technical capabilities of this device as an acoustic barrier but I find the fence in combination with the bund or other retaining structures to adversely impact on the positive contribution the railway embankment makes to the setting of the appeal site and individual gardens.

25. The barrier north of plot 12 consists of a bund and fence and would be open to view across the open space at a point where the embankment forms a strong landscape feature. It is not clear from the levels layout (19-126-SK31) how this bund will interact with the slope of the railway embankment. I also find the acoustic barrier at plots 7 to 12, extending to four metres height and consisting of a retaining wall, embankment and fence would have an overbearing effect on the adjacent houses. It is similarly unclear how this part of the acoustic barrier would interact with the railway embankment.

26. Drawing all these design concerns together I find the proposed development would not provide and/or enhance safe and pleasant paths for walking and therefore it would compromise the amenity of an existing recreational access contrary to the requirements of LDP policies DS2 and PV3. The proposals would not achieve two of the five design requirements of Policy DS3: in particular it would not fully meet the expectations of the parts referred to as 'distinct in character and identity' and 'safe and pleasant'. It also fails to respect (or respond positively to) the various landscape features of the site contrary to LDP policy DS3 and TAYplan policy 2. A significant proportion of the proposed development would also fail to follow the perimeter block approach or provide natural surveillance of open spaces as expected by the council's Supplementary Guidance.

Private drainage systems

27. It is not disputed by the appellant that the existing soakaways from neighbouring septic tanks discharge into the appeal site but there is uncertainty over the precise location or extent of these features. Due to the proposed engineering operations close to, or over, the general location of the soakaways the appellant acknowledges that changes may need to be made if an existing soakaway is disturbed. Two solutions are presented:-

- a) the construction of new soakaways within the reserved service strips or
- b) the connection of the existing septic tank outfalls to a new public drain or sewer.

28. It would have been reassuring to both the residents and the council had these arrangements been agreed in advance of the planning application submission. The residents have now been canvassed as to their preference but unfortunately not all have responded.

29. Due to the uncertainty over the preferred arrangements the council believes the amenity of the existing and future residents may be affected. The amenity affects are not described in any detail but I consider there to be three main impacts. Firstly, if an existing soakaway is damaged the septic tank may cease to operate efficiently. Secondly, if a soakaway is retained it may discharge into the garden of a new house. Thirdly, the reserved service strip may not offer appropriate ground/soil conditions for any new soakaway to function.

30. I find these effects in isolation or in combination would impact adversely on residential amenity but, in my opinion, the risk of this occurring arises only if no attempt is

made to mitigate any damage to the soakaways. In this case the appellant intends to address this issue and I find the proposed solutions would, in general terms, be capable of protecting the amenity of both existing and future residents bearing in mind the existing soakaways already lie immediately adjacent to private gardens.

31. As part of the appeal submissions the council presents a condition that would suspend the commencement of development until the final arrangements for the soakaways or sewer/drain connections were approved. I consider this approach to be a reasonable one bearing in mind the current lack of accurate survey information or full agreement with all the affected residents. It would also allow the appellant to demonstrate that the proposed drainage infrastructure was able to meet any technical or environmental standards. The appellant is agreeable to this general approach.

32. The council and the appellant however are unable to agree the exact wording of the condition but drawing from both parties' proposed versions I consider it would be possible to draft a condition capable of addressing this issue. If the condition a) requires the council's approval of the final foul drainage arrangements for the affected properties (including engineering designs) before any work starts on site; b) ensures no soakaway is located within the curtilage of any new house; and c) compels the appellant to complete the work as approved, I am satisfied the amenity of both existing and future residents would be protected. On that basis, I do not find any conflict with the parts of LDP policies DS4 Amenity and TC2 Residential Development that seek to protect the amenity of existing and future residents.

Other development plan matters

33. Due to the separation distances between of the new and existing housing I do not consider the amenity of the neighbouring housing would be directly affected by the loss of privacy. However the demolition of the house on Arbroath Road to form the new access would result in vehicular and pedestrian movements along the side boundaries of the two neighbouring houses. The main private garden space of these houses is located to the rear rather than the side and would be partially screened by established boundary walls and outbuildings. In these circumstances I do not consider the changes arising from the new access road would result in a significant loss of amenity for these houses. Consequently in this respect I find the development would comply with policy DS4, Amenity.

34. Setting aside the concerns relating to Rosie Road, the other proposed pedestrian and vehicular access arrangements would, subject to the provision of bus infrastructure, be able to comply with policy DS2 Accessible Development. It is also clear from the appellant's specialist reports and consultation responses that surface water drainage or flooding concerns can be addressed in accordance with LDP policy PV12, Managing Flood Risk. Affordable housing is also proposed at a rate that accords with LDP policy TC3, Affordable Housing, and the expectations of LDP policy PV1, Energy Efficiency can be met.

Overall compliance with the development plan

35. While I am satisfied the layout of the development has addressed the broad requirements of the LDP housing allocation F2 it has done so in a way that conflicts with other policies of the development plan. Especially those policies that seek to achieve a good quality development that at the same time protects and enhances key landscape features and important access routes at the site. Consequently I find the proposed development would be contrary to the development plan overall.

Material considerations

36. The representations in so far as they refer to design, the treatment of Rosie Road and the private drainage systems have been considered in my findings above. Any concerns regarding the construction process I consider could be addressed by planning conditions. I do not find the loss of on-street parking arising from the creation of the new access on Arbroath Road to be significant as there are no parking restrictions on this route, the existing houses on Arbroath Road have off-street parking and opportunities for visitor parking will remain in the vicinity. I note that the initial concerns expressed relating to the storey heights of the proposed houses have been largely addressed by amendments to the house types so that single storey dwellings lie adjacent to the houses to the south.

37. For the reasons set out above I find there is some tension with the six qualities of a successful place set out in Designing Streets and the Placemaking section of Scottish Planning Policy 2014 (SPP). In particular under the 'Distinctive' quality I find the proposals have not complemented local features and under the 'Safe and Pleasant' quality I find there is insufficient natural surveillance offered to open spaces and paths.

38. Although this is an allocated housing site I have considered the SPP presumption in favour of development contributing to sustainable development. The appellant's Sustainable Development Assessment addresses the 13 criteria set out in paragraph 29 of SPP and I agree with the conclusions given in all but one aspect. The third criterion relates to "supporting good design and the six qualities of successful places" and for the above reasons I find there is conflict with two important elements of this criterion. The design and layout of the proposed development is a key consideration in this appeal and the development would not, in my opinion, meet the expectations of SPP in this regard. I do not therefore consider the SPP 'presumption' should set aside the requirements of the development plan in this case.

39. I find the advice at paragraph 28 of SPP to be pertinent here. It states "The aim is to achieve the right development in the right place; it is not to allow development at any cost". I do not doubt that this is the right place for development but I am not convinced that the proposals before me constitute the 'right development'.

Overall conclusion

40. Taking into account the particular landscape characteristics of this site and the importance of Rosie Road as a core path I consider the protection of the amenity and characteristics of the route and the landscape features of the site are important considerations. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.


Reporter

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Development at Gowanbank, Forfar. Existing Drainage:

In considering previous development proposals at Gowanbank, the Council has raised the issue of the potential for conflict with septic tanks and/or infiltration fields serving existing properties adjacent to the site.

20.4.21 Committee Report No 122/21 recommending refusal

21.4.21 Refusal by AC

The reason(s) for the Council's decision are:

2. The proposal is contrary to Policies DS4, TC2 and F2 of the Angus Local Development Plan as it has not been demonstrated that the proposals would provide a good standard of amenity for future occupants and would not have an adverse impact on the amenity of existing neighbouring properties by virtue of impact on existing drainage infrastructure within the site.

This concern was noted at the appeal against the Council's refusal.

18.1.22 Appeal Upheld

Conclusions are:

Having regard to the provisions of the development plan I therefore consider the main issues in this appeal are whether the proposed development would:- • result in an acceptable form of development at this location; and • whether the amenity of existing and future residents would be affected by developing over, or near to, existing septic tank soakaways.

But this specific concern was rejected.

P32 (In regard to septic tanks and soakaways)....I am satisfied the amenity of both existing and future residents would be protected. On that basis, I do not find any conflict with the parts of LDP policies DS4 Amenity and TC2 Residential Development that seek to protect the amenity of existing and future residents.....

Notwithstanding the above the applicant has had an intrusive survey undertaken to identify if there are any conflicts relating to their development in particular. And proposes to retain the existing field access.

Site Investigation.

The following report relates to excavation and investigation (July 2024) at the applicants plot at the SW corner of the Gowanbank site, in respect to the concerns expressed over development affecting existing septic tanks and drainage. Local anecdotal knowledge suggested that no drains ran into the applicants' site, and whilst the investigation was underway Mr Ken Thomson, owner/occupier of Myrabank (immediately S of the plot) advised that all his drainage ran towards the A932.

A shallow but wide trench was dug down to subsoil along the boundary running E-W parallel with the rear of the houses running along the Arbroath Rd, and extending the full length of the applicants plot. At this level there was no evidence of any previous disturbance to the soil. This work was undertaken by W Douglas Contractors Ltd, experienced local drainage and groundworks contractors. The conclusion is that no drainage pipes or drain tails lie across the applicants' boundary/site.



Fig 1 The site, 'Woodlea' centre, 'Myrabank' at the left.



Fig 2 From the Eastern end of the site, subsoil exposed to reveal no evidence of previous excavation to lay drains which would show as parallel lines of disturbed soil.



Fig 3 Full length of the trench exposed.



Fig 4 Mid-section.



Fig 5 Western end of the trench at the 'Rosie Road'.

Existing Access:

Vehicle Access is currently possible to this plot, and the fields beyond and neighbouring properties.



Fig 6 Padlocked field gate into the applicants plot approx. 3m wide opening. Ref submitted dwgs, gate to be widened and set back further to the east. This would retain the occasional access to the rear of existing properties and maintain the status quo.



Fig 7 Vehicle access to the rear of 14 Strangs Ley.



Fig 8 Gate to rear of Woodlea.



Fig 9 Driveway at Myrabank.

David Wren 9.8.24

Wednesday, 14 August 2024

David Wren
33/2 Church Street Dundee DD5 1HB

Dundee
DD5 1HB



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

Development Operations
Free phone Number - 0800 389 0379
E-Mail - developmentoperations@scottishwater.co.uk
www.scottishwater.co.uk

Follow Us     

Dear Customer,

Gowanbank, Arbroath Road, Forfar, DD8 2RJ
Pre-Development Enquiry Application – Capacity Review
Our Reference: DSCAS-0115338-V4N

Thank you for your recent application regarding the above proposed development. Please note our reference number above, which should be quoted on all future correspondence.

Capacity Assessment

Number of Housing Units reviewed: (1)

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

- ▶ There is currently **sufficient** capacity in the **Lintrathen** Water Treatment Works to service your development.
- ▶ There is currently **sufficient** capacity in the **Forfar** Waste Water Treatment works to service your development.

Network Assessment

- ▶ There are no issues currently identified within our **water and wastewater** network that would adversely affect the demands of your development.

Please Note

- ▶ This response is valid for **12 months** from the date above and may be subject to further review.
- ▶ Water: Point of connection will be reviewed and agreed at technical audit stage when a formal application and water design has been submitted to us. Water

Design Layout which should show the point of connection, route of pipework (ensure you label these with size and material) and location of toby (this should be on footpath or boundary of site).

- ▶ Waste: Point of connection will be reviewed and agreed at technical audit stage when a formal application and sewer design has been submitted to us.
- ▶ Surface water to be dealt with onsite via soakaway.

General Note

- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws.
- ▶ Scottish Water is unable to reserve capacity therefore connections to the water and wastewater networks can only be granted on a first come first served basis. For this reason, we will review our ability to serve the development on receipt of an application to connect.
- ▶ Please be advised that Scottish Water will only accept surface water into the combined network under exceptional circumstances. In the consideration of any development, if due diligence has been carried out in fully investigating the available options for surface water drainage and if all of these options are subsequently deemed unreasonable to pursue, the remaining alternative options can then be considered for approval to allow the development to proceed.
- ▶ Unless stated on your PDE application, the drainage is assumed to propose to connect to our network via gravity without the use of a pumping station. If this is not the case, then please let us know as soon as possible because Scottish Water would need to reassess this case.

Next Steps

If you would like to progress with connection(s) to the water **and** waste water network please submit the relevant application via [our portal](#) or contact Development Operations.

This response is in relation to the information you have provided in your application. If there are any changes to your proposed development you may be required to submit a new Pre-Development Enquiry application via [our portal](#) or contact Development Operations.

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.

Yours sincerely

Jack Caulfield

Development Operations Advisor

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk**Scottish Water Disclaimer:**

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

David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk

mobile [REDACTED]

Single House Development at Gowanbank, Forfar. Supporting Statement:

Land at Gowanbank has been identified as a residential site for some years under Policy F2 of the current adopted Local Plan and its' precursors. In 2016 I approached Angus Council with the prospect of building a single house at the SW corner of the F2 site as I had acquired this plot from the owners of the wider site. At the time I was advised that the Planning Department would be reluctant to support such a proposal as the impact on the successful development of the whole site could not be assessed, and at that time no one had submitted any detailed proposals for Gowanbank.

In 2018 application ref 18/00340/FULM was submitted, this excluded my plot from the proposed housing site, but the Planning Dept were able to confirm in regard to this application and its impact on my site....

The Roads Service has raised no objections to the proposed access arrangements and it is considered that the vehicle access to your land would not be adversely affected.....At this time the location of the dwellinghouses at plots 33 – 38 are located in excess of 12m from the mutual boundary with your land which accords with the requirements of Advice Note 14 in relation to overlooking from first floor windows. There is no reason to conclude that the development as proposed would adversely affect your ability to develop your land which would also have to be undertaken in accordance with the requirements of Advice Note 14.

Email from R.Kelly 20.11.18

In 2021 application ref 18/00340/FULM was refused and this decision was upheld through an Appeal ref PPA-120-2058 in 2021-22.

In 2024 I entered into further correspondence with the Planning Department and was advised by S.Porter that the earlier concerns regarding piecemeal development of the site through multiple smaller applications remained, and she advised me to write to R.Kelly ref 24/00035/PREAPP.

My position at this point was that I understood the Council's concerns but considered that the work done in submitting and assessing application ref 18/00340/FULM, and the Appeal process, had changed the information available to the Planning Department (and any other interested parties), in thinking about the possible impact my single house proposal might have on the successful build out of the F2 area. (It is noted that Policy F2 does not explicitly require a masterplan to be in place, nor is a phased development precluded.)

For instance, reports submitted with application 18/00340/FULM confirmed that the SW corner of the F2 area was unaffected by noise/odour from Laird's operations east of the town, nor was ground contamination (from landfill) found to be a concern here.

Through the pre-app correspondence Mr Kelly was able to confirm (as per his email of the 20.11.18) that development at my plot and the wider F2 site could proceed independently of each other (email response 22.2.24), although he did also reaffirm the Council's preference that this site should be developed subsequent to permission being granted for the wider Gowanbank area (email 9.4.24), and I understand that the reason for this is based on the concern that permission at my plot prior to agreement for the larger site might be used as a precedent in any Appeal against the refusal of other 'copycat' small scale proposals.

I question this concern and suggest that approval at my plot independently of the rest of Gowanbank would in fact strengthen the Council's position if it faced an Appeal against a refusal of another single house or small-scale development. The Council could point to a thorough pre-app process that clearly established an agreed view that development would not undermine the wider site. And where such agreement has not been reached refusal is the correct response.

Furthermore, a refusal of this particular application (on the basis of unspecified concerns) that is then potentially overturned at appeal may well encourage those further applications that the Council is seeking to avoid. I would however like to emphasise that in my opinion other small scale development proposals are very unlikely due to access restrictions into the site and infrastructure costs.

In this case both the Planning Dept's report recommending refusal of 18/00340/FULM and the Reporter concluded that a successful development of the F2 site, that excluded my plot was achievable.

I do not doubt that this is the right place for development but I am not convinced that the proposals before me constitute the 'right development'. Reporter in 2022

It is accepted that the site presents certain design challenges, not least due to its undulating topography, but the design quality failings of this proposal could be addressed by reducing the number of dwellings to accord with the yield anticipated by the land allocation. Angus Council Report 122/21

In summary the proposed development 18/00340/FULM failed, not because of the absence of my plot, but simply because of poor design.

Mr Kelly also confirmed that in his opinion a single house at my plot was unlikely to set a precedent for similar small scale (piecemeal) development (my email 12.4.24 in response to a telephone discussion), mainly because of the upfront infrastructure costs that affect other parts of Gowanbank.

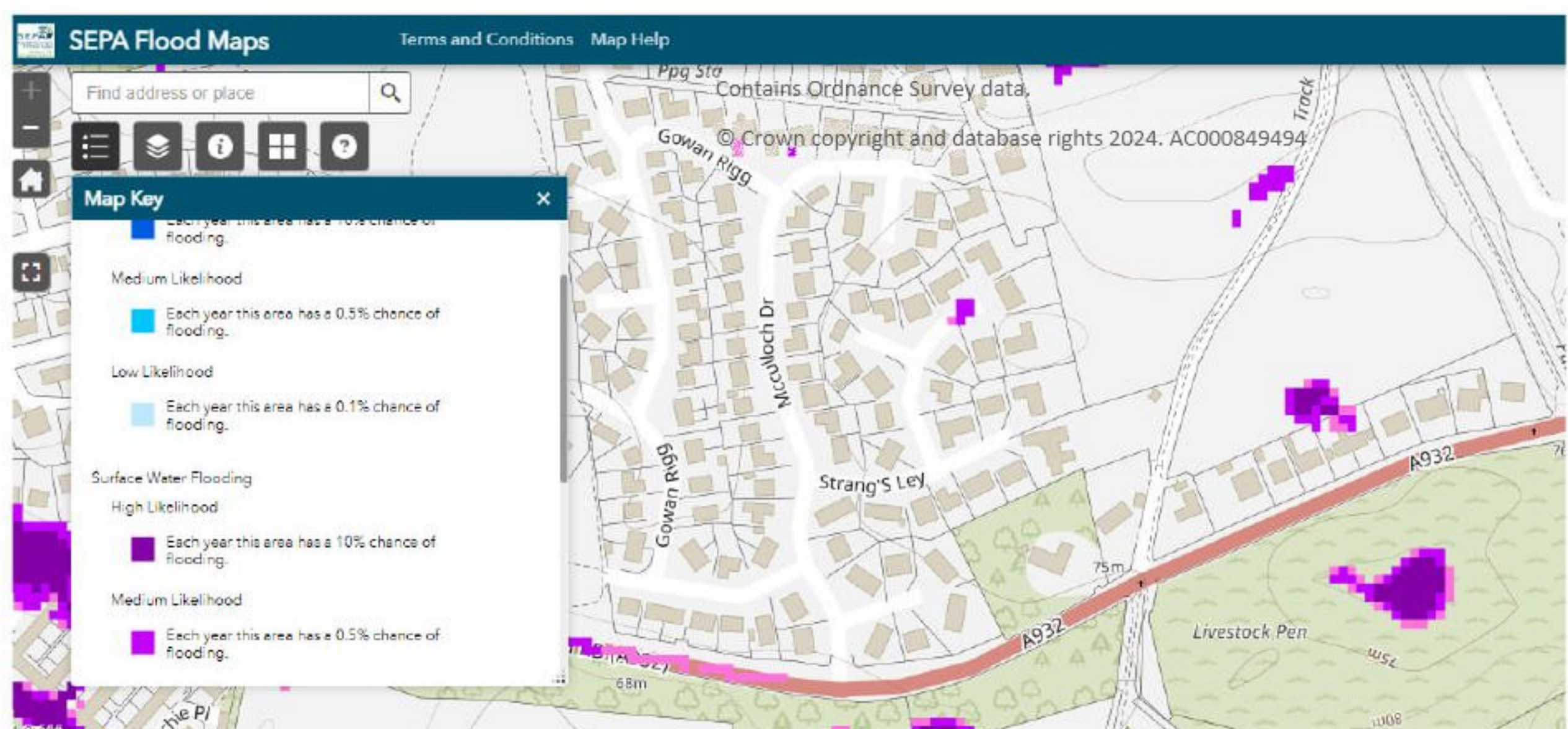
He also noted some more practical issues to be addressed in any application for a single house at my plot, ref emails of the 9&12th April 24.

1. Potential impact on the Rosie Road. The submitted layout confirms no impact on access along the Rosie Road, given the history of this local and popular pathway,

its' legal status and public opinion, any development of the wider Gowanbank area will probably have to leave the route substantially as is, but enhanced perhaps with seating and planting etc. (The Reporter concurred with this)

2. Existing Private Drainage. I have submitted a separate report that covers an intrusive survey undertaken which confirms that development at this plot will not affect any existing drainage systems. The proposed layout also maintains the status quo in regard to occasional maintenance access.
3. House design and material finishes. Mr Kelly suggests that a future developer of the wider site is likely to use standard house types and a limited palette of materials. And this might be the case if the site is developed along similar lines to the Wester Restenneth site or land at the NW of Forfar. However, the site, or parts of it, might well develop as Slatefield has (more variety in style and appearance), particularly if larger plots are a result of restricting house numbers to the F2 allocation of 60. Notwithstanding this a design in keeping with existing houses locally and finished in traditional looking materials should be acceptable however the wider site progresses. (Again the Reporter noted *"I do not therefore find there to be any prevailing architectural style or distinctive townscape characteristics that would be an over-riding consideration at this location."*)

4. FRA. See below



No risk of flooding identified.

5. DIA. In 2018 Mason Evans undertook a site investigation inc soakaway testing and the Engineer has used their results (S01) to design the surface water disposal system, ref submitted dwgs. Mason Evans also confirm that soil and subsoils conditions are reasonably consistent across the site and there is no reason to think that infiltration rates will vary significantly over the upper part of the site. Nevertheless, any system will need to satisfy Building Control. With regard to foul drainage a connection by gravity to the foul sewer in the verge to the Arbroath Road (A932), SW of "Four Winds" is achievable, and a SW Capacity Review is submitted.

Conclusion:

This single house plot at the SW corner of the F2 site is unique. It has an established vehicular access and was excluded from the failed 18/00340/FULM submission, and consequently is absent from any remarks made by Angus Council or the Reporter concerning that application.

It can be developed independently of the wider F2 area. As discussed with Mr Kelly the existence of an approved plan for the 60 houses does not guarantee that they will be built (for a variety of reasons, land-banking, house prices etc). So, a single house built on this plot before, during or after such a permission is granted (to the wider site) has no bearing on the build out of Gowanbank.

Any other small scale development proposal at Gowanbank, that might follow on the back of permission at this plot, must by necessity take up land included in the 18/00340/FULM application. As this proposal was never satisfactorily resolved then the argument put to me back in 2016 remains valid for any such proposals. Of course, it may be possible that another applicant could persuade the Council that their submission, will positively contribute to the ultimate development of the 60 houses at Gowanbank, in which case I assume it would be supported.

David Wren 9.8.24

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OUR Ref NM/KM/ 245409 2024-08-29

29 August 2024

NEW DWELLING AT GOWANBANK, FORFAR

Introduction

It is proposed that a new dwelling is constructed on the site shown on the Architectural Drawing No. 2024.346.01 Location and Proposed.

It is proposed that the surface water scheme will accept water from the new roof and routed through a soakaway to be discharged into the ground.

The SUDS system has been designed in accordance with the latest issue of CIRIA C753 (The SUDS Manual), Sewers for Scotland 7th Edition, Water Assessment and Drainage Assessment Guide and Angus Council Flooding and Drainage Guidance Note.

This statement has been prepared to support the planning application to demonstrate that the site can be satisfactorily drained without detriment to the proposed structure or neighbouring properties.

Existing Drainage

There is no existing drainage on site.

Ground Conditions

A Site Investigation was conducted by Mason Evans on the 2nd of August 2018. Two trial pits were excavated to 1.6m x 0.7m x 0.9m and 1.0m deep respectively. The trial pits note "Light brown, fine to medium gravelly SAND with occasional cobbles. Cobbles are rounded to sub-angular."

Porosity testing carried out resulted in Infiltration Rates of 0.000466667 m/s and 0.000234714 m/s.

Surface Water Drainage

Design Parameters

Roof Drainage Area	163.3m ²
Creep 10%	16.3m ²
Hardstanding Area	0.0m ²
Total	180.0m ²
Infiltration Rate	0.8449704 m/hr
Soakaway Structure	Gravel Soakaway 30% voids
Additional Treatment	None
Outflow Control	None
Overflow Control	None
Climate Change Allowance	30%

Attenuation Volumes Required

Storage 1 in 30-year Critical Rainfall Event + 30% Climate Change Allowance
 Surface water to be contained within the storage structure, capped at 1.0m.

Flood Risk

Flooding 1 in 200-year Critical Rainfall Event + 30% Climate Change Allowance
 Surface water to be contained within the curtilage of the site.

Calculations

Modelled using Micro Drainage Source Control.
 FSR Rainfall Data for site location
 200-year attenuation trench modelled for

Drainage Arrangement

Refer to Drg No. 245409/01

- 1.0m x 1.0m x 8.0m long Gravel Soakaway
- 30% Void ratio.
- Wrapped in geotextile permeable membrane
- Infiltration Rate 0.8449704 m/hr
- Max. Attenuated Volume
- Max. Water Depth

Outflow and Overflow Arrangement

- None

Flood Risk

The site is not noted to be within a flood risk area based on the SEPA Flood Risk map.

- 1 in 30-year peak flood flow of 1.9l/s (Winter 30min) is accommodated within the storage structure.
- 1 in 200-year peak flood flow of 2.9l/s (Winter 30min) is accommodated on site without detriment to the new structure or existing properties beyond the site boundary.

Water Quality

Building Roof - SEPA Simple Index Approach Tool indicates sufficient pollution mitigation using the soakaway.

Notes

Groundwater – No testing has been carried out. If groundwater is discovered near the surface in the proposed location of the soakaway then alterations are to be made to the design.


The system has been designed in accordance with Ciria C753 (The SUDS Manual) and thereafter is to be maintained by the end user in accordance with the operation and maintenance requirements.


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Appendices


- A – Mason Evans Site Investion
- B – 1 in 30-year Storage Design Calculations
- C – 1 in 200-year Flooding Design Calculations
- D – SEPA SIA Tool Summary
- E – Drainage Drg. No. 245409/01


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<p>Summary of Results for 30 year Return Period (+30%)</p> <p>Half Drain Time : 14 minutes.</p> <table><tr><th>Storm Event</th><th>Max Level (m)</th><th>Max Depth (m)</th><th>Max Infiltration (l/s)</th><th>Max Volume (m³)</th><th>Status</th></tr><tr><td>15 min Summer</td><td>99.236</td><td>0.736</td><td>1.5</td><td>1.7</td><td>O K</td></tr><tr><td>30 min Summer</td><td>99.365</td><td>0.865</td><td>1.7</td><td>2.0</td><td>O K</td></tr><tr><td>60 min Summer</td><td>99.393</td><td>0.893</td><td>1.8</td><td>2.0</td><td>O K</td></tr><tr><td>120 min Summer</td><td>99.326</td><td>0.826</td><td>1.7</td><td>1.9</td><td>O K</td></tr><tr><td>180 min Summer</td><td>99.247</td><td>0.747</td><td>1.5</td><td>1.7</td><td>O K</td></tr><tr><td>240 min Summer</td><td>99.180</td><td>0.680</td><td>1.4</td><td>1.5</td><td>O K</td></tr><tr><td>360 min Summer</td><td>99.082</td><td>0.582</td><td>1.1</td><td>1.3</td><td>O K</td></tr><tr><td>480 min 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Summer</td><td>6.944</td><td>0.0</td><td>318</td></tr><tr><td>720 min Summer</td><td>6.112</td><td>0.0</td><td>378</td></tr><tr><td>960 min Summer</td><td>4.997</td><td>0.0</td><td>500</td></tr><tr><td>1440 min Summer</td><td>3.760</td><td>0.0</td><td>740</td></tr><tr><td>2160 min Summer</td><td>2.828</td><td>0.0</td><td>1104</td></tr><tr><td>2880 min Summer</td><td>2.309</td><td>0.0</td><td>1468</td></tr><tr><td>4320 min Summer</td><td>1.734</td><td>0.0</td><td>2200</td></tr><tr><td>5760 min Summer</td><td>1.414</td><td>0.0</td><td>2936</td></tr><tr><td>7200 min Summer</td><td>1.207</td><td>0.0</td><td>3672</td></tr><tr><td>8640 min Summer</td><td>1.061</td><td>0.0</td><td>4400</td></tr><tr><td>10080 min Summer</td><td>0.951</td><td>0.0</td><td>5072</td></tr><tr><td>15 min Winter</td><td>75.785</td><td>0.0</td><td>20</td></tr></table>						Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status	15 min Summer	99.236	0.736	1.5	1.7	O K	30 min 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960 min Summer	98.862	0.362	0.7	0.8	O K																																																																																																																																																																																																																		
1440 min Summer	98.791	0.291	0.5	0.6	O K																																																																																																																																																																																																																		
2160 min Summer	98.733	0.233	0.4	0.5	O K																																																																																																																																																																																																																		
2880 min Summer	98.700	0.200	0.3	0.4	O K																																																																																																																																																																																																																		
4320 min Summer	98.661	0.161	0.3	0.3	O K																																																																																																																																																																																																																		
5760 min Summer	98.638	0.138	0.2	0.2	O K																																																																																																																																																																																																																		
7200 min Summer	98.624	0.124	0.2	0.2	O K																																																																																																																																																																																																																		
8640 min Summer	98.614	0.114	0.2	0.2	O K																																																																																																																																																																																																																		
10080 min Summer	98.606	0.106	0.1	0.2	O K																																																																																																																																																																																																																		
15 min Winter	99.312	0.812	1.6	1.9	O K																																																																																																																																																																																																																		
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)																																																																																																																																																																																																																				
15 min Summer	75.785	0.0	20																																																																																																																																																																																																																				
30 min Summer	51.658	0.0	28																																																																																																																																																																																																																				
60 min Summer	33.374	0.0	44																																																																																																																																																																																																																				
120 min Summer	21.076	0.0	76																																																																																																																																																																																																																				
180 min Summer	15.989	0.0	106																																																																																																																																																																																																																				
240 min Summer	13.126	0.0	136																																																																																																																																																																																																																				
360 min Summer	9.913	0.0	198																																																																																																																																																																																																																				
480 min Summer	8.114	0.0	258																																																																																																																																																																																																																				
600 min Summer	6.944	0.0	318																																																																																																																																																																																																																				
720 min Summer	6.112	0.0	378																																																																																																																																																																																																																				
960 min Summer	4.997	0.0	500																																																																																																																																																																																																																				
1440 min Summer	3.760	0.0	740																																																																																																																																																																																																																				
2160 min Summer	2.828	0.0	1104																																																																																																																																																																																																																				
2880 min Summer	2.309	0.0	1468																																																																																																																																																																																																																				
4320 min Summer	1.734	0.0	2200																																																																																																																																																																																																																				
5760 min Summer	1.414	0.0	2936																																																																																																																																																																																																																				
7200 min Summer	1.207	0.0	3672																																																																																																																																																																																																																				
8640 min Summer	1.061	0.0	4400																																																																																																																																																																																																																				
10080 min Summer	0.951	0.0	5072																																																																																																																																																																																																																				
15 min Winter	75.785	0.0	20																																																																																																																																																																																																																				
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Griffen Design Ltd				Page 2	
2.5 Discovery House		New Dwelling			
Dundee		Gowanbank			
DD2 1SW		Forfar			
Date 29/08/2024 12:37		Designed by N Murray			
File 245409 1in30yr Storage....		Checked by JJM			
XP Solutions		Source Control 2017.1.2			
<u>Summary of Results for 30 year Return Period (+30%)</u>					
Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status
30 min Winter	99.444	0.944	1.9	2.2	O K
60 min Winter	99.437	0.937	1.9	2.2	O K
120 min Winter	99.309	0.809	1.6	1.8	O K
180 min Winter	99.197	0.697	1.4	1.6	O K
240 min Winter	99.113	0.613	1.2	1.4	O K
360 min Winter	99.000	0.500	1.0	1.1	O K
480 min Winter	98.927	0.427	0.8	0.9	O K
600 min Winter	98.876	0.376	0.7	0.8	O K
720 min Winter	98.839	0.339	0.6	0.7	O K
960 min Winter	98.787	0.287	0.5	0.6	O K
1440 min Winter	98.728	0.228	0.4	0.5	O K
2160 min Winter	98.682	0.182	0.3	0.3	O K
2880 min Winter	98.656	0.156	0.2	0.3	O K
4320 min Winter	98.627	0.127	0.2	0.2	O K
5760 min Winter	98.611	0.111	0.2	0.2	O K
7200 min Winter	98.601	0.101	0.1	0.1	O K
8640 min Winter	98.594	0.094	0.1	0.1	O K
10080 min Winter	98.588	0.088	0.1	0.1	O K
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)		
30 min Winter	51.658	0.0	29		
60 min Winter	33.374	0.0	46		
120 min Winter	21.076	0.0	78		
180 min Winter	15.989	0.0	110		
240 min Winter	13.126	0.0	140		
360 min Winter	9.913	0.0	202		
480 min Winter	8.114	0.0	262		
600 min Winter	6.944	0.0	322		
720 min Winter	6.112	0.0	382		
960 min Winter	4.997	0.0	502		
1440 min Winter	3.760	0.0	742		
2160 min Winter	2.828	0.0	1104		
2880 min Winter	2.309	0.0	1468		
4320 min Winter	1.734	0.0	2176		
5760 min Winter	1.414	0.0	2928		
7200 min Winter	1.207	0.0	3616		
8640 min Winter	1.061	0.0	4360		
10080 min Winter	0.951	0.0	5136		
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Griffen Design Ltd		Page 3																																																
2.5 Discovery House Dundee DD2 1SW	New Dwelling Gowanbank Forfar																																																	
Date 29/08/2024 12:37 File 245409 1in30yr Storage....	Designed by N Murray Checked by JJM																																																	
XP Solutions		Source Control 2017.1.2																																																
<p style="text-align: center;"><u>Rainfall Details</u></p> <table> <tr> <td>Rainfall Model</td> <td>FSR</td> <td>Winter Storms</td> <td>Yes</td> </tr> <tr> <td>Return Period (years)</td> <td>30</td> <td>Cv (Summer)</td> <td>0.750</td> </tr> <tr> <td>Region</td> <td>Scotland and Ireland</td> <td>Cv (Winter)</td> <td>0.840</td> </tr> <tr> <td>M5-60 (mm)</td> <td>17.000</td> <td>Shortest Storm (mins)</td> <td>15</td> </tr> <tr> <td>Ratio R</td> <td>0.289</td> <td>Longest Storm (mins)</td> <td>10080</td> </tr> <tr> <td>Summer Storms</td> <td>Yes</td> <td>Climate Change %</td> <td>+30</td> </tr> </table> <p style="text-align: center;"><u>Time Area Diagram</u></p> <p style="text-align: center;">Total Area (ha) 0.018</p> <table> <thead> <tr> <th>Time (mins)</th> <th>Area (ha)</th> <th>Time (mins)</th> <th>Area (ha)</th> <th>Time (mins)</th> <th>Area (ha)</th> </tr> <tr> <th>From:</th> <th>To:</th> <th>From:</th> <th>To:</th> <th>From:</th> <th>To:</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>4</td> <td>4</td> <td>8</td> <td>8</td> <td>12</td> </tr> <tr> <td></td> <td>0.006</td> <td></td> <td>0.006</td> <td></td> <td>0.006</td> </tr> </tbody> </table>			Rainfall Model	FSR	Winter Storms	Yes	Return Period (years)	30	Cv (Summer)	0.750	Region	Scotland and Ireland	Cv (Winter)	0.840	M5-60 (mm)	17.000	Shortest Storm (mins)	15	Ratio R	0.289	Longest Storm (mins)	10080	Summer Storms	Yes	Climate Change %	+30	Time (mins)	Area (ha)	Time (mins)	Area (ha)	Time (mins)	Area (ha)	From:	To:	From:	To:	From:	To:	0	4	4	8	8	12		0.006		0.006		0.006
Rainfall Model	FSR	Winter Storms	Yes																																															
Return Period (years)	30	Cv (Summer)	0.750																																															
Region	Scotland and Ireland	Cv (Winter)	0.840																																															
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Summer Storms	Yes	Climate Change %	+30																																															
Time (mins)	Area (ha)	Time (mins)	Area (ha)	Time (mins)	Area (ha)																																													
From:	To:	From:	To:	From:	To:																																													
0	4	4	8	8	12																																													
	0.006		0.006		0.006																																													
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Griffen Design Ltd		Page 4																				
2.5 Discovery House Dundee DD2 1SW	New Dwelling Gowanbank Forfar																					
Date 29/08/2024 12:37 File 245409 1in30yr Storage....	Designed by N Murray Checked by JJM																					
XP Solutions		Source Control 2017.1.2																				
<p style="text-align: center;"><u>Model Details</u></p> <p style="text-align: center;">Storage is Online Cover Level (m) 100.000</p> <p style="text-align: center;"><u>Trench Soakaway Structure</u></p> <table> <tr> <td>Infiltration Coefficient Base (m/hr)</td> <td>0.00000</td> <td>Trench Width (m)</td> <td>1.0</td> </tr> <tr> <td>Infiltration Coefficient Side (m/hr)</td> <td>0.84497</td> <td>Trench Length (m)</td> <td>8.0</td> </tr> <tr> <td>Safety Factor</td> <td>2.0</td> <td>Slope (1:X)</td> <td>100.0</td> </tr> <tr> <td>Porosity</td> <td>0.30</td> <td>Cap Volume Depth (m)</td> <td>1.000</td> </tr> <tr> <td>Invert Level (m)</td> <td>98.500</td> <td>Cap Infiltration Depth (m)</td> <td>0.000</td> </tr> </table>			Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	1.0	Infiltration Coefficient Side (m/hr)	0.84497	Trench Length (m)	8.0	Safety Factor	2.0	Slope (1:X)	100.0	Porosity	0.30	Cap Volume Depth (m)	1.000	Invert Level (m)	98.500	Cap Infiltration Depth (m)	0.000
Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	1.0																			
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Porosity	0.30	Cap Volume Depth (m)	1.000																			
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Griffen Design Ltd				Page 1																																																																																																																																																																																																																			
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File 245409 1in200yr Floodin...		Checked by JJM																																																																																																																																																																																																																					
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<p>Summary of Results for 200 year Return Period (+30%)</p> <p>Half Drain Time : 14 minutes.</p> <table><tr><th>Storm Event</th><th>Max Level (m)</th><th>Max Depth (m)</th><th>Max Infiltration (l/s)</th><th>Max Volume (m³)</th><th>Status</th></tr><tr><td>15 min Summer</td><td>99.590</td><td>1.090</td><td>2.2</td><td>2.5</td><td>O K</td></tr><tr><td>30 min Summer</td><td>99.797</td><td>1.297</td><td>2.7</td><td>3.0</td><td>Flood Risk</td></tr><tr><td>60 min Summer</td><td>99.827</td><td>1.327</td><td>2.7</td><td>3.1</td><td>Flood Risk</td></tr><tr><td>120 min Summer</td><td>99.710</td><td>1.210</td><td>2.5</td><td>2.8</td><td>Flood Risk</td></tr><tr><td>180 min Summer</td><td>99.583</td><td>1.083</td><td>2.2</td><td>2.5</td><td>O K</td></tr><tr><td>240 min Summer</td><td>99.478</td><td>0.978</td><td>2.0</td><td>2.3</td><td>O K</td></tr><tr><td>360 min Summer</td><td>99.326</td><td>0.826</td><td>1.7</td><td>1.9</td><td>O K</td></tr><tr><td>480 min Summer</td><td>99.219</td><td>0.719</td><td>1.4</td><td>1.6</td><td>O K</td></tr><tr><td>600 min Summer</td><td>99.141</td><td>0.641</td><td>1.3</td><td>1.4</td><td>O K</td></tr><tr><td>720 min Summer</td><td>99.081</td><td>0.581</td><td>1.1</td><td>1.3</td><td>O K</td></tr><tr><td>960 min Summer</td><td>98.994</td><td>0.494</td><td>1.0</td><td>1.1</td><td>O K</td></tr><tr><td>1440 min Summer</td><td>98.891</td><td>0.391</td><td>0.7</td><td>0.8</td><td>O K</td></tr><tr><td>2160 min Summer</td><td>98.807</td><td>0.307</td><td>0.6</td><td>0.6</td><td>O K</td></tr><tr><td>2880 min Summer</td><td>98.758</td><td>0.258</td><td>0.5</td><td>0.5</td><td>O K</td></tr><tr><td>4320 min Summer</td><td>98.703</td><td>0.203</td><td>0.3</td><td>0.4</td><td>O K</td></tr><tr><td>5760 min Summer</td><td>98.671</td><td>0.171</td><td>0.3</td><td>0.3</td><td>O K</td></tr><tr><td>7200 min Summer</td><td>98.651</td><td>0.151</td><td>0.2</td><td>0.3</td><td>O K</td></tr><tr><td>8640 min Summer</td><td>98.637</td><td>0.137</td><td>0.2</td><td>0.2</td><td>O K</td></tr><tr><td>10080 min Summer</td><td>98.627</td><td>0.127</td><td>0.2</td><td>0.2</td><td>O K</td></tr><tr><td>15 min Winter</td><td>99.705</td><td>1.205</td><td>2.5</td><td>2.8</td><td>Flood Risk</td></tr></table> <table><tr><th>Storm Event</th><th>Rain (mm/hr)</th><th>Flooded Volume (m³)</th><th>Time-Peak (mins)</th></tr><tr><td>15 min Summer</td><td>114.345</td><td>0.0</td><td>20</td></tr><tr><td>30 min Summer</td><td>78.702</td><td>0.0</td><td>28</td></tr><tr><td>60 min Summer</td><td>50.354</td><td>0.0</td><td>44</td></tr><tr><td>120 min Summer</td><td>31.389</td><td>0.0</td><td>76</td></tr><tr><td>180 min Summer</td><td>23.583</td><td>0.0</td><td>106</td></tr><tr><td>240 min Summer</td><td>19.230</td><td>0.0</td><td>136</td></tr><tr><td>360 min Summer</td><td>14.372</td><td>0.0</td><td>198</td></tr><tr><td>480 min Summer</td><td>11.672</td><td>0.0</td><td>258</td></tr><tr><td>600 min Summer</td><td>9.926</td><td>0.0</td><td>318</td></tr><tr><td>720 min Summer</td><td>8.693</td><td>0.0</td><td>378</td></tr><tr><td>960 min Summer</td><td>7.048</td><td>0.0</td><td>500</td></tr><tr><td>1440 min Summer</td><td>5.244</td><td>0.0</td><td>740</td></tr><tr><td>2160 min Summer</td><td>3.899</td><td>0.0</td><td>1104</td></tr><tr><td>2880 min Summer</td><td>3.156</td><td>0.0</td><td>1468</td></tr><tr><td>4320 min Summer</td><td>2.339</td><td>0.0</td><td>2200</td></tr><tr><td>5760 min Summer</td><td>1.889</td><td>0.0</td><td>2936</td></tr><tr><td>7200 min Summer</td><td>1.601</td><td>0.0</td><td>3672</td></tr><tr><td>8640 min Summer</td><td>1.397</td><td>0.0</td><td>4312</td></tr><tr><td>10080 min Summer</td><td>1.246</td><td>0.0</td><td>5136</td></tr><tr><td>15 min Winter</td><td>114.345</td><td>0.0</td><td>20</td></tr></table>						Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status	15 min Summer	99.590	1.090	2.2	2.5	O K	30 min Summer	99.797	1.297	2.7	3.0	Flood Risk	60 min Summer	99.827	1.327	2.7	3.1	Flood Risk	120 min Summer	99.710	1.210	2.5	2.8	Flood Risk	180 min Summer	99.583	1.083	2.2	2.5	O K	240 min Summer	99.478	0.978	2.0	2.3	O K	360 min Summer	99.326	0.826	1.7	1.9	O K	480 min Summer	99.219	0.719	1.4	1.6	O K	600 min Summer	99.141	0.641	1.3	1.4	O K	720 min Summer	99.081	0.581	1.1	1.3	O K	960 min Summer	98.994	0.494	1.0	1.1	O K	1440 min Summer	98.891	0.391	0.7	0.8	O K	2160 min Summer	98.807	0.307	0.6	0.6	O K	2880 min Summer	98.758	0.258	0.5	0.5	O K	4320 min Summer	98.703	0.203	0.3	0.4	O K	5760 min Summer	98.671	0.171	0.3	0.3	O K	7200 min Summer	98.651	0.151	0.2	0.3	O K	8640 min Summer	98.637	0.137	0.2	0.2	O K	10080 min Summer	98.627	0.127	0.2	0.2	O K	15 min Winter	99.705	1.205	2.5	2.8	Flood Risk	Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)	15 min Summer	114.345	0.0	20	30 min Summer	78.702	0.0	28	60 min Summer	50.354	0.0	44	120 min Summer	31.389	0.0	76	180 min Summer	23.583	0.0	106	240 min Summer	19.230	0.0	136	360 min Summer	14.372	0.0	198	480 min Summer	11.672	0.0	258	600 min Summer	9.926	0.0	318	720 min Summer	8.693	0.0	378	960 min Summer	7.048	0.0	500	1440 min Summer	5.244	0.0	740	2160 min Summer	3.899	0.0	1104	2880 min Summer	3.156	0.0	1468	4320 min Summer	2.339	0.0	2200	5760 min Summer	1.889	0.0	2936	7200 min Summer	1.601	0.0	3672	8640 min Summer	1.397	0.0	4312	10080 min Summer	1.246	0.0	5136	15 min Winter	114.345	0.0	20
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2880 min Summer	98.758	0.258	0.5	0.5	O K																																																																																																																																																																																																																		
4320 min Summer	98.703	0.203	0.3	0.4	O K																																																																																																																																																																																																																		
5760 min Summer	98.671	0.171	0.3	0.3	O K																																																																																																																																																																																																																		
7200 min Summer	98.651	0.151	0.2	0.3	O K																																																																																																																																																																																																																		
8640 min Summer	98.637	0.137	0.2	0.2	O K																																																																																																																																																																																																																		
10080 min Summer	98.627	0.127	0.2	0.2	O K																																																																																																																																																																																																																		
15 min Winter	99.705	1.205	2.5	2.8	Flood Risk																																																																																																																																																																																																																		
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)																																																																																																																																																																																																																				
15 min Summer	114.345	0.0	20																																																																																																																																																																																																																				
30 min Summer	78.702	0.0	28																																																																																																																																																																																																																				
60 min Summer	50.354	0.0	44																																																																																																																																																																																																																				
120 min Summer	31.389	0.0	76																																																																																																																																																																																																																				
180 min Summer	23.583	0.0	106																																																																																																																																																																																																																				
240 min Summer	19.230	0.0	136																																																																																																																																																																																																																				
360 min Summer	14.372	0.0	198																																																																																																																																																																																																																				
480 min Summer	11.672	0.0	258																																																																																																																																																																																																																				
600 min Summer	9.926	0.0	318																																																																																																																																																																																																																				
720 min Summer	8.693	0.0	378																																																																																																																																																																																																																				
960 min Summer	7.048	0.0	500																																																																																																																																																																																																																				
1440 min Summer	5.244	0.0	740																																																																																																																																																																																																																				
2160 min Summer	3.899	0.0	1104																																																																																																																																																																																																																				
2880 min Summer	3.156	0.0	1468																																																																																																																																																																																																																				
4320 min Summer	2.339	0.0	2200																																																																																																																																																																																																																				
5760 min Summer	1.889	0.0	2936																																																																																																																																																																																																																				
7200 min Summer	1.601	0.0	3672																																																																																																																																																																																																																				
8640 min Summer	1.397	0.0	4312																																																																																																																																																																																																																				
10080 min Summer	1.246	0.0	5136																																																																																																																																																																																																																				
15 min Winter	114.345	0.0	20																																																																																																																																																																																																																				
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Griffen Design Ltd				Page 2	
2.5 Discovery House		New Dwelling			
Dundee		Gowanbank			
DD2 1SW		Forfar			
Date 29/08/2024 12:26		Designed by N Murray			
File 245409 1in200yr Floodin...		Checked by JJM			
XP Solutions		Source Control 2017.1.2			
<div>Summary of Results for 200 year Return Period (+30%)</div>					
Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status
30 min Winter	99.918	1.418	2.9	3.3	Flood Risk
60 min Winter	99.894	1.394	2.9	3.2	Flood Risk
120 min Winter	99.686	1.186	2.4	2.8	O K
180 min Winter	99.509	1.009	2.0	2.3	O K
240 min Winter	99.380	0.880	1.8	2.0	O K
360 min Winter	99.206	0.706	1.4	1.6	O K
480 min Winter	99.097	0.597	1.2	1.3	O K
600 min Winter	99.021	0.521	1.0	1.2	O K
720 min Winter	98.965	0.465	0.9	1.0	O K
960 min Winter	98.888	0.388	0.7	0.8	O K
1440 min Winter	98.802	0.302	0.6	0.6	O K
2160 min Winter	98.735	0.235	0.4	0.5	O K
2880 min Winter	98.699	0.199	0.3	0.4	O K
4320 min Winter	98.658	0.158	0.2	0.3	O K
5760 min Winter	98.635	0.135	0.2	0.2	O K
7200 min Winter	98.621	0.121	0.2	0.2	O K
8640 min Winter	98.610	0.110	0.1	0.2	O K
10080 min Winter	98.603	0.103	0.1	0.2	O K
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)		
30 min Winter	78.702	0.0	29		
60 min Winter	50.354	0.0	46		
120 min Winter	31.389	0.0	78		
180 min Winter	23.583	0.0	110		
240 min Winter	19.230	0.0	140		
360 min Winter	14.372	0.0	202		
480 min Winter	11.672	0.0	262		
600 min Winter	9.926	0.0	322		
720 min Winter	8.693	0.0	382		
960 min Winter	7.048	0.0	502		
1440 min Winter	5.244	0.0	740		
2160 min Winter	3.899	0.0	1104		
2880 min Winter	3.156	0.0	1468		
4320 min Winter	2.339	0.0	2184		
5760 min Winter	1.889	0.0	2936		
7200 min Winter	1.601	0.0	3608		
8640 min Winter	1.397	0.0	4400		
10080 min Winter	1.246	0.0	5128		
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Griffen Design Ltd		Page 3
2.5 Discovery House Dundee DD2 1SW	New Dwelling Gowanbank Forfar	
Date 29/08/2024 12:26 File 245409 1in200yr Floodin...	Designed by N Murray Checked by JJM	
XP Solutions		Source Control 2017.1.2

Rainfall Details


Rainfall Model	FSR	Winter Storms	Yes
Return Period (years)	200	Cv (Summer)	0.750
Region	Scotland and Ireland	Cv (Winter)	0.840
M5-60 (mm)	17.000	Shortest Storm (mins)	15
Ratio R	0.289	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+30

Time Area Diagram

Total Area (ha) 0.018

Time (mins) From:	To:	Area (ha)	Time (mins) From:	To:	Area (ha)	Time (mins) From:	To:	Area (ha)
0	4	0.006	4	8	0.006	8	12	0.006

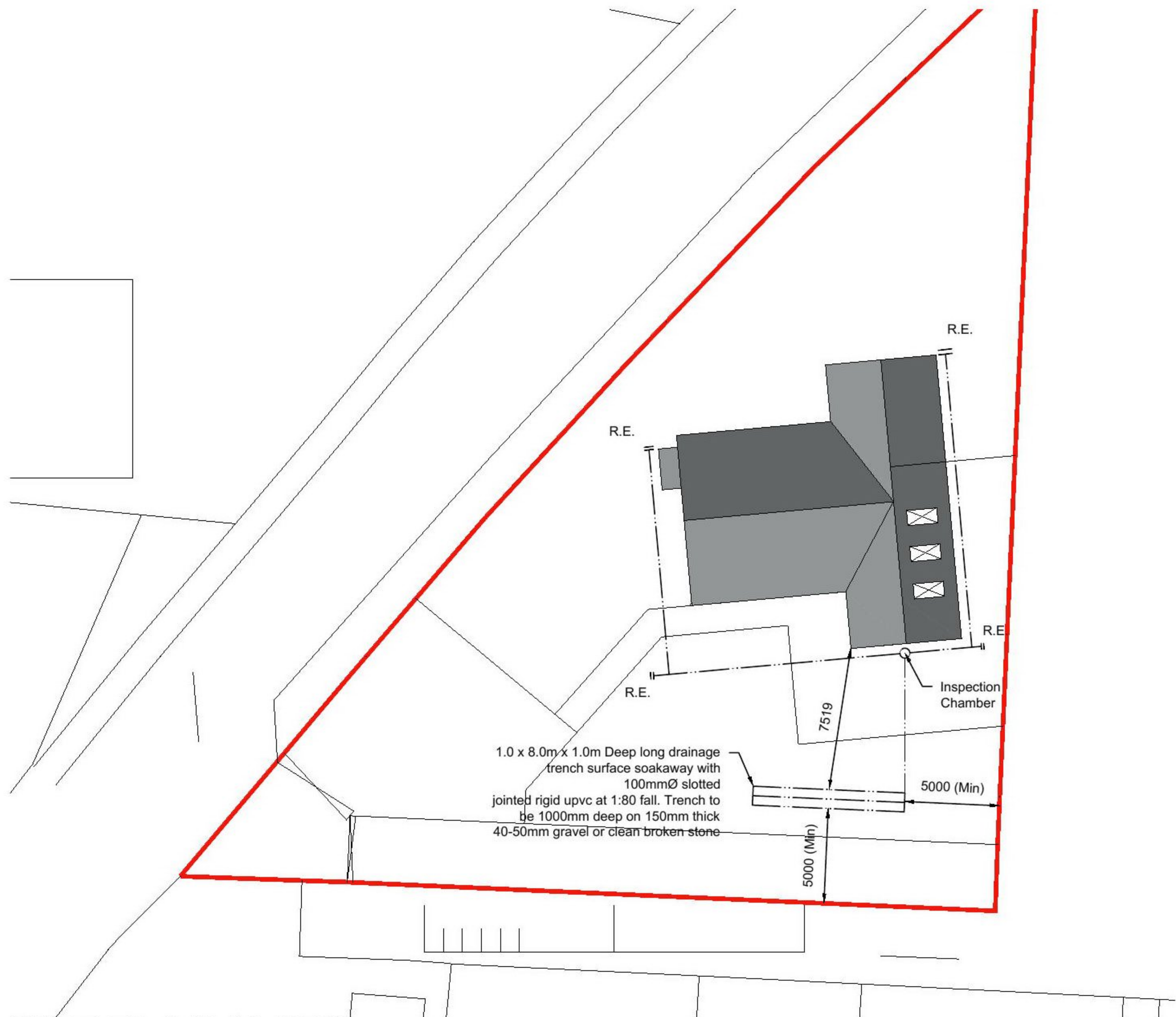
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Griffen Design Ltd		Page 4																				
2.5 Discovery House Dundee DD2 1SW	New Dwelling Gowanbank Forfar																					
Date 29/08/2024 12:26 File 245409 1in200yr Floodin...	Designed by N Murray Checked by JJM																					
XP Solutions		Source Control 2017.1.2																				
<p style="text-align: center;"><u>Model Details</u></p> <p style="text-align: center;">Storage is Online Cover Level (m) 100.000</p> <p style="text-align: center;"><u>Trench Soakaway Structure</u></p> <table> <tr> <td>Infiltration Coefficient Base (m/hr)</td> <td>0.00000</td> <td>Trench Width (m)</td> <td>1.0</td> </tr> <tr> <td>Infiltration Coefficient Side (m/hr)</td> <td>0.84497</td> <td>Trench Length (m)</td> <td>8.0</td> </tr> <tr> <td>Safety Factor</td> <td>2.0</td> <td>Slope (1:X)</td> <td>100.0</td> </tr> <tr> <td>Porosity</td> <td>0.30</td> <td>Cap Volume Depth (m)</td> <td>0.000</td> </tr> <tr> <td>Invert Level (m)</td> <td>98.500</td> <td>Cap Infiltration Depth (m)</td> <td>0.000</td> </tr> </table>			Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	1.0	Infiltration Coefficient Side (m/hr)	0.84497	Trench Length (m)	8.0	Safety Factor	2.0	Slope (1:X)	100.0	Porosity	0.30	Cap Volume Depth (m)	0.000	Invert Level (m)	98.500	Cap Infiltration Depth (m)	0.000
Infiltration Coefficient Base (m/hr)	0.00000	Trench Width (m)	1.0																			
Infiltration Coefficient Side (m/hr)	0.84497	Trench Length (m)	8.0																			
Safety Factor	2.0	Slope (1:X)	100.0																			
Porosity	0.30	Cap Volume Depth (m)	0.000																			
Invert Level (m)	98.500	Cap Infiltration Depth (m)	0.000																			
©1982-2017 XP Solutions																						

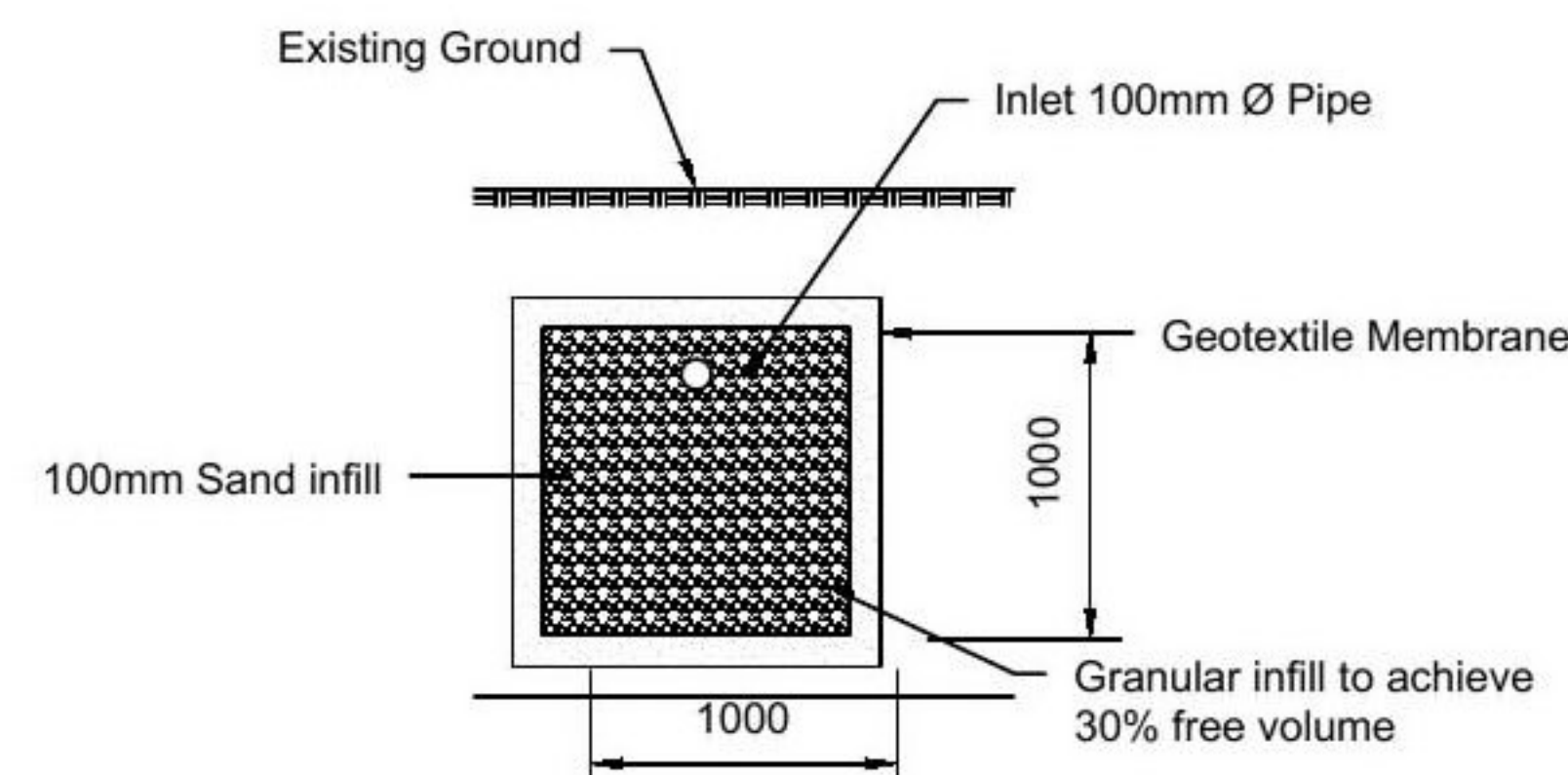
SUMMARY TABLE		DESIGN CONDITIONS			
		1	2	3	4
Land Use Type	Residential roofing				
Pollution Hazard Level	Very low				
Pollution Hazard Indices					
TSS	0.2				
Metals	0.2				
Hydrocarbons	0.05				
SuDS components proposed					
Component 1	None				
Component 2	None				
Component 3	None				
SuDS Pollution Mitigation Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Groundwater protection type	None				
Groundwater protection					
Pollution Mitigation					
Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Combined Pollution Mitigation Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Acceptability of Pollution Mitigation					
TSS	Additional TSS Mitigation Required				
Metals	Additional Metals Mitigation Required				
Hydrocarbons	Additional Hydrocarbon Mitigation Required				

Note: In order to meet both Water Quality criteria set out in the SuDS Manual (Chapter 4), Interception should be delivered for all impermeable areas wherever possible. Interception delivery and treatment may be met by the same components, but Interception requires separate evaluation.

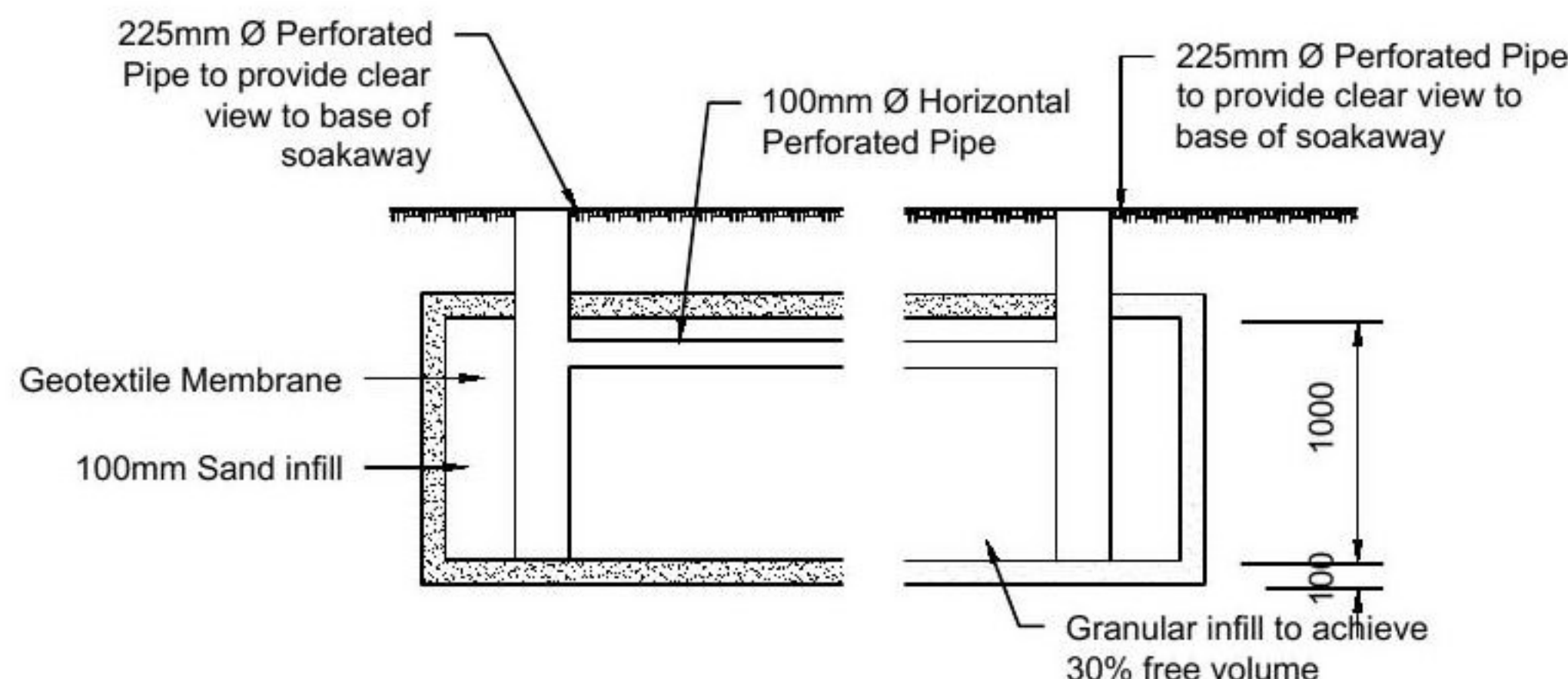
Reference to local planning documents should also be made to identify any additional protection required for sites due to habitat conservation (see Chapter 7 The SuDS design process). The implications of developments on or within close proximity to an area with an environmental designation, such as a Site of Special Scientific Interest (SSSI), should be considered via consultation with relevant conservation bodies such as Natural England



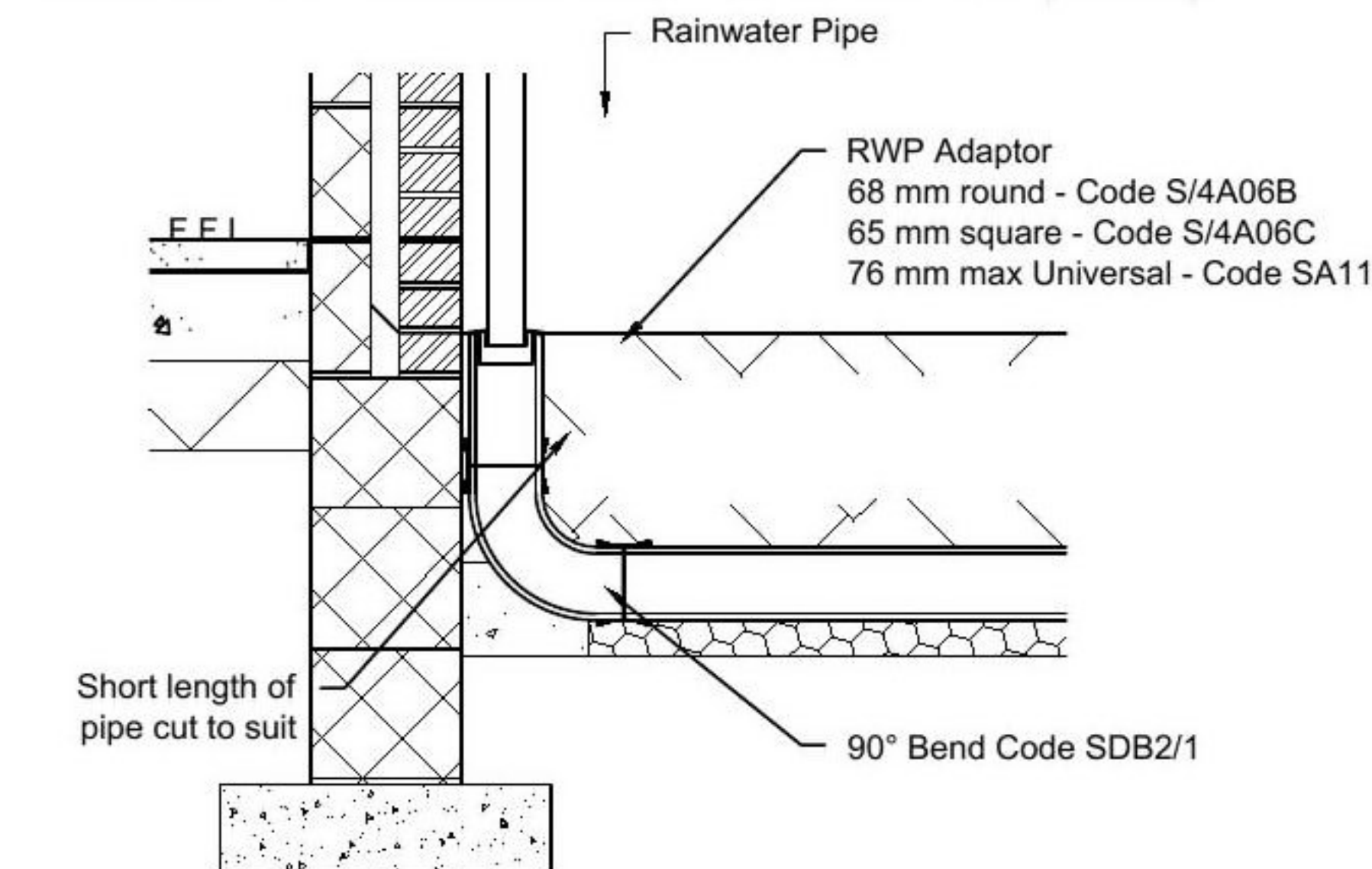
SITE PLAN (1:250)



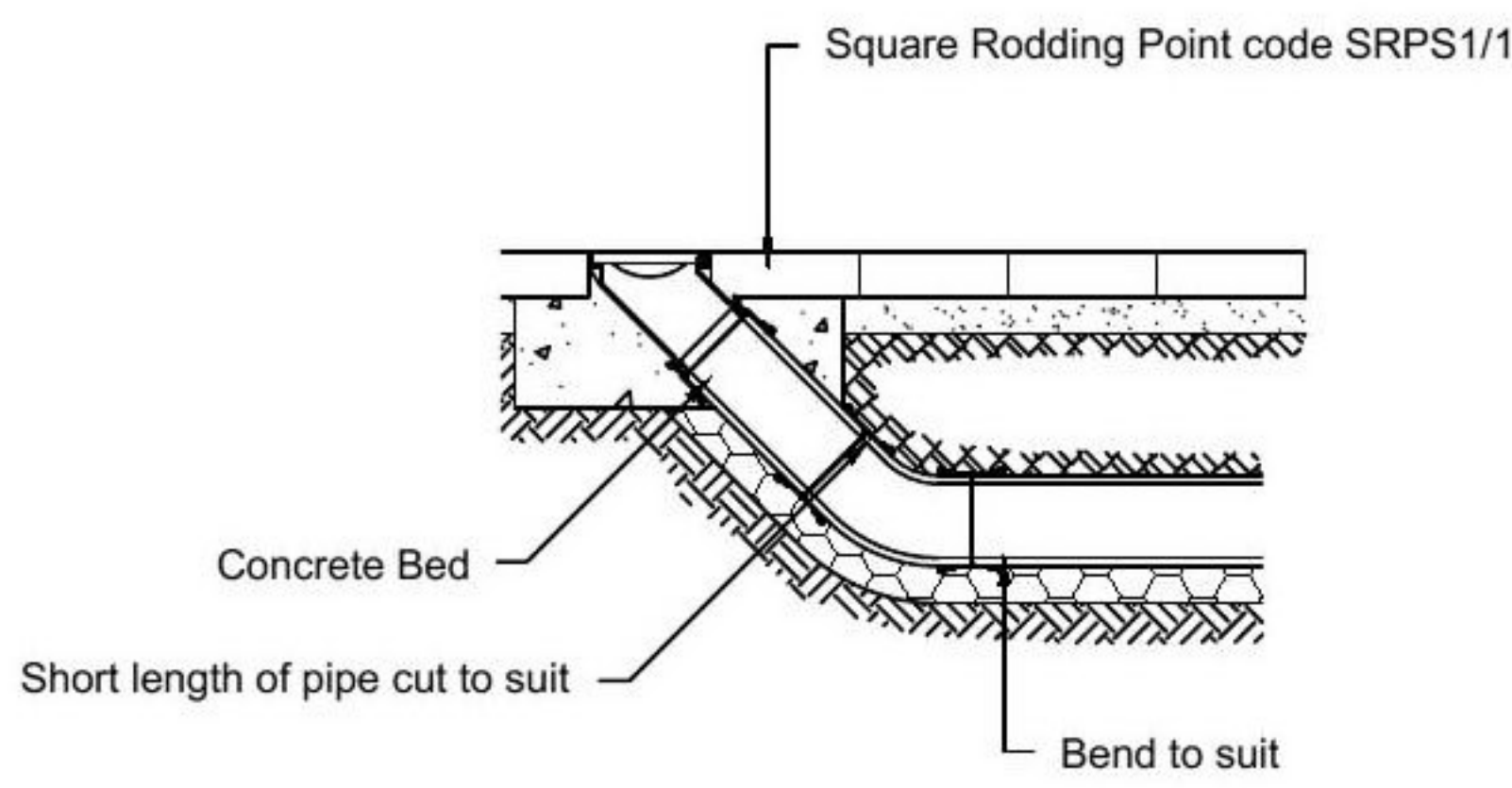
SURFACE SOAKAWAY SECTION (1:50)



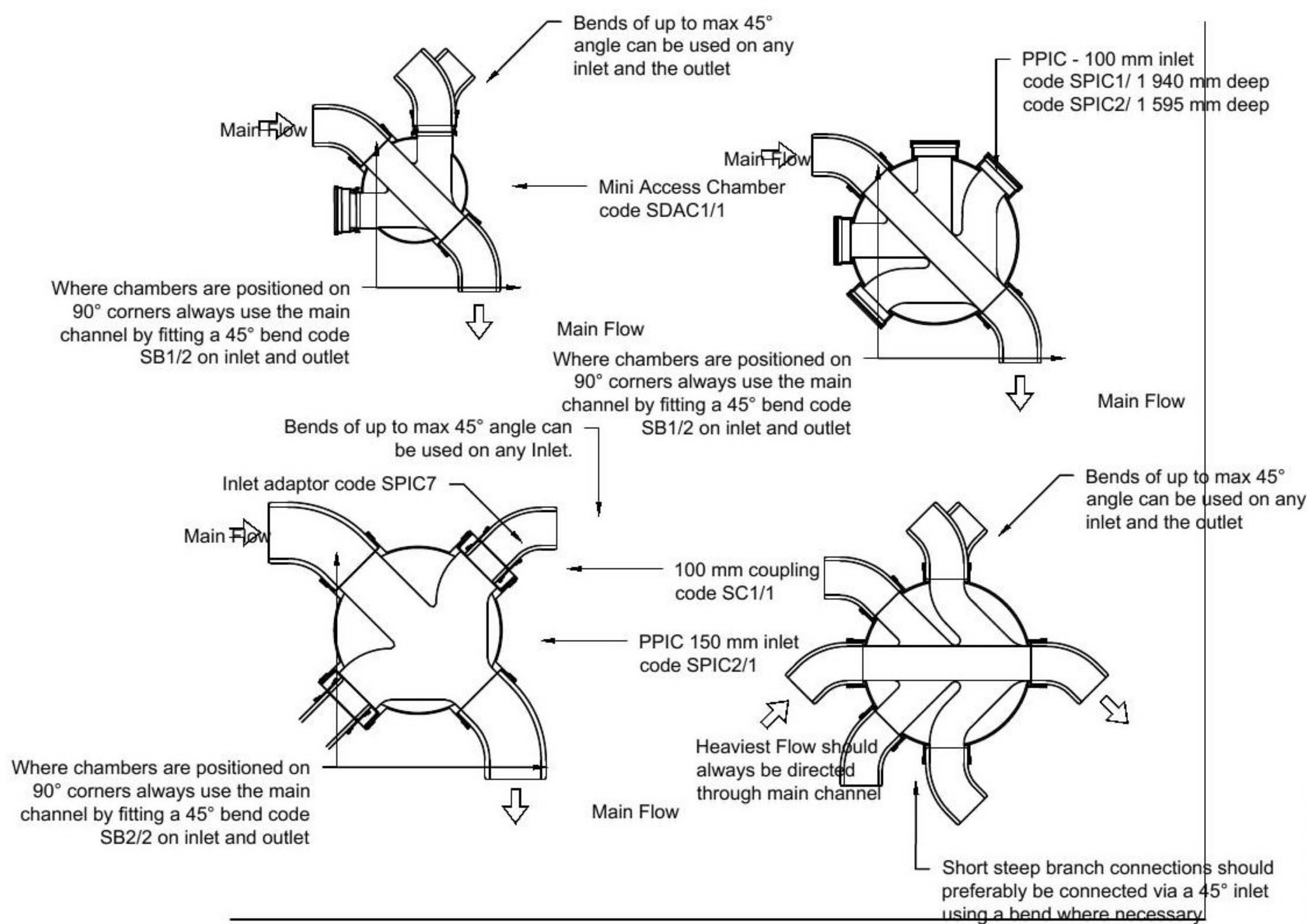
SOAKAWAY SECTION THRO INSPECTION WELL (1:50)



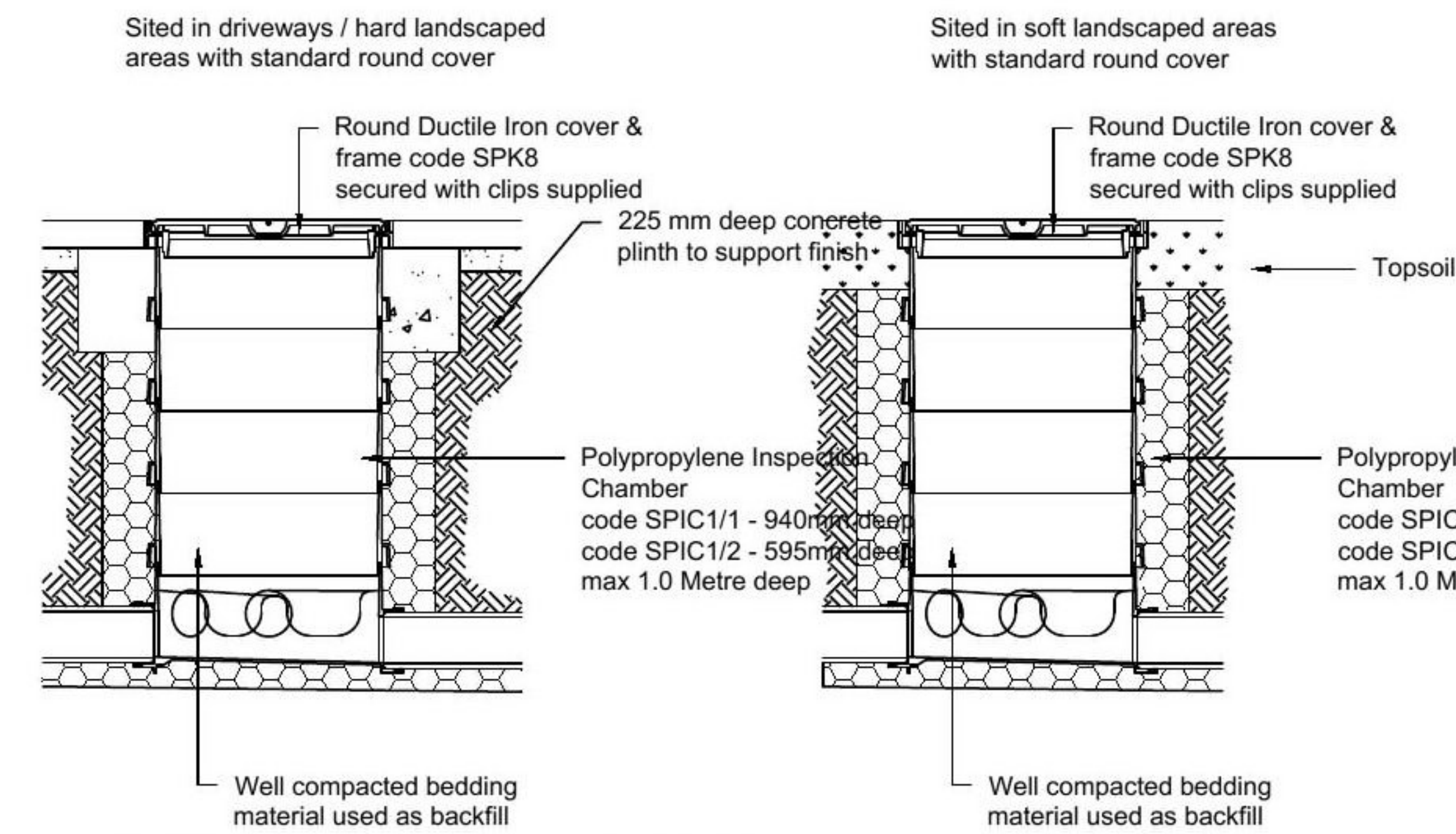
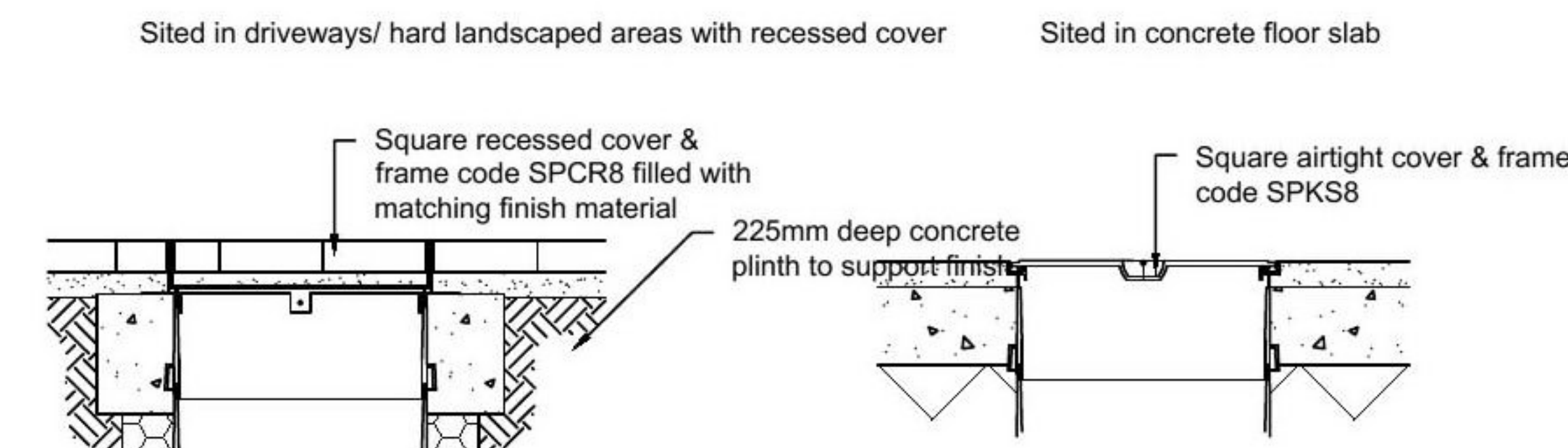
EXTERNAL RAINWATER PIPE CONNECTION DETAIL (1:20)



RODDING DETAIL (1:20)



MINI ACCESS CHAMBER / PPIC INSTALLATION DETAIL (1:20)



POLYPROPYLENE INSPECTION CHAMBER INSTALLATION DETAIL (1:20)

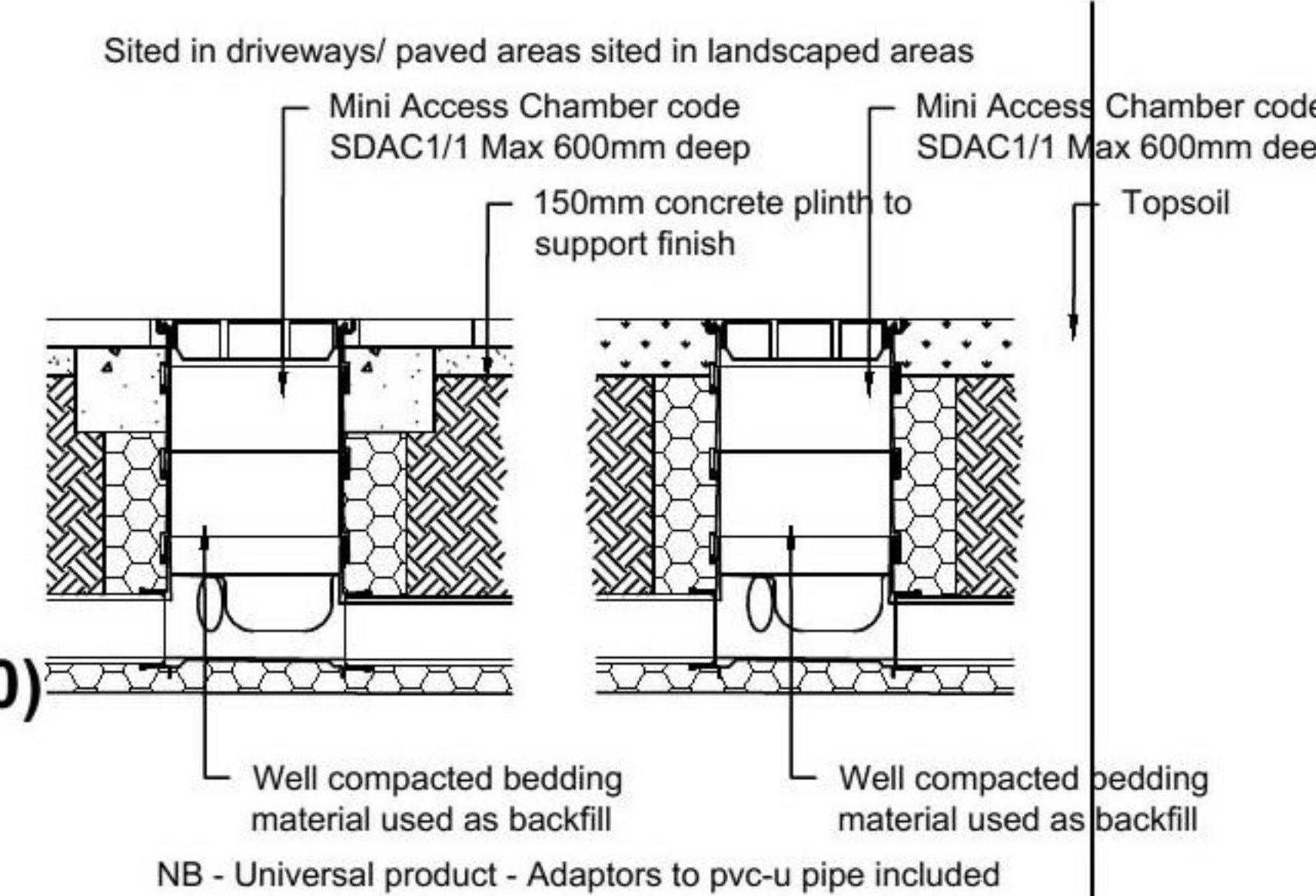
General

All dimensions are in millimeters unless noted otherwise.

Dimensions shall not be scaled from this drawing. Any dimension not shown should be checked on site or verified by the engineer.

This drawing is to be read in conjunction with latest revisions of all relevant engineers and architects drawings.

For setting out refer to the architects drawings.



MINI ACCESS CHAMBER INSTALLATION DETAIL (1:20)

Rev:	Description:	By:	Date:
Client:	Mr D. Wren		
	Unit 2.5 Discovery House Technology Park Dundee DD2 1SW Tel: 01382 561112 Email: info@griffendesign.co.uk		
Site:	New House, Gowanbank, Forfar, DD8 2RJ		
Type:	Comment/Approval	Scale:	Varies
Title:	Drainage Layout & Details	Date:	29/08/2024
		Drawn:	CDL
		Checked:	NDM
		Plot:	A2
		Project No:	245409
		Drawing No:	01
		Revision:	-
This drawing is subject to copyright and should therefore not be copied/reproduced without consent of Griffen Design			

David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk

mobile 07881400919

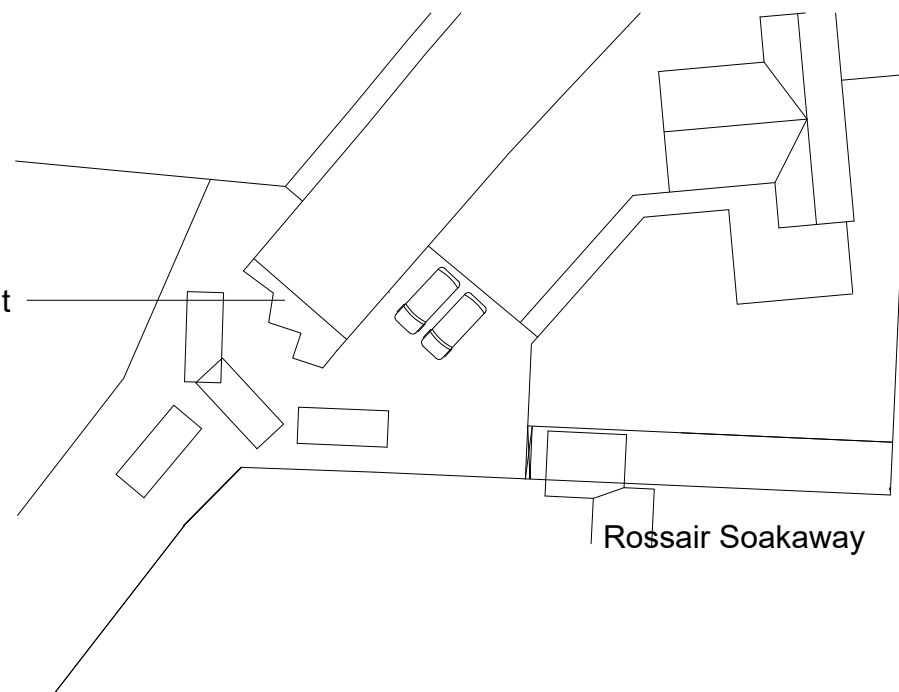
Response to Countryside Access Officer Consultation Remarks, 10.9.24:

Gowanbank Single House ref 24/00543/FULL

1. Siting, see revised Location and Proposed Plan (dwg ref 2024.346.1 rev A) attached. The proposed house has been located at the East of the plot and orientated to offer some casual monitoring of the path adjacent.
2. Boundary, see specification submitted for a low stone dyke between the path and the plot (dwg ref 2024.346.1 rev A), and I am happy for this to be subject to a condition.
3. Adequate space is available for cars and delivery vehicles to turn within the site and not compromise the safety of path users, see variation marked up on revised Location and Proposed Plan (dwg ref 2024.346.1 rev A), attached (top right panel).

David Wren 9.10.24 Version 2.1

additional road metal as suggested by the CAO, extent to be determined, no gate

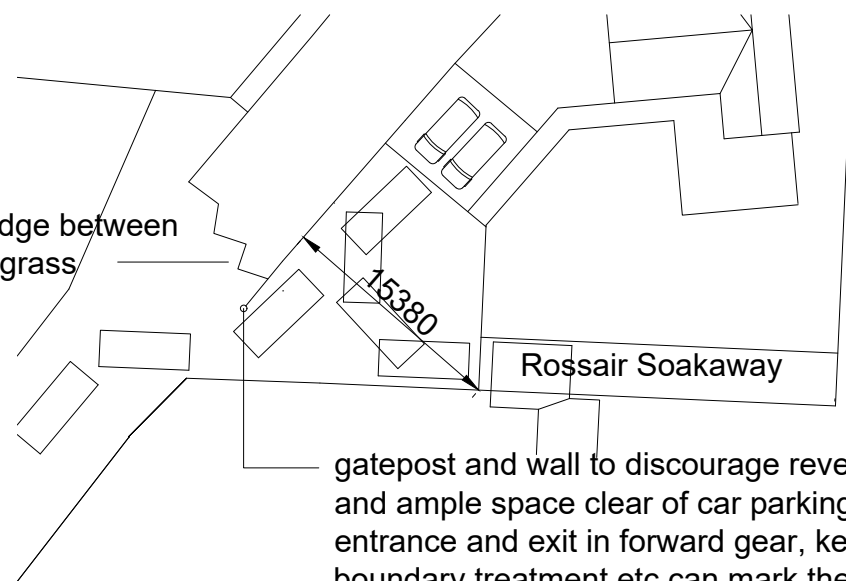


1:500 option 1

Notes:

These options are to simply show possible turning heads, and are not at this point submitted as preferred, and the application dwg can be updated as directed

indeterminate edge between road metal and grass



1:500 option 2

DO NOT SCALE FROM THIS DWG FOR CONSTRUCTION

REV

B

2024.346.3

21.10.24

New House, Gowanbank, Forfar.
DD8 2RJ

Turning Head

D.Wren

DAVID WREN ARCHITECT LTD
info@davidwrenarchitect.co.uk



David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk

mobile [REDACTED]

Development at Gowanbank, Forfar. Existing Drainage:

In considering previous development proposals at Gowanbank, the Council has raised the issue of the potential for conflict with septic tanks and/or infiltration fields serving existing properties adjacent to the site.

20.4.21 Committee Report No 122/21 recommending refusal

21.4.21 Refusal by AC

The reason(s) for the Council's decision are:

2. The proposal is contrary to Policies DS4, TC2 and F2 of the Angus Local Development Plan as it has not been demonstrated that the proposals would provide a good standard of amenity for future occupants and would not have an adverse impact on the amenity of existing neighbouring properties by virtue of impact on existing drainage infrastructure within the site.

This concern was noted at the appeal against the Council's refusal.

18.1.22 Appeal Upheld

Conclusions are:

Having regard to the provisions of the development plan I therefore consider the main issues in this appeal are whether the proposed development would:- • result in an acceptable form of development at this location; and • whether the amenity of existing and future residents would be affected by developing over, or near to, existing septic tank soakaways.

But this specific concern was rejected.

P32 (In regard to septic tanks and soakaways)....I am satisfied the amenity of both existing and future residents would be protected. On that basis, I do not find any conflict with the parts of LDP policies DS4 Amenity and TC2 Residential Development that seek to protect the amenity of existing and future residents.....

Notwithstanding the above the applicant has had an intrusive survey undertaken to identify if there are any conflicts relating to their development in particular. And proposes to retain the existing field access.

Site Investigation.

The following report relates to excavation and investigation (July 2024) at the applicants plot at the SW corner of the Gowanbank site, in respect to the concerns expressed over development affecting existing septic tanks and drainage. Local anecdotal knowledge suggested that no drains ran into the applicants' site, and whilst the investigation was underway Mr Ken Thomson, owner/occupier of Myrabank (immediately S of the plot) advised that all his drainage ran towards the A932.

A shallow but wide trench was dug down to subsoil along the boundary running E-W parallel with the rear of the houses running along the Arbroath Rd, and extending the full length of the applicants plot. At this level there was no evidence of any previous disturbance to the soil. This work was undertaken by W Douglas Contractors Ltd, experienced local drainage and groundworks contractors. The conclusion is that no drainage pipes or drain tails lie across the applicants' boundary/site.



Fig 1 The site, 'Woodlea' centre, 'Myrabank' at the left.



Fig 2 From the Eastern end of the site, subsoil exposed to reveal no evidence of previous excavation to lay drains which would show as parallel lines of disturbed soil.



Fig 3 Full length of the trench exposed.



Fig 4 Mid-section.



Fig 5 Western end of the trench at the 'Rosie Road'.

Existing Access:

Vehicle Access is currently possible to this plot, and the fields beyond and neighbouring properties.



Fig 6 Padlocked field gate into the applicants plot approx. 3m wide opening. Ref submitted dwgs, gate to be widened and set back further to the east. This would retain the occasional access to the rear of existing properties and maintain the status quo.



Fig 7 Vehicle access to the rear of 14 Strangs Ley.



Fig 8 Gate to rear of Woodlea.



Fig 9 Driveway at Myrabank.

Addendum:

Note the trench referred to above ran E-W immediately to the north side of the proposed access track-garden ground boundary and consequently missed the feature identified below.

Mr Callander owner occupier of Rossair advised that the soakaway to his septic tank (which is in his garden) lies immediately to the north of his boundary and Environmental Health requested further investigation to identify the scope and nature of the soakaway. Mr Callander also recalled that D.Liddle a local contractor, at the time, repaired/renewed the soakaway 20-25 years previously.

W.Douglas Contractors Ltd carefully excavated the area to expose the soakaway.

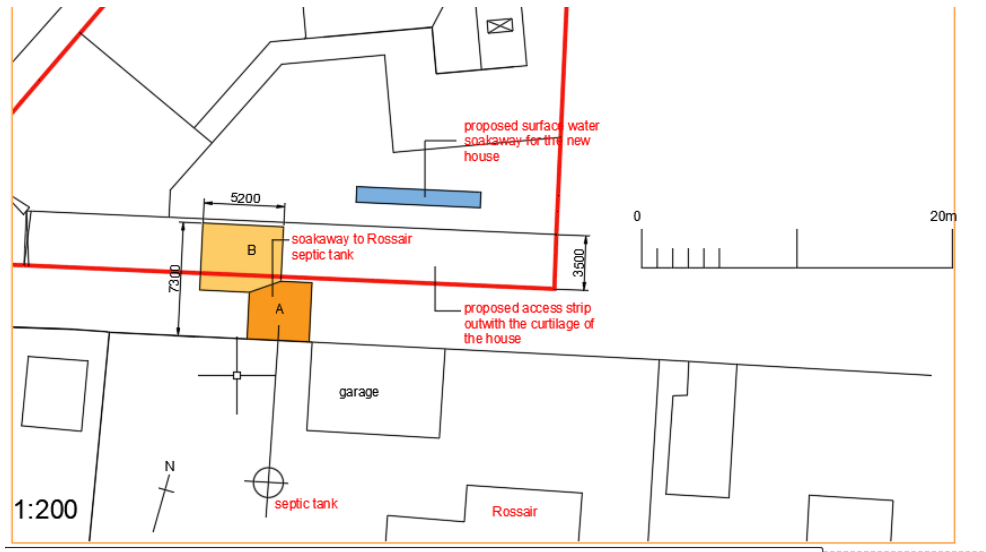


Fig A1 record of excavation 20.11.24

This revealed 2no distinct areas of gravel backfill with a clearly defined edge between the fill and original sand/soil.



Fig 2A edge between area A and undisturbed soil to the north

Area A appeared to be cleaner gravel whilst area B consisted of a gravel soil mix. Area A was wet at approx. 1.1m below ground level, area B was relatively dry and included some torn and patchy geotextile material.

A possible explanation is that area B might indicate the full extent of an older soakaway and area A indicates the repair ie removal of clogged up gravel at the outfall and replacement with fresh gravel. There was no geotextile over area A. It may also be the

case that area B constitutes the on site dumping of the material removed from area A in the repair.

No network of pipes was found, and excavation was kept back a safe distance from the garden wall. However, a single pipe from the septic tank into a gravel pit would not be unusual for the time period of initial construction.



Fig 3A



Fig 4A edge of area B

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW

LAND AT GOWANBANK ARBROATH ROAD FORFAR

APPLICATION NO 24/00543/FULL

APPLICANT'S SUBMISSION

PAGE NO.

ITEM 1	Notice of Review
ITEM 2	Appeal Statement
ITEM 3	Original Planning Application (D1)
ITEM 4	Location Plan, Site Plan, Site Elevations etc. (D2 & D3)
ITEM 5	Supporting Planning Statement (D4)
ITEM 6	Surface Water Drainage Report (D5)
ITEM 7	Updated Ground Investigation Report (D6)
ITEM 8	Ground Investigation Report (D7)
ITEM 9	Email Correspondence (D8 – D10 & D12 – D14)
ITEM 10	Ogilvy Homes Ltd Site Layout Drawing
ITEM 11	Scottish Water Letter (D15)
ITEM 12	Responses to Country Side Officer (D16 & D17)
ITEM 13	Email Correspondence November 2024 (D18)
ITEM 14	Report of Handling (D19)
ITEM 15	Decision Notice (D20)
ITEM 16	Extracts from Angus Local Development Plan and National Planning Framework 4 (D 21 & D22)
ITEM 17	Ogilvy Homes Ltd Site Plan – Refused (D23)
ITEM 18	Ogilvy Homes Ltd Appeal Letter (D24)



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 100705142-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Maria Francké Planning Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Maria"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Francke"/>	Building Number:	<input type="text" value="97-99"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="West Regent Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Maria Francke Planning Ltd"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="G2 2BA"/>
Email Address: *	<input type="text" value="maria@mfplanning.co.uk"/>		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="33/2"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Church Street"/>
Company/Organisation	<input type="text" value="David Wren Architect Ltd"/>	Address 2:	<input type="text" value="Broughty Ferry"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD5 1HB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="David@davidwrenarchitect.co.uk"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

SW corner of Gowanbank, Forfar

Northing	<input type="text" value="750713"/>	Easting	<input type="text" value="347220"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Proposed erection of a dwellinghouse and associated works at Land At Gowanbank, Arbroath Road, Forfar

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached LRB Review Statement

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)

Please see attached List of Documents referenced D1 to D24

Application Details

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

24/00543/FULL

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

03/09/2024

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

31/12/2024

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)

A site visit is recommended for the Local Review Body to see the relationship between the site, the Rosie Road and the wider F2 housing land allocation.

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: Ms Maria Francke

Declaration Date: 17/03/2025

APPEAL STATEMENT

Against the Refusal of Planning
Permission for a Single Dwelling at Land
at Gowanbank, Arbroath Road, Forfar

Application Reference: 24/00543/FULL

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



Date of Submission: 17 March 2025

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4. Grounds of Appeal	8
5. Other Planning Considerations	13
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List of Documents

Document No.	Description
D1	Planning Application Form dated 3 September 2024
D2	Location Plan & Proposed Site Plan and Floor Plan (Drawing Reference: 2024.346.1 Rev. A, Submitted 9 October 2024)
D3	Proposed Site Elevations and Site Sections (Drawing Reference: 2024.346.2 dated 7.8.24)
D4	Supporting Planning Statement
D5	Surface Water Drainage Report
D6	Updated Ground Investigation Report
D7	Ground Investigation Report
D8	Email from Ruari Kelly to David Wren dated 20 November 2018
D9	Email from Stephanie Porter to David Wren dated 11 January 2024
D10	Email from Ruari Kelly to David Wren dated 22 January 2024
D11	Ogilvie Homes Ltd – Site Layout Drawing No. PP-001 Rev E (18/00340/FULM)
D12	Email from Ruari Kelly to David Wren dated 6 February 2024
D13	Email from Ruari Kelly to David Wren dated 22 February 2024
D14	Email from David Wren to Ruari Kelly dated 12 April 2024
D15	Scottish Water Letter dated 14 August 2024
D16	Response to Countryside Officer dated 9 October 2024
D17	Further Response to Countryside Officer – Turning Head Drawing (Drawing No. 2024.346.3 dated 21.10.24)
D18	Email from Ruari Kelly to David Wren dated 18 November 2024
D19	Report of Handling dated 30 December 2024
D20	Decision Notice dated 31 December 2024
D21	Extracts from Angus Local Development Plan (ALDP) <ul style="list-style-type: none"> • Policy F2 Housing – Gowanbank • Forfar Inset Map • Policy DS3 Design Quality & Placemaking • Policy PV1 Green Infrastructure and Green Networks • Policy PV3 Access and Informal Recreation
D22	Extracts from National Planning Framework 4 (NPF4) <ul style="list-style-type: none"> • Policy 3 Biodiversity • Policy 14 Design, Quality & Place • Policy 15 Local Living and 20-minute neighbourhoods • Policy 16 Quality Homes • Policy 20 Blue and green infrastructure
D23	Ogilvie Homes Ltd Site Layout Plan – Refused (Appeal Ref. PPA-120-2058)
D24	Ogilvie Homes Ltd Appeal (Ref. PPA-120-2058) Decision Letter dated 18 January 2021

Executive Summary

This appeal is submitted in response to Angus Council's refusal of planning permission for a single dwelling at Gowanbank. The refusal cites concerns over the impact on the Rosie Road core path and prejudice to the wider F2 Gowanbank housing site allocation in the Angus Local Development Plan. However, the decision fails to properly consider National Planning Framework 4 (NPF4), ignores site-specific evidence and applies overly restrictive interpretations of policy.

The appeal draws on previous planning decisions and policy interpretations that confirm the site's suitability for residential development.

The refusal entirely fails to acknowledge that this plot was excluded from the previously refused larger F2 development (18/00340/FULM) and appeal (PPA-120-2058) by Ogilvie Homes Ltd, meaning the concerns raised in that decision do not apply. The Council's reasoning is therefore flawed and does not provide a valid planning basis for refusal.

The Council's refusal also contradicts its own previous position. In 2018, Angus Council confirmed in writing to the applicant that development of this plot would not be adversely affected by the larger F2 allocation. There has been no change in planning policy - NPF4 does not introduce any requirement that would justify a different conclusion. This shift in the Council's position is entirely unjustified, lacks any basis in planning policy, and raises serious concerns about the consistency and fairness of the decision-making process.

The concerns raised by statutory consultees have also been fully addressed by the applicant. A revised Site Layout Plan (Drawing No. 2024.346.1 Rev. A) was submitted to respond to the Countryside Access Officer's comments, confirming a dedicated turning area and parking within the site, thereby not impacting on the Rosie Road. An Updated Ground Investigation Report clarified the location of drainage infrastructure and a 3.5m-wide strip for occasional service access to neighbouring properties is provided for in the revised Site Layout Plan, similarly, addressing concerns raised by Environmental Health. These issues were not reasons for refusal and there are no outstanding objections from consultees that justify withholding permission.

Additionally, the Roads Department raised no objection regarding traffic or safety concerns, confirming that the proposed development would not negatively impact the functionality or amenity of the Rosie Road Core Path. The access arrangements, including a dedicated turning area within the site, ensure safe vehicle movements and further mitigate any potential concerns.

This statement will demonstrate that:

1. The proposal complies with NPF4 and the Angus Local Development Plan (ALDP).
2. The concerns regarding the Rosie Road core path and wider F2 site are unfounded.
3. The development would not impede future housing delivery on the F2 site and planning conditions can address any residual concerns.

For these reasons, the appeal should be allowed.

1. Introduction

This appeal is submitted on behalf of the applicant, David Wren Architect Ltd, in response to the refusal of planning permission by Angus Council for the erection of a single dwellinghouse and associated works at Land at Gowanbank, Arbroath Road, Forfar. The planning application (Document Nos. D1 to D5) was submitted on 9 September 2024 and subsequently refused under delegated powers on **31 December 2024** (Document D20) for the following two reasons:

1. *The development would adversely impact the Rosie Road Core Path, which is identified as an important recreational and active travel route. The Council asserts that the proposal would fail to take appropriate account of the amenity and character of the path, contrary to National Planning Framework 4 (NPF4) Policies 14 and 20, Angus Local Development Plan (ALDP) Policies DS3, PV1, and PV3, and Angus Council's Design Quality and Placemaking Supplementary Guidance.*
2. *Approval of a single dwelling within the wider allocated housing site (F2) could compromise the ability to deliver a well-designed, comprehensive development on the remainder of the allocation, thereby conflicting with ALDP Policy DS3 and the associated supplementary design guidance.*

This appeal statement sets out the policy justification for the development, directly addressing the reasons for refusal and demonstrating that the proposal:

- Complies with National Planning Framework 4 (NPF4) and the Angus Local Development Plan (ALDP), particularly in relation to housing delivery.
- Respects and preserves the character and function of the Rosie Road Core Path, mitigating any potential impact.
- Does not compromise the wider F2 housing allocation and, in fact, contributes positively to a future phased and high-quality approach to development in the area.

For the reasons outlined in this statement, it is respectfully requested that the Local Review Body overturns the refusal and grants planning permission for the proposed dwelling.

2. The Appeal Site and Development Proposal

The appeal site is located within Forfar's settlement boundary and forms part of the F2 housing allocation in the ALDP (Document D21). The plot is 1,120 sqm and is bounded by:

- North and West: The Rosie Road Core Path.
- East: Agricultural land.
- South: Existing residential properties with an access strip serving them.

The proposal consists of a single dwelling with associated works, designed to integrate with the surrounding character and respect the core path and wider site layout. The proposed dwelling is:

- single storey with a footprint of 165 sqm and a ridge height of 5m
- designed using high-quality materials, including slate-effect roof tiles and off-white render
- provides three bedrooms, an open-plan kitchen/living/dining area, and necessary amenities
- accessed via an existing vehicular route with parking for three cars and a turning area
- utilises public water supply and wastewater connections, with surface water managed via SUDS
- features low stone boundary walls and timber fencing to integrate with its surroundings

The application drawings are shown in Documents D2 and D3. The amended drawing (Ref No. 2024.346.1 Rev. A: Location and Proposed) submitted on 9 October 2024 (Document D3) confirmed boundary enclosures and a dedicated turning space, addressing early concerns about vehicle movements and layout impacting on the Rosie Road Core Path.

3. Development Plan Compliance

Under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for this appeal consists of:

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

3.1 National Planning Framework 4 (NPF4)

The National Planning Framework 4 (NPF4), which was adopted in February 2023, forms part of the statutory Development Plan alongside the Angus Local Development Plan (ALDP) 2016. NPF4 takes precedence over the ALDP where there are conflicts between policies. Relevant excerpts from NPF4 and ALDP are contained in Documents D21 and D22.

The proposal complies fully with NPF4 **Policy 14 Design, Quality & Place**, **Policy 16 Quality Homes** and **Policy 20 Blue & Green Infrastructure**. These policies support well-designed residential development on allocated sites, provided they integrate effectively with their surroundings.

The Council's refusal fails to properly acknowledge that NPF4 explicitly supports development on allocated sites like F2. **Policy 16 Quality Homes** states:

"Development proposals for new homes on land allocated for housing in Local Development Plans will be supported."

Since this site is within an allocated housing area, the principle of residential development is already established. The refusal instead focuses on design and placemaking concerns, which are fully addressed below.

Furthermore, **NPF4 Policy 14 Design, Quality and Place** supports well-designed residential development that enhances local character. It requires new developments to meet the six qualities of successful places:

1. Healthy – The proposal maintains active travel by keeping access to the core path open and ensuring passive surveillance.
2. Pleasant – Low stone boundary walls and landscaping preserve openness and enhance the setting.
3. Connected – The development respects existing access routes and does not disrupt potential connectivity for the wider site.
4. Distinctive – The house design is in keeping with local character, using appropriate materials (off-white render, slate roofing).
5. Sustainable – The proposal incorporates sustainable drainage (SUDS) and enhances local biodiversity.
6. Adaptable – A single dwelling does not prevent the phased development of the wider site.

The Council's Delegated Report of Handling (Document D19) and refusal (Document D20) cites concerns regarding the proposal's impact on the character and amenity of the core path and its relationship with the wider site's design. However, these concerns are not supported by objective evidence. The proposal has been carefully designed to integrate with its surroundings, align with

ALDP Policy DS3, and enhance the setting of the Rosie Road while meeting the six qualities of successful places set out in NPF4 Policy 14. The use of high-quality materials, appropriate scale, and sensitive boundary treatments ensures that the development contributes positively to local character rather than detracting from it. The proposed single-storey dwelling has been carefully designed using high-quality materials (slate-effect roof, off-white render) to ensure it integrates seamlessly with its surroundings.

NPF4 Policy 20 Blue & Green Infrastructure seeks to protect and enhance core paths and green networks. The proposal supports this by:

- retaining full public access to the Rosie Road
- enhancing the path's setting with landscaping and improved boundaries
- avoiding enclosure or obstruction - the path remains open and well-integrated.

The Council's concerns appear to stem from previous issues related to Ogilvie Homes Ltd large-scale development proposals (Document D23), where back gardens facing Rosie Road were considered to diminish the route's amenity. However, this is not relevant to the current proposal, which features a sensitively designed single dwelling with a low stone boundary and open frontage. There is no physical obstruction or sense of enclosure, as the proposal maintains clear sightlines and passive surveillance, ensuring that the path remains an open and inviting route (Document D2)

The proposal also supports **NPF4 Policy 3 Biodiversity and Natural Assets** by enhancing green networks through appropriate landscaping and boundary treatments that reinforce biodiversity corridors. In addition, **NPF4 Policy 15 Local Living & 20-Minute Neighbourhoods** supports development that enables people to meet their daily needs within their local area, promoting sustainable and well-connected communities. This proposal aligns with Policy 15 as it delivers housing within an existing settlement, making efficient use of an allocated site while maintaining good access to local services and active travel networks such as the Rosie Road Core Path. This demonstrates that a single dwelling within an allocated site is both appropriate and fully aligned with modern placemaking principles.

This proposal is entirely consistent with the objectives of NPF4, which support housing development on allocated sites and promote good design. The refusal does not properly acknowledge this strong policy presumption in favour of the development.

3.2 Angus Local Development Plan (ALDP)

The Angus Local Development Plan 2016 (ALDP) identifies the site as part of the **F2 Housing – Gowanbank** allocation, which designates land for residential development of around 60 units.

Figure 1: ALDP Forfar Map Extract showing F2- Gowanbank Housing Allocation and Appeal Site



The appeal decision PPA-120-2058 (Document D24) did not dispute the acceptability of residential development on this site. The Reporter noted:

"Some of the representations express resistance to the principle of a residential development at this site; however, I find this is not a relevant consideration in this case as the local development plan allocates this site for housing development (F2)."

This confirms that the allocation under Policy F2 supports residential development, and the refusal of a large-scale scheme does not imply that a smaller proposal on a part of the F2 site would be inappropriate. Furthermore, in paragraph 7, the Reporter acknowledges that:

"The vehicular access is to be taken from Arbroath Road; and Rosie Road is to be 'taken into account and incorporated into the layout of the site.' There is no further direction offered by F2 in terms of how Rosie Road should be treated in landscape or housing layout terms."

This demonstrates that while Rosie Road must be considered, Policy F2 does not mandate a specific approach, nor does it prohibit small-scale developments adjacent to it.

Policy **DS3 Design Quality & Placemaking** requires new development to contribute positively to its surroundings, respect existing site characteristics, and integrate well with the landscape and built environment.

The proposed dwelling has been carefully designed to respond to its setting. It is single-storey, using high-quality materials (slate-effect roof, off-white render) to reflect the character of Forfar. Its modest scale ensures that it does not dominate the landscape, while its orientation and boundary treatments have been planned to integrate seamlessly with the Rosie Road Core Path.

The refusal suggests that the development fails to take appropriate account of the amenity and character of the core path. However, the proposal achieves precisely the type of place-sensitive design that Policy DS3 encourages. The use of a low stone boundary wall (0.6m) ensures visual openness, while the front-facing elevation provides passive surveillance, enhancing safety and usability for path users. The landscaping scheme reinforces the green corridor and enhances biodiversity, further aligning with DS3's emphasis on high-quality placemaking.

The proposal aligns fully with ALDP Policy DS3, as it respects local character, integrates with its setting, and enhances the quality of place through appropriate materials, scale and landscaping.

Policy **PV1 Green Networks & Green Infrastructure** seeks to protect and enhance key green corridors and informal recreation routes, including core paths like Rosie Road. Development adjacent to such routes should maintain their function, character, and accessibility.

The proposed dwelling does not interfere with access to, or usability of, Rosie Road. The path remains fully open, with no obstruction, diversion, or restriction on public access. As acknowledged by the planning case officer in the delegated report of handling, *"two elevations of the building would face the path and these would contain windows serving living room and bedroom accommodation. This arrangement would provide some natural surveillance of the core path."* The layout avoids the issues raised in previous applications where rear gardens were considered to undermine its amenity.

The refusal does not provide any substantive evidence that this development would diminish the function of Rosie Road. Instead, it offers benefits to the green network, including:

- passive surveillance, improving user safety
- sensitive landscaping, reinforcing the green corridor

- appropriate boundary treatments, avoiding enclosure.

Further, **NPF4 Policy 20 Blue & Green Infrastructure** supports integrating rather than excluding development from green networks. The proposal does exactly this by ensuring compatibility with the existing path, while maintaining its open and accessible character.

The proposal fully complies with ALDP Policy PV1, as it maintains the function and character of the green network while integrating sensitively with the core path.

Policy **PV3 Access & Informal Recreation** requires developments to protect and enhance existing access routes and public rights of way. It states that proposals should avoid detrimental impacts on recreation routes and ensure continued accessibility.

This proposal complies with PV3 because:

1. the path remains fully open – there is no obstruction or physical restriction of Rosie Road
2. access is preserved during and after construction – a temporary management plan could be agreed upon via a condition to ensure public access remains unaffected
3. the proposal introduces improvements – The low stone boundary wall respects the existing character of the route while ensuring clear sightlines for path users.

The Council's concern appears to stem from the potential for increased vehicle movements over the path. However, the proposed dwelling uses an existing access into the site at its SW corner, shown in the photograph below, and the level of additional traffic that would be generated by a single house is negligible.

Furthermore, the Roads Department raised no objection to the proposal in terms of additional traffic or safety concerns. The access arrangements, including the dedicated turning area within the site, ensure that vehicles can enter and exit in forward gear, avoiding any impact on the Rosie Road Core Path. Given that road safety was not cited as a reason for refusal, there is no planning justification for refusal based on traffic or access concerns.

Figure 2: Existing gate at SW corner of application site



The proposal does not harm public access or informal recreation and instead preserves and enhances the function of the core path, making it fully compliant with ALDP Policy PV3.

The application fully complies with the ALDP's housing policies and should be supported accordingly.

4. Grounds of Appeal

4.1 Policy Compliance

The proposed development is entirely policy-compliant and aligns with both National Planning Framework 4 (NPF4) and the Angus Local Development Plan (ALDP) (refer to Documents D21 and D22). The site is located within the F2 housing allocation, where residential development is explicitly supported in principle.

The Council's decision does not challenge the acceptability of housing on this site, as it is an allocated housing site within the ALDP. Instead, the refusal cites concerns about the impact on the Rosie Road Core Path and the potential for piecemeal development to undermine the wider site's Masterplanning (Documents D19 and D20). However, these concerns are unfounded, as demonstrated below.

NPF4 Policy 16 Quality Homes encourages allocated housing sites to be delivered efficiently, with no requirement for an entire allocated site to be developed under a single application. The Council's interpretation that a single dwelling compromises the masterplanning of the wider site is inconsistent with national planning policy. Furthermore, NPF4 and ALDP policies do not prohibit development adjacent to core paths, provided they are integrated appropriately—something this proposal has achieved.

The refusal is therefore based on an overly restrictive reading of policy, rather than a proper application of planning judgement. The development is in full accordance with the statutory development plan and planning permission should be granted.

4.2 Design & Placemaking

NPF4 Policy 14 Design, Quality & Place requires all developments to contribute to a high-quality sense of place. The proposal achieves this by ensuring that it respects the existing character of the area, integrates with the Rosie Road Core Path, and enhances the local environment through careful landscaping and high-quality materials.

The proposed dwelling is set back from the core path, with a low stone boundary wall rather than a high fence, ensuring that the path remains visually open and inviting. The house's orientation ensures passive surveillance, improving safety and security for path users, while the use of off-white render, slate roofing and natural stone ensures that it harmonises with the local context. These matters can be controlled by the LRB through planning conditions.

In email correspondence dated 22 February 2024 (Document D13), Ruari Kelly confirmed that the Council had no objection to a single dwelling on this plot in principle, provided it did not prejudice the wider allocation. The applicant then submitted design amendments that incorporated Council feedback, including modifications to the boundary treatment and turning area to ensure compatibility with the setting. The Council's refusal fails to acknowledge these positive changes, demonstrating a lack of consideration of material amendments.

The refusal's assertion that the development "*would have an adverse impact on the character and amenity of that path*" is not supported by evidence. The design has been carefully developed to enhance, not diminish, the path's setting. NPF4 Policy 14 is therefore fully satisfied, and the refusal on design grounds is unjustified.

4.3 Core Path & Amenity

The Council's refusal claims that the development would enclose or diminish the amenity of the Rosie Road Core Path, but this is incorrect. **NPF4 Policy 20 Blue & Green Infrastructure** supports the protection and enhancement of core paths, but it does not prohibit development adjacent to them. In this case, the development has been designed to integrate with and improve the path's setting.

Concerns were initially raised by the Council's Countryside Access Officer, particularly regarding potential conflicts between vehicles and path users. These concerns were addressed in the applicant's Response to Countryside Access Officer (10 September 2024) (Documents D16 and D17), which confirmed that:

- the path remains fully accessible, with no physical obstruction
- the proposed turning area within the site has been designed to separate vehicle movements from pedestrians
- a low stone dyke has been introduced instead of fencing, ensuring that the openness of the path is maintained.

The applicant has gone to considerable lengths to ensure that the proposal respects and enhances the Rosie Road Core Path. The Countryside Access Officer's concerns about vehicle movements were directly addressed through revised plans that confirm a turning area within the site. The Environmental Health Service's request for further information on drainage was met with an Updated Ground Investigation Report. This confirmed that the development does not interfere with private soakaways with the applicant providing a dedicated access strip for neighbouring properties' drainage infrastructure. These concerns were responded to in full and do not provide a justified reason for refusal.

Furthermore, the Roads Department raised no objection to the proposal on traffic or safety grounds, confirming that the level of additional vehicle movements associated with a single dwelling would not present a risk to path users. The proposal makes appropriate provision for vehicle turning within the site, ensuring that access to the core path is not obstructed and that pedestrian safety is maintained.

Given that the Countryside Access Officer's concerns have been addressed through revised plans, there is no technical justification for the Council's assertion that the development would harm the amenity of the Rosie Road Core Path. The proposal not only preserves but enhances the functionality of the path through improved surveillance and carefully considered boundary treatments.

The proposal does not restrict, privatise, or hinder public access to the path. On the contrary, it introduces improvements that will make the path safer and more attractive for users. The refusal's claim that the development harms the path's amenity is incorrect and this ground should be dismissed by the LRB.

The proposal maintains the integrity of the core path and any minor impact could be mitigated through simple conditions relating to landscaping and boundary treatments.

4.4 Masterplanning & Phased Development

The Council asserts that approving this single dwelling could compromise the masterplanning of the wider allocated site (F2 Gowanbank Forfar). However, this claim is not supported by planning policy, site-specific evidence, or precedent. It is contended that any Council concern that this single dwelling could compromise the wider F2 allocation is speculative and unfounded. Previous correspondence (Document D13) indicated that a single dwelling could be considered independently of the wider F2 area. The Council's concerns about prejudicing future development are speculative and inconsistent with past assessments.

The Council's position in refusing this application directly contradicts its previous assessment of the wider Gowanbank site. In response to concerns raised by the applicant in November 2018, the Council explicitly confirmed that the larger Ogilvie Homes development (18/00340/FULM) would not prevent the applicant from developing this plot. In an email dated 20 November 2018 (Document D8), Planning Officer Ruari Kelly stated:

“There is no reason to conclude that the development as proposed would adversely affect your ability to develop your land which would also have to be undertaken in accordance with the requirements of Advice Note 14.”

This assurance was given in the context of a major development proposal involving over 80 houses. If such a large-scale scheme would not prejudice development of this plot, it is entirely illogical for the Council to now claim that a single dwelling would compromise the delivery of the F2 allocation.

Furthermore, there is nothing in NPF4 or any current planning policy that would justify a change in this position. **NPF4 Policy 16 Quality Homes** supports the delivery of housing on allocated sites in a sustainable and flexible manner, allowing for phased development where appropriate and **NPF4 Policy 7 Local Living & 20-Minute Neighbourhoods** encourages appropriately scaled residential development within existing settlements. Neither policy introduces a new requirement for allocated sites to be developed only as a single masterplanned scheme.

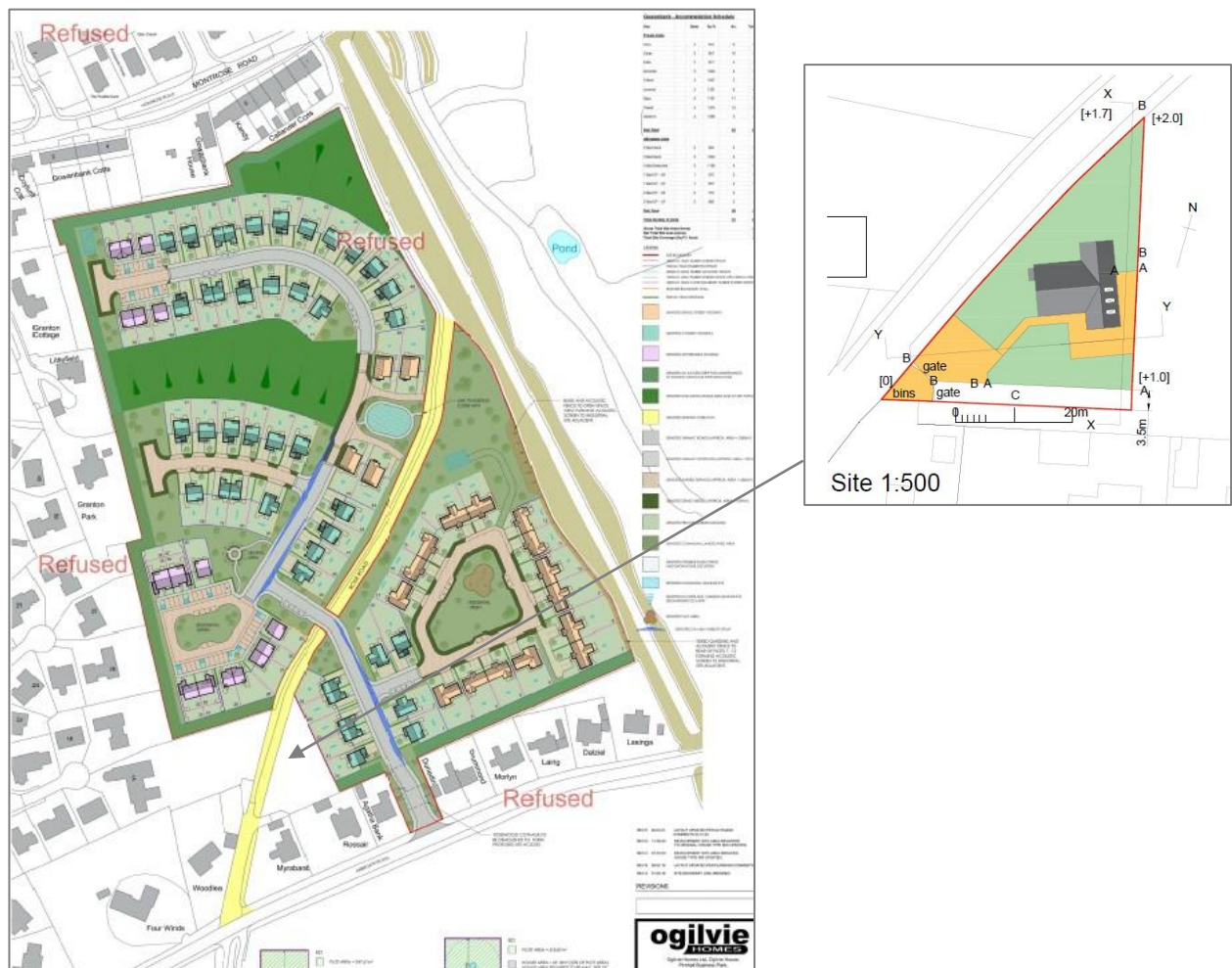
The Council has failed to provide any justification for its shift in position, making this refusal not only inconsistent with past decisions but also contrary to national planning policy. A refusal based on unsubstantiated concerns rather than evidence is fundamentally unsound and should not be upheld by the Local Review Body.

The decision also conflicts with the Scottish Government's policy objectives under NPF4, which supports the delivery of housing on allocated sites in a sustainable and flexible manner, allowing for phased development where appropriate. It is unreasonable for the Council to demand a masterplan for a single dwelling when national policy contains no such requirement.

We firmly contend that there is no requirement in NPF4 or the ALDP for an entire allocated site to be developed under a single planning application. **NPF4 Policy 16 Quality Homes** states that developments should support the delivery of housing on allocated sites in a sustainable manner. It does not require all allocated sites to be developed under one masterplan before granting permission for part of the allocation.

Secondly, this plot was specifically excluded from the previously refused 81-unit application (Ref: 18/00340/FULM) (Document D23). A copy of the Ogilvie Homes Ltd refused Site Layout Plan is shown below in Figure 3.

Figure 3: Ogilvie Homes Ltd Site Layout Plan – Refused at Appeal (Ref. PPA-120-2058) and Appeal Site



The decision to exclude this plot from that application means that its development does not interfere with any future masterplan or larger housing delivery strategy. The Council has not demonstrated how approving a single dwelling would prevent the wider site from coming forward.

Thirdly, **NPF4 Policy 7 Local Living & 20-Minute Neighbourhoods** promotes sustainable housing growth within settlements, supporting well-integrated development that aligns with existing infrastructure and services. Allowing a policy-compliant single dwelling within the F2 allocation aligns with this principle. The refusal fails to consider that national policy encourages appropriately phased development, rather than imposing unnecessary procedural barriers that are not supported by planning policy.

The appeal site was specifically excluded from the previously refused Ogilvie Homes Ltd scheme (18/00340/FULM), and the Council has previously acknowledged that a single dwelling application could be considered separately. In email correspondence dated 22 February 2024 (Document D13), Ruari Kelly confirmed that an application for a single dwelling on this plot could be brought forward either alongside or after an application for the wider site. Furthermore, in 2018, the Council explicitly stated that the larger development would not prejudice the ability to develop this plot (Document D8). Given this, there is no valid reason to now claim that a single dwelling would compromise the wider F2 allocation.

Housing allocations are routinely delivered in phases, particularly where large-scale infrastructure is not immediately required for smaller portions of the site. The Council has previously approved phased

housing developments in other allocated sites, demonstrating that a single application does not need to cover an entire allocation. Numerous housing allocations in Scotland have been delivered in phases, including within Forfar itself (e.g., Wester Restenneth). There is no policy in NPF4 or ALDP that mandates single masterplans for allocated sites, and incremental development is an accepted approach.

NPF4 and the ALDP do not contain any policies requiring masterplans to be prepared and approved before any portion of an allocated site can be developed. Many housing allocations across Scotland have been delivered in phases, and there is no planning justification for treating this site differently.

The Council's refusal is based on speculation rather than planning evidence. It is unreasonable to prevent sustainable, policy-compliant housing from coming forward on the basis of a hypothetical future masterplan. The LRB should therefore dismiss this ground of refusal and approve the application.

Approving this dwelling would not prevent the future development of the F2 site as clearly evidenced by the Ogilvie Homes Ltd planning application and subsequent. appeal.

5. Other Planning Considerations

5.1 Drainage Concerns

The applicant has fully demonstrated that there are no drainage constraints that would justify refusal. A detailed Ground Investigation Report (Document D6) confirms that:

- The proposal does not interfere with existing private drainage infrastructure.
- Scottish Water has confirmed adequate capacity for both water supply and wastewater connections.
- Surface water drainage will be appropriately managed through SUDS, in line with NPF4 policies.

The Council has provided no technical basis for refusing the application on drainage grounds. Any residual concerns can be addressed through standard planning conditions.

5.2 Statutory Consultees – Countryside Access & Environmental Health Concerns

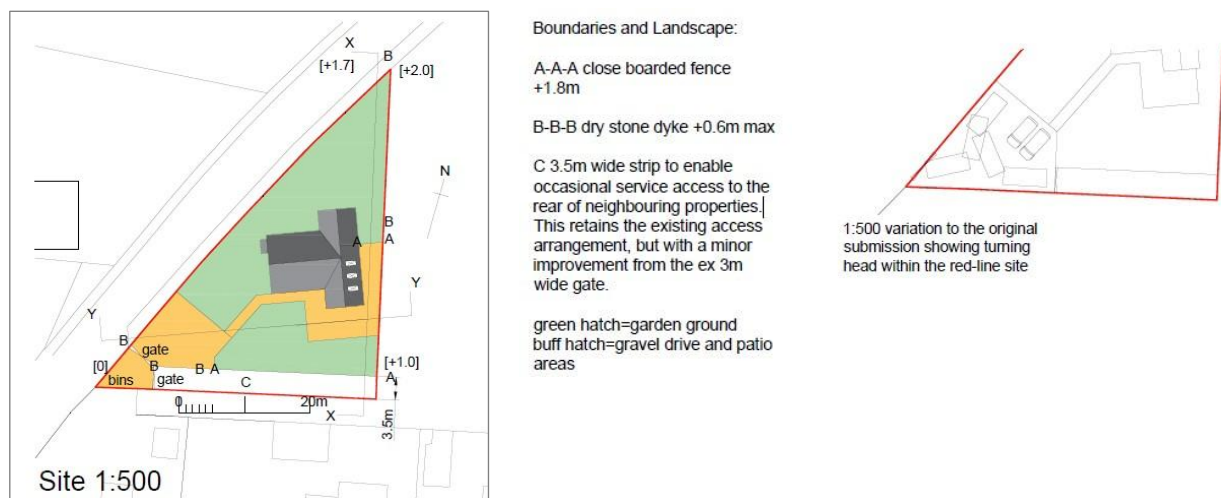
The applicant proactively responded to concerns raised by statutory consultees, ensuring that no outstanding technical objections remain.

Countryside Access Officer: The concern related to vehicle movements & impacts on Rosie Road. In discussions with the Countryside Access Officer, the applicant submitted 'turning head' options (Document D17) to show that there was ample space within the site to enable both car parking and to facilitate vehicle entrance and exit in forward gear. A Supporting Statement (Document D16) and a revised Drawing 2024.346.1 Rev. A (Document D2) were then formerly submitted as application documents to confirm:

- a dedicated turning area within the site with no impact on the Rosie Road, ensuring safe vehicle access and egress.

These changes shown in Figure 4 below fully addressed the Countryside Access Officer's concerns and ensure no impact on the core path.

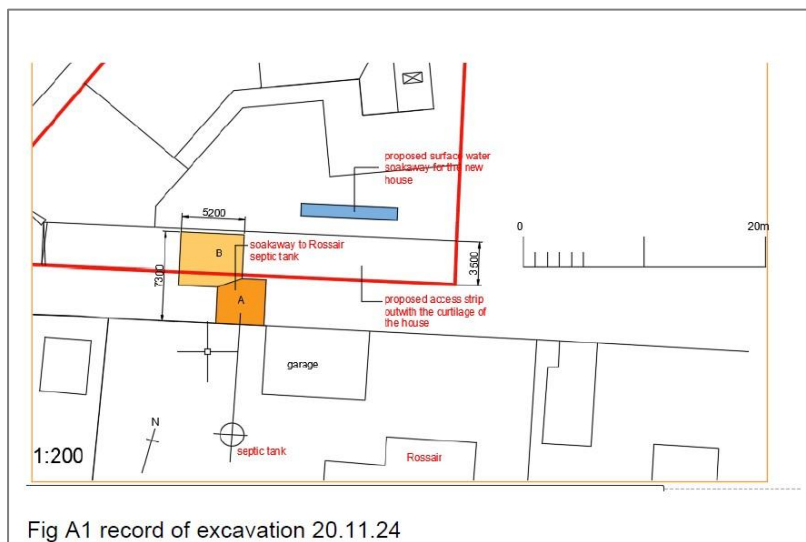
Figure 4: Extract from Proposed Site Plan - Drawing 2024.346.1 Rev. A



Environmental Health (Drainage & Soakaways): Initially sought further investigation on private soakaways (Document D18). The applicant responded with an Updated Ground Investigation Report (Document D6) and the revised Site Plan (Document D2) which:

- identified likely soakaway locations, confirming no conflict with the development footprint
- provided factual evidence demonstrating that the proposal does not compromise private drainage infrastructure
- set aside a 3.5m-wide strip (Area C) for occasional service access to neighbouring properties.

Figure 3: Extract from Updated Ground Investigation Report



There are no remaining objections from either consultee that would justify refusal.

5.3 Statutory Consultees – Roads & Traffic Impact

The Roads Department reviewed the proposal and raised no objection regarding additional traffic or safety concerns. The proposed access arrangements, including the dedicated turning area within the site, ensure that vehicles can enter and exit in forward gear without impacting the Rosie Road Core Path.

Given that road safety was not cited as a reason for refusal, and no adverse comments were received from the Council's Roads Department, there is no planning justification for refusal based on traffic or access concerns.

5.4 Design and Placemaking

- The dwelling has been carefully designed using high-quality materials to respect the character of the area.
- The single-storey height and well-integrated landscaping ensure that it does not dominate the landscape.
- The proposed development includes a turning area to ensure safe vehicle access without compromising pedestrian use of Rosie Road.

The proposal meets design policy requirements in ALDP Policy DS3 Design Quality and Placemaking and **NPF4 Policy 14 Design, quality and place** and should not have been refused on these grounds.

6. Conclusion

The Scottish planning system operates on the plan-led principle, meaning that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Angus Council's decision contradicts its own previous assessment of this site's development potential. In 2018, it confirmed that a major housing scheme on the wider F2 site would not prejudice development of this plot. There has been no policy change in NPF4 that would alter this principle - NPF4 continues to support the delivery of housing on allocated sites in a sustainable and flexible manner, allowing for phased development where appropriate. Given this, it is irrational for the Council to now claim that a single dwelling would compromise the F2 allocation. This inconsistency undermines the refusal, and there is no valid planning reason to prevent this development from proceeding.

This proposal is fully compliant with NPF4 and ALDP policies, and no material considerations justify refusal. The Council's decision is based on speculation rather than planning evidence and is demonstrably inconsistent with its own previous position. A refusal without a valid policy basis cannot be upheld. Any residual concerns can be addressed through conditions, rather than the unjustified refusal issued by the Council.

The refusal is inconsistent with previous Council assessments, contradicts established national policy supporting sustainable and flexible housing delivery on allocated sites, and is based on speculative concerns rather than planning evidence. Given the strong policy presumption in favour of housing delivery on allocated sites, the Local Review Body is respectfully requested to correct this inconsistency, uphold this appeal, and grant planning permission for the proposed development.



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 100683937-001

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)

new single storey house at the SW corner of the Gowanbank F2 Housing Site in Forfar

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

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="33/2 Church Street"/>
First Name: *	<input type="text" value="david"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="wren"/>	Address 1 (Street): *	<input type="text" value="33/2 Church Street"/>
Company/Organisation	<input type="text" value="david wren architect Ltd"/>	Address 2:	<input type="text" value="Broughty Ferry"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Broughty Ferry, Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD5 1HB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="750713"/>	Easting	<input type="text" value="347220"/>
----------	-------------------------------------	---------	-------------------------------------

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)

reasonably detailed correspondence covering the Planning Departments concerns over a single plot development at an allocated Housing Site, and what steps, and form of development might address these concerns

Title:

Mr

Other title:

First Name:

Ruari

Last Name:

Kelly

Correspondence Reference Number:

24/00035/PREAPP

Date (dd/mm/yyyy):

09/04/2024

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:

1120.00

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)

vacant ground was previously used for grazing

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?	<input style="width: 80%;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 80%;" type="text" value="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?? * ☒ Yes ☐ No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☐ Yes ☒ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☒ Yes ☐ No

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

hardstanding for domestic bins

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: Mr david wren

On behalf of:

Date: 03/09/2024

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☒ Yes ☐ N/A

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

☒ Yes ☐ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr david wren

Declaration Date: 03/09/2024

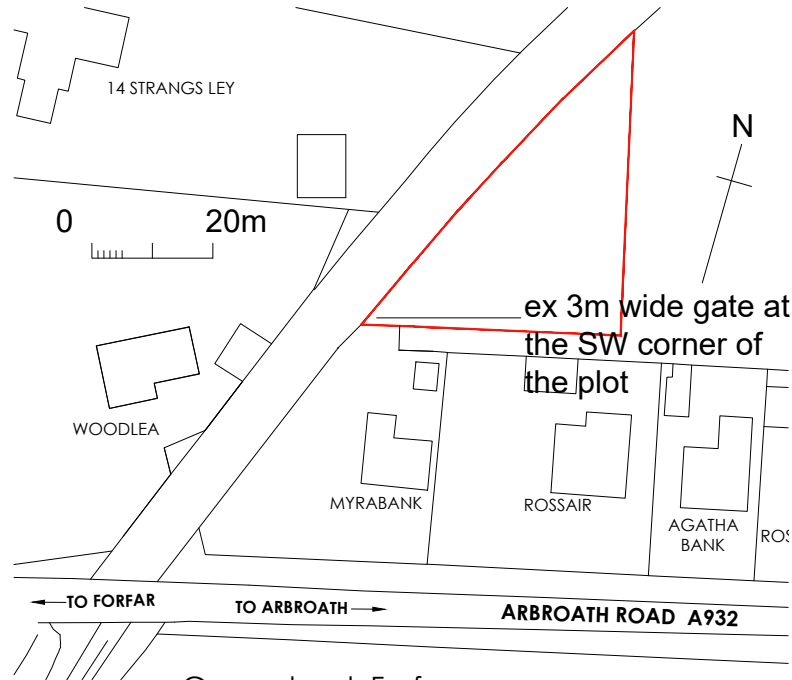
Payment Details

Online payment: 155389

Payment date: 03/09/2024 09:22:34

Created: 03/09/2024 09:22

ITEM 4



Location 1:1250



Site 1:500

Boundaries and Landscape:

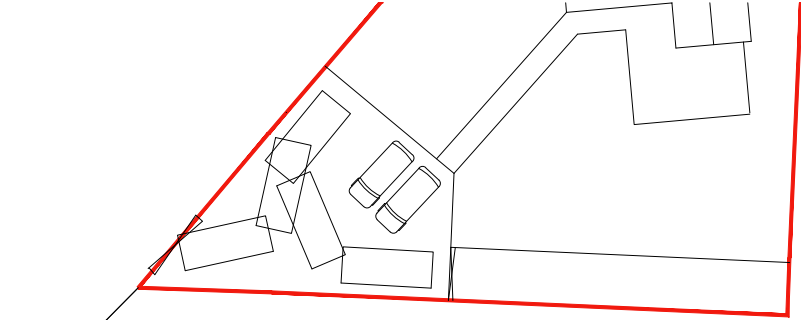
A-A-A close boarded fence
+1.8m

B-B-B dry stone dyke +0.6m max

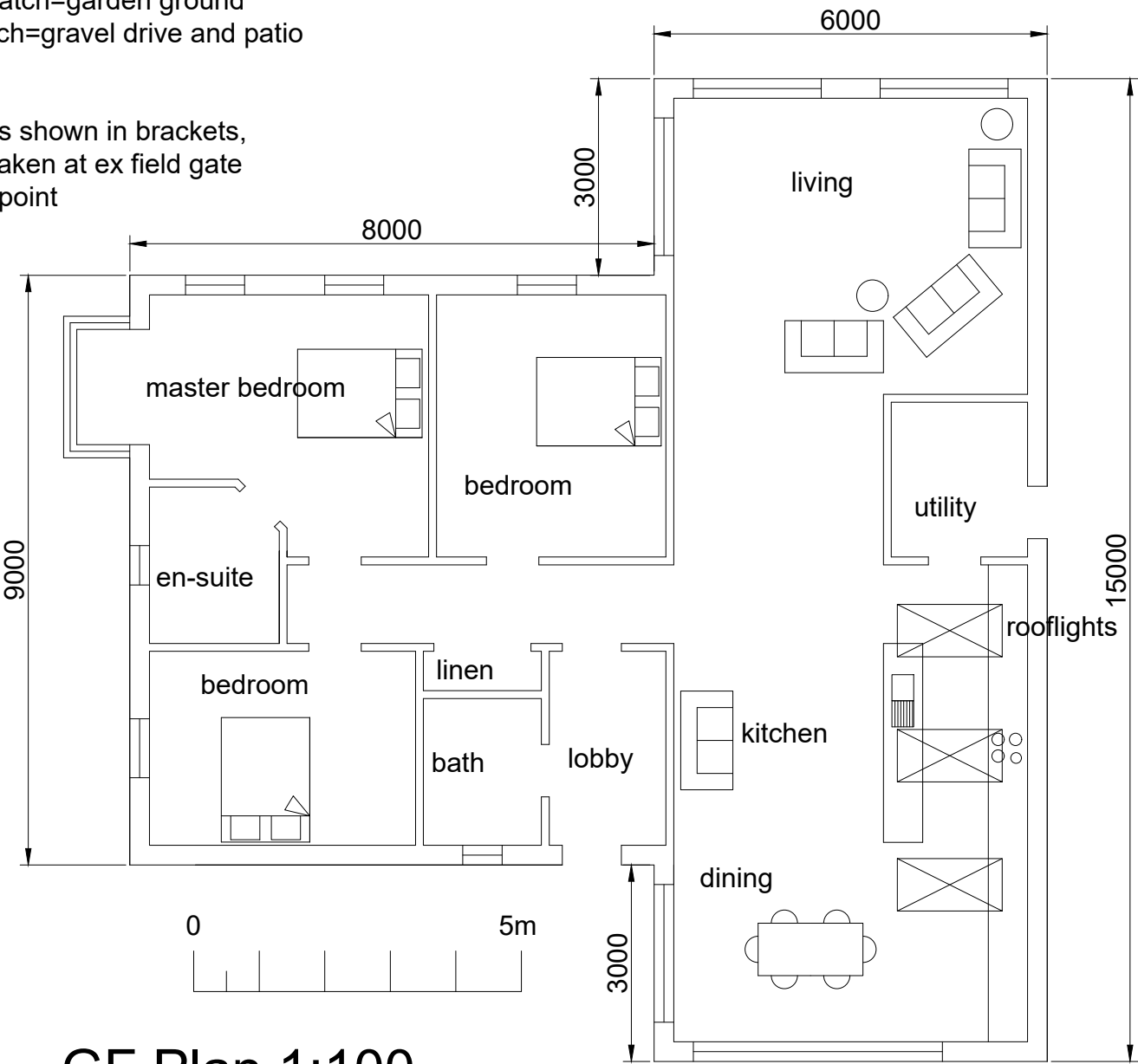
C 3.5m wide strip to enable
occasional service access to the
rear of neighbouring properties.
This retains the existing access
arrangement, but with a minor
improvement from the ex 3m
wide gate.

green hatch=garden ground
buff hatch=gravel drive and patio
areas

ex levels shown in brackets,
datum taken at ex field gate
access point



1:500 variation to the original
submission showing turning
head within the red-line site



GF Plan 1:100

DO NOT SCALE FROM THIS
DWG FOR CONSTRUCTION

Plot approx 1120m2

GF area approx 150m2

FFL at approx [+1.1]

REV

A

2024.346.1

7.8.24

New House, Gowanbank, Forfar.
DD8 2RJ

Location and Proposed

D.Wren

DAVID WREN ARCHITECT LTD
info@davidwrenarchitect.co.uk



ITEM 4(i)

DO NOT SCALE FROM THIS
DWG FOR CONSTRUCTION

Materials:

roof, slate-tile
walls, off white render
windows, white UPVC
rainwater goods, black UPVC

REV

2024.346.2

7.8.24

New House, Gowanbank, Forfar.
DD8 2RJ

Elevations and Sections

D.Wren

DAVID WREN ARCHITECT LTD

info@davidwrenarchitect.co.uk



slate tile

render

2500
5050

0 5m

west 1:100

south 1:100

east 1:100

north 1:100

section X-X 1:250

0 5m

section Y-Y 1:250

David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk

mobile [REDACTED]

Single House Development at Gowanbank, Forfar. Supporting Statement:

Land at Gowanbank has been identified as a residential site for some years under Policy F2 of the current adopted Local Plan and its' precursors. In 2016 I approached Angus Council with the prospect of building a single house at the SW corner of the F2 site as I had acquired this plot from the owners of the wider site. At the time I was advised that the Planning Department would be reluctant to support such a proposal as the impact on the successful development of the whole site could not be assessed, and at that time no one had submitted any detailed proposals for Gowanbank.

In 2018 application ref 18/00340/FULM was submitted, this excluded my plot from the proposed housing site, but the Planning Dept were able to confirm in regard to this application and its impact on my site....

The Roads Service has raised no objections to the proposed access arrangements and it is considered that the vehicle access to your land would not be adversely affected.....At this time the location of the dwellinghouses at plots 33 – 38 are located in excess of 12m from the mutual boundary with your land which accords with the requirements of Advice Note 14 in relation to overlooking from first floor windows. There is no reason to conclude that the development as proposed would adversely affect your ability to develop your land which would also have to be undertaken in accordance with the requirements of Advice Note 14.

Email from R.Kelly 20.11.18

In 2021 application ref 18/00340/FULM was refused and this decision was upheld through an Appeal ref PPA-120-2058 in 2021-22.

In 2024 I entered into further correspondence with the Planning Department and was advised by S.Porter that the earlier concerns regarding piecemeal development of the site through multiple smaller applications remained, and she advised me to write to R.Kelly ref 24/00035/PREAPP.

My position at this point was that I understood the Council's concerns but considered that the work done in submitting and assessing application ref 18/00340/FULM, and the Appeal process, had changed the information available to the Planning Department (and any other interested parties), in thinking about the possible impact my single house proposal might have on the successful build out of the F2 area. (It is noted that Policy F2 does not explicitly require a masterplan to be in place, nor is a phased development precluded.)

For instance, reports submitted with application 18/00340/FULM confirmed that the SW corner of the F2 area was unaffected by noise/odour from Laird's operations east of the town, nor was ground contamination (from landfill) found to be a concern here.

Through the pre-app correspondence Mr Kelly was able to confirm (as per his email of the 20.11.18) that development at my plot and the wider F2 site could proceed independently of each other (email response 22.2.24), although he did also reaffirm the Council's preference that this site should be developed subsequent to permission being granted for the wider Gowanbank area (email 9.4.24), and I understand that the reason for this is based on the concern that permission at my plot prior to agreement for the larger site might be used as a precedent in any Appeal against the refusal of other 'copycat' small scale proposals.

I question this concern and suggest that approval at my plot independently of the rest of Gowanbank would in fact strengthen the Council's position if it faced an Appeal against a refusal of another single house or small-scale development. The Council could point to a thorough pre-app process that clearly established an agreed view that development would not undermine the wider site. And where such agreement has not been reached refusal is the correct response.

Furthermore, a refusal of this particular application (on the basis of unspecified concerns) that is then potentially overturned at appeal may well encourage those further applications that the Council is seeking to avoid. I would however like to emphasise that in my opinion other small scale development proposals are very unlikely due to access restrictions into the site and infrastructure costs.

In this case both the Planning Dept's report recommending refusal of 18/00340/FULM and the Reporter concluded that a successful development of the F2 site, that excluded my plot was achievable.

I do not doubt that this is the right place for development but I am not convinced that the proposals before me constitute the 'right development'. Reporter in 2022

It is accepted that the site presents certain design challenges, not least due to its undulating topography, but the design quality failings of this proposal could be addressed by reducing the number of dwellings to accord with the yield anticipated by the land allocation. Angus Council Report 122/21

In summary the proposed development 18/00340/FULM failed, not because of the absence of my plot, but simply because of poor design.

Mr Kelly also confirmed that in his opinion a single house at my plot was unlikely to set a precedent for similar small scale (piecemeal) development (my email 12.4.24 in response to a telephone discussion), mainly because of the upfront infrastructure costs that affect other parts of Gowanbank.

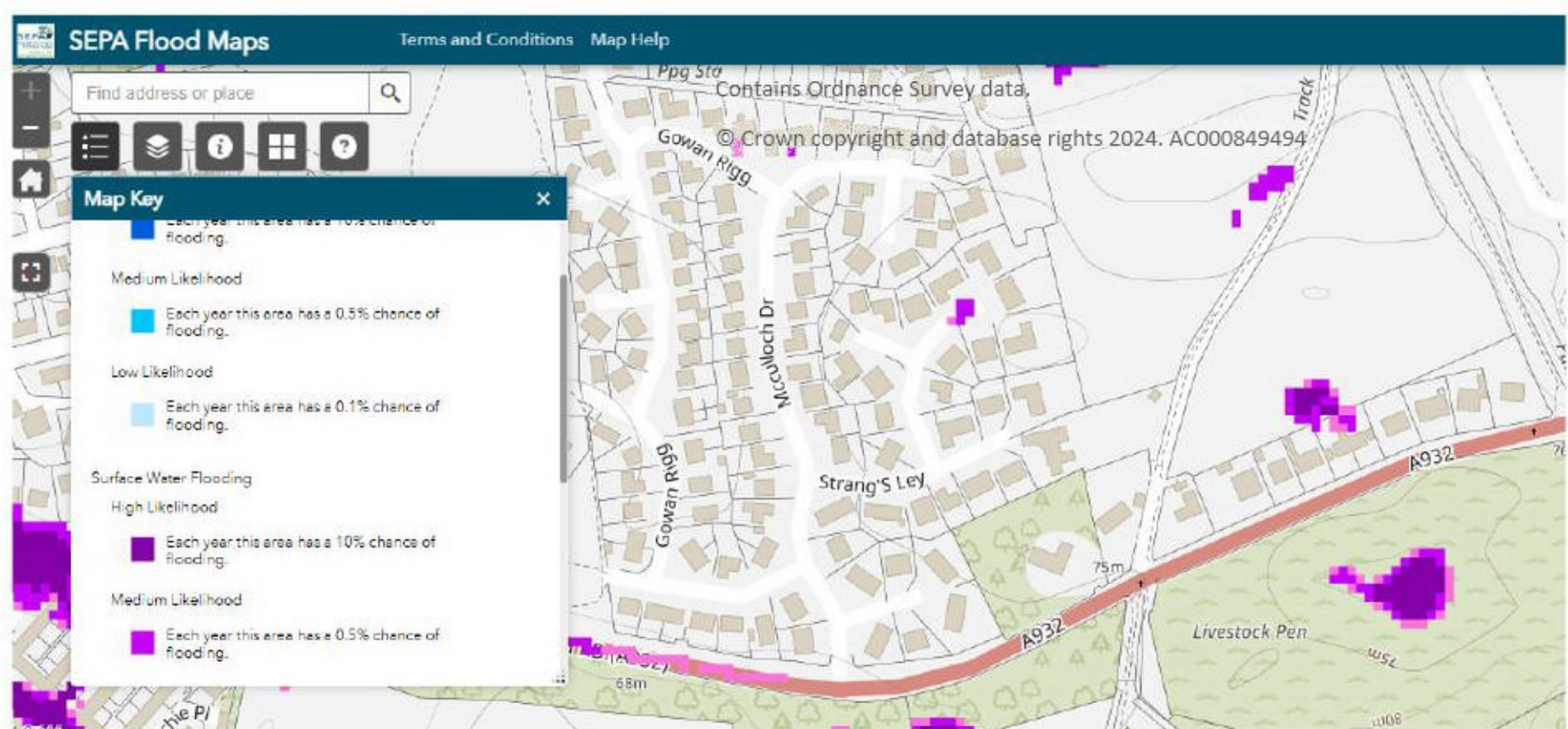
He also noted some more practical issues to be addressed in any application for a single house at my plot, ref emails of the 9&12th April 24.

1. Potential impact on the Rosie Road. The submitted layout confirms no impact on access along the Rosie Road, given the history of this local and popular pathway,

its' legal status and public opinion, any development of the wider Gowanbank area will probably have to leave the route substantially as is, but enhanced perhaps with seating and planting etc. (The Reporter concurred with this)

2. Existing Private Drainage. I have submitted a separate report that covers an intrusive survey undertaken which confirms that development at this plot will not affect any existing drainage systems. The proposed layout also maintains the status quo in regard to occasional maintenance access.
3. House design and material finishes. Mr Kelly suggests that a future developer of the wider site is likely to use standard house types and a limited palette of materials. And this might be the case if the site is developed along similar lines to the Wester Restenneth site or land at the NW of Forfar. However, the site, or parts of it, might well develop as Slatefield has (more variety in style and appearance), particularly if larger plots are a result of restricting house numbers to the F2 allocation of 60. Notwithstanding this a design in keeping with existing houses locally and finished in traditional looking materials should be acceptable however the wider site progresses. (Again the Reporter noted *"I do not therefore find there to be any prevailing architectural style or distinctive townscape characteristics that would be an over-riding consideration at this location."*)

4. FRA. See below



No risk of flooding identified.

5. DIA. In 2018 Mason Evans undertook a site investigation inc soakaway testing and the Engineer has used their results (S01) to design the surface water disposal system, ref submitted dwgs. Mason Evans also confirm that soil and subsoils conditions are reasonably consistent across the site and there is no reason to think that infiltration rates will vary significantly over the upper part of the site. Nevertheless, any system will need to satisfy Building Control. With regard to foul drainage a connection by gravity to the foul sewer in the verge to the Arbroath Road (A932), SW of "Four Winds" is achievable, and a SW Capacity Review is submitted.

Conclusion:

This single house plot at the SW corner of the F2 site is unique. It has an established vehicular access and was excluded from the failed 18/00340/FULM submission, and consequently is absent from any remarks made by Angus Council or the Reporter concerning that application.

It can be developed independently of the wider F2 area. As discussed with Mr Kelly the existence of an approved plan for the 60 houses does not guarantee that they will be built (for a variety of reasons, land-banking, house prices etc). So, a single house built on this plot before, during or after such a permission is granted (to the wider site) has no bearing on the build out of Gowanbank.

Any other small scale development proposal at Gowanbank, that might follow on the back of permission at this plot, must by necessity take up land included in the 18/00340/FULM application. As this proposal was never satisfactorily resolved then the argument put to me back in 2016 remains valid for any such proposals. Of course, it may be possible that another applicant could persuade the Council that their submission, will positively contribute to the ultimate development of the 60 houses at Gowanbank, in which case I assume it would be supported.

David Wren 9.8.24

Griffen Design Ltd.
Structural Engineering Consultancy
6 Osprey Bank, Dundee, DD2 5GE
Tel: 01382 581 586



OUR Ref NM/KM/ 245409 2024-08-29

29 August 2024

NEW DWELLING AT GOWANBANK, FORFAR

Introduction

It is proposed that a new dwelling is constructed on the site shown on the Architectural Drawing No. 2024.346.01 Location and Proposed.

It is proposed that the surface water scheme will accept water from the new roof and routed through a soakaway to be discharged into the ground.

The SUDS system has been designed in accordance with the latest issue of CIRIA C753 (The SUDS Manual), Sewers for Scotland 7th Edition, Water Assessment and Drainage Assessment Guide and Angus Council Flooding and Drainage Guidance Note.

This statement has been prepared to support the planning application to demonstrate that the site can be satisfactorily drained without detriment to the proposed structure or neighbouring properties.

Existing Drainage

There is no existing drainage on site.

Ground Conditions

A Site Investigation was conducted by Mason Evans on the 2nd of August 2018. Two trial pits were excavated to 1.6m x 0.7m x 0.9m and 1.0m deep respectively. The trial pits note "Light brown, fine to medium gravelly SAND with occasional cobbles. Cobbles are rounded to sub-angular."

Porosity testing carried out resulted in Infiltration Rates of 0.000466667 m/s and 0.000234714 m/s.

Surface Water Drainage

Design Parameters

Roof Drainage Area	163.3m ²
Creep 10%	16.3m ²
Hardstanding Area	0.0m ²
Total	180.0m ²
Infiltration Rate	0.8449704 m/hr
Soakaway Structure	Gravel Soakaway 30% voids
Additional Treatment	None
Outflow Control	None
Overflow Control	None
Climate Change Allowance	30%

Attenuation Volumes Required

Storage 1 in 30-year Critical Rainfall Event + 30% Climate Change Allowance
Surface water to be contained within the storage structure, capped at 1.0m.

Flood Risk

Flooding 1 in 200-year Critical Rainfall Event + 30% Climate Change Allowance
Surface water to be contained within the curtilage of the site.

Calculations

Modelled using Micro Drainage Source Control.
FSR Rainfall Data for site location
200-year attenuation trench modelled for

Drainage Arrangement

Refer to Drg No. 245409/01

- 1.0m x 1.0m x 8.0m long Gravel Soakaway
- 30% Void ratio.
- Wrapped in geotextile permeable membrane
- Infiltration Rate 0.8449704 m/hr
- Max. Attenuated Volume
- Max. Water Depth

Outflow and Overflow Arrangement

- None

Flood Risk

The site is not noted to be within a flood risk area based on the SEPA Flood Risk map.

- 1 in 30-year peak flood flow of 1.9l/s (Winter 30min) is accommodated within the storage structure.
- 1 in 200-year peak flood flow of 2.9l/s (Winter 30min) is accommodated on site without detriment to the new structure or existing properties beyond the site boundary.

Water Quality

Building Roof - SEPA Simple Index Approach Tool indicates sufficient pollution mitigation using the soakaway.


Notes


Groundwater – No testing has been carried out. If groundwater is discovered near the surface in the proposed location of the soakaway then alterations are to be made to the design.


The system has been designed in accordance with Ciria C753 (The SUDS Manual) and thereafter is to be maintained by the end user in accordance with the operation and maintenance requirements.


Appendices


- A – Mason Evans Site Investion
- B – 1 in 30-year Storage Design Calculations
- C – 1 in 200-year Flooding Design Calculations
- D – SEPA SIA Tool Summary
- E – Drainage Drg. No. 245409/01


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Summer	99.365	0.865	1.7	2.0	O K	60 min Summer	99.393	0.893	1.8	2.0	O K	120 min Summer	99.326	0.826	1.7	1.9	O K	180 min Summer	99.247	0.747	1.5	1.7	O K	240 min Summer	99.180	0.680	1.4	1.5	O K	360 min Summer	99.082	0.582	1.1	1.3	O K	480 min Summer	99.012	0.512	1.0	1.1	O K	600 min Summer	98.961	0.461	0.9	1.0	O K	720 min Summer	98.920	0.420	0.8	0.9	O K	960 min Summer	98.862	0.362	0.7	0.8	O K	1440 min Summer	98.791	0.291	0.5	0.6	O K	2160 min Summer	98.733	0.233	0.4	0.5	O K	2880 min Summer	98.700	0.200	0.3	0.4	O K	4320 min Summer	98.661	0.161	0.3	0.3	O K	5760 min Summer	98.638	0.138	0.2	0.2	O K	7200 min Summer	98.624	0.124	0.2	0.2	O K	8640 min Summer	98.614	0.114	0.2	0.2	O K	10080 min Summer	98.606	0.106	0.1	0.2	O K	15 min Winter	99.312	0.812	1.6	1.9	O K	Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)	15 min Summer	75.785	0.0	20	30 min Summer	51.658	0.0	28	60 min Summer	33.374	0.0	44	120 min Summer	21.076	0.0	76	180 min Summer	15.989	0.0	106	240 min Summer	13.126	0.0	136	360 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XP Solutions		Source Control 2017.1.2			
<div>Summary of Results for 30 year Return Period (+30%)</div>					
Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status
30 min Winter	99.444	0.944	1.9	2.2	O K
60 min Winter	99.437	0.937	1.9	2.2	O K
120 min Winter	99.309	0.809	1.6	1.8	O K
180 min Winter	99.197	0.697	1.4	1.6	O K
240 min Winter	99.113	0.613	1.2	1.4	O K
360 min Winter	99.000	0.500	1.0	1.1	O K
480 min Winter	98.927	0.427	0.8	0.9	O K
600 min Winter	98.876	0.376	0.7	0.8	O K
720 min Winter	98.839	0.339	0.6	0.7	O K
960 min Winter	98.787	0.287	0.5	0.6	O K
1440 min Winter	98.728	0.228	0.4	0.5	O K
2160 min Winter	98.682	0.182	0.3	0.3	O K
2880 min Winter	98.656	0.156	0.2	0.3	O K
4320 min Winter	98.627	0.127	0.2	0.2	O K
5760 min Winter	98.611	0.111	0.2	0.2	O K
7200 min Winter	98.601	0.101	0.1	0.1	O K
8640 min Winter	98.594	0.094	0.1	0.1	O K
10080 min Winter	98.588	0.088	0.1	0.1	O K
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)		
30 min Winter	51.658	0.0	29		
60 min Winter	33.374	0.0	46		
120 min Winter	21.076	0.0	78		
180 min Winter	15.989	0.0	110		
240 min Winter	13.126	0.0	140		
360 min Winter	9.913	0.0	202		
480 min Winter	8.114	0.0	262		
600 min Winter	6.944	0.0	322		
720 min Winter	6.112	0.0	382		
960 min Winter	4.997	0.0	502		
1440 min Winter	3.760	0.0	742		
2160 min Winter	2.828	0.0	1104		
2880 min Winter	2.309	0.0	1468		
4320 min Winter	1.734	0.0	2176		
5760 min Winter	1.414	0.0	2928		
7200 min Winter	1.207	0.0	3616		
8640 min Winter	1.061	0.0	4360		
10080 min Winter	0.951	0.0	5136		
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<div>Rainfall Details</div> <table><tr><td>Rainfall Model</td><td>FSR</td><td>Winter Storms</td><td>Yes</td></tr><tr><td>Return Period (years)</td><td>30</td><td>Cv (Summer)</td><td>0.750</td></tr><tr><td>Region</td><td>Scotland and Ireland</td><td>Cv (Winter)</td><td>0.840</td></tr><tr><td>M5-60 (mm)</td><td>17.000</td><td>Shortest Storm (mins)</td><td>15</td></tr><tr><td>Ratio R</td><td>0.289</td><td>Longest Storm (mins)</td><td>10080</td></tr><tr><td>Summer Storms</td><td>Yes</td><td>Climate Change %</td><td>+30</td></tr></table> <div>Time Area Diagram</div> <p>Total Area (ha) 0.018</p> <table><tr><td>Time (mins)</td><td>Area</td><td>Time (mins)</td><td>Area</td><td>Time (mins)</td><td>Area</td></tr><tr><td>From: To:</td><td>(ha)</td><td>From: To:</td><td>(ha)</td><td>From: To:</td><td>(ha)</td></tr><tr><td>0 4</td><td>0.006</td><td>4 8</td><td>0.006</td><td>8 12</td><td>0.006</td></tr></table>			Rainfall Model	FSR	Winter Storms	Yes	Return Period (years)	30	Cv (Summer)	0.750	Region	Scotland and Ireland	Cv (Winter)	0.840	M5-60 (mm)	17.000	Shortest Storm (mins)	15	Ratio R	0.289	Longest Storm (mins)	10080	Summer Storms	Yes	Climate Change %	+30	Time (mins)	Area	Time (mins)	Area	Time (mins)	Area	From: To:	(ha)	From: To:	(ha)	From: To:	(ha)	0 4	0.006	4 8	0.006	8 12	0.006
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Griffen Design Ltd					Page 1																																																																																																																																																																																																																			
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Summer</td><td>99.326</td><td>0.826</td><td>1.7</td><td>1.9</td><td>O K</td></tr><tr><td>480 min Summer</td><td>99.219</td><td>0.719</td><td>1.4</td><td>1.6</td><td>O K</td></tr><tr><td>600 min Summer</td><td>99.141</td><td>0.641</td><td>1.3</td><td>1.4</td><td>O K</td></tr><tr><td>720 min Summer</td><td>99.081</td><td>0.581</td><td>1.1</td><td>1.3</td><td>O K</td></tr><tr><td>960 min Summer</td><td>98.994</td><td>0.494</td><td>1.0</td><td>1.1</td><td>O K</td></tr><tr><td>1440 min Summer</td><td>98.891</td><td>0.391</td><td>0.7</td><td>0.8</td><td>O K</td></tr><tr><td>2160 min Summer</td><td>98.807</td><td>0.307</td><td>0.6</td><td>0.6</td><td>O K</td></tr><tr><td>2880 min Summer</td><td>98.758</td><td>0.258</td><td>0.5</td><td>0.5</td><td>O K</td></tr><tr><td>4320 min Summer</td><td>98.703</td><td>0.203</td><td>0.3</td><td>0.4</td><td>O K</td></tr><tr><td>5760 min Summer</td><td>98.671</td><td>0.171</td><td>0.3</td><td>0.3</td><td>O K</td></tr><tr><td>7200 min 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Griffen Design Ltd				Page 2	
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Dundee		Gowanbank			
DD2 1SW		Forfar			
Date 29/08/2024 12:26		Designed by N Murray			
File 245409 1in200yr Floodin...		Checked by JJM			
XP Solutions		Source Control 2017.1.2			
<div>Summary of Results for 200 year Return Period (+30%)</div>					
Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Volume (m³)	Status
30 min Winter	99.918	1.418	2.9	3.3	Flood Risk
60 min Winter	99.894	1.394	2.9	3.2	Flood Risk
120 min Winter	99.686	1.186	2.4	2.8	O K
180 min Winter	99.509	1.009	2.0	2.3	O K
240 min Winter	99.380	0.880	1.8	2.0	O K
360 min Winter	99.206	0.706	1.4	1.6	O K
480 min Winter	99.097	0.597	1.2	1.3	O K
600 min Winter	99.021	0.521	1.0	1.2	O K
720 min Winter	98.965	0.465	0.9	1.0	O K
960 min Winter	98.888	0.388	0.7	0.8	O K
1440 min Winter	98.802	0.302	0.6	0.6	O K
2160 min Winter	98.735	0.235	0.4	0.5	O K
2880 min Winter	98.699	0.199	0.3	0.4	O K
4320 min Winter	98.658	0.158	0.2	0.3	O K
5760 min Winter	98.635	0.135	0.2	0.2	O K
7200 min Winter	98.621	0.121	0.2	0.2	O K
8640 min Winter	98.610	0.110	0.1	0.2	O K
10080 min Winter	98.603	0.103	0.1	0.2	O K
Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Time-Peak (mins)		
30 min Winter	78.702	0.0	29		
60 min Winter	50.354	0.0	46		
120 min Winter	31.389	0.0	78		
180 min Winter	23.583	0.0	110		
240 min Winter	19.230	0.0	140		
360 min Winter	14.372	0.0	202		
480 min Winter	11.672	0.0	262		
600 min Winter	9.926	0.0	322		
720 min Winter	8.693	0.0	382		
960 min Winter	7.048	0.0	502		
1440 min Winter	5.244	0.0	740		
2160 min Winter	3.899	0.0	1104		
2880 min Winter	3.156	0.0	1468		
4320 min Winter	2.339	0.0	2184		
5760 min Winter	1.889	0.0	2936		
7200 min Winter	1.601	0.0	3608		
8640 min Winter	1.397	0.0	4400		
10080 min Winter	1.246	0.0	5128		
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2.5 Discovery House	New Dwelling	
Dundee	Gowanbank	
DD2 1SW	Forfar	
Date 29/08/2024 12:26	Designed by N Murray	
File 245409 1in200yr Floodin...	Checked by JJM	
XP Solutions	Source Control 2017.1.2	

Rainfall Details


Rainfall Model	FSR	Winter Storms	Yes
Return Period (years)	200	Cv (Summer)	0.750
Region	Scotland and Ireland	Cv (Winter)	0.840
M5-60 (mm)	17.000	Shortest Storm (mins)	15
Ratio R	0.289	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+30

Time Area Diagram

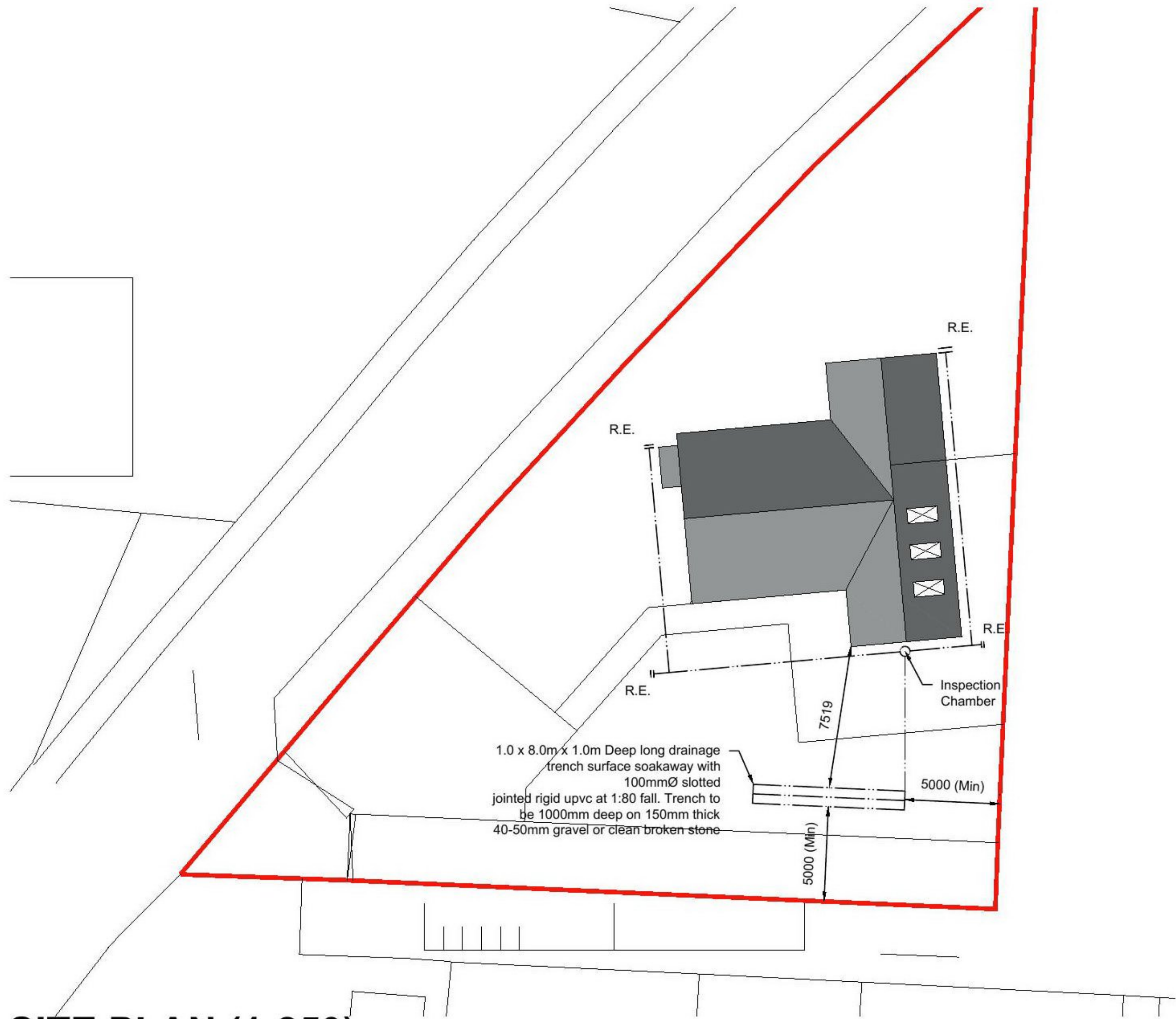
Total Area (ha) 0.018

Time (mins)	Area	Time (mins)	Area	Time (mins)	Area
From:	To:	From:	To:	From:	To:
0	4	4	8	8	12
	0.006		0.006		0.006

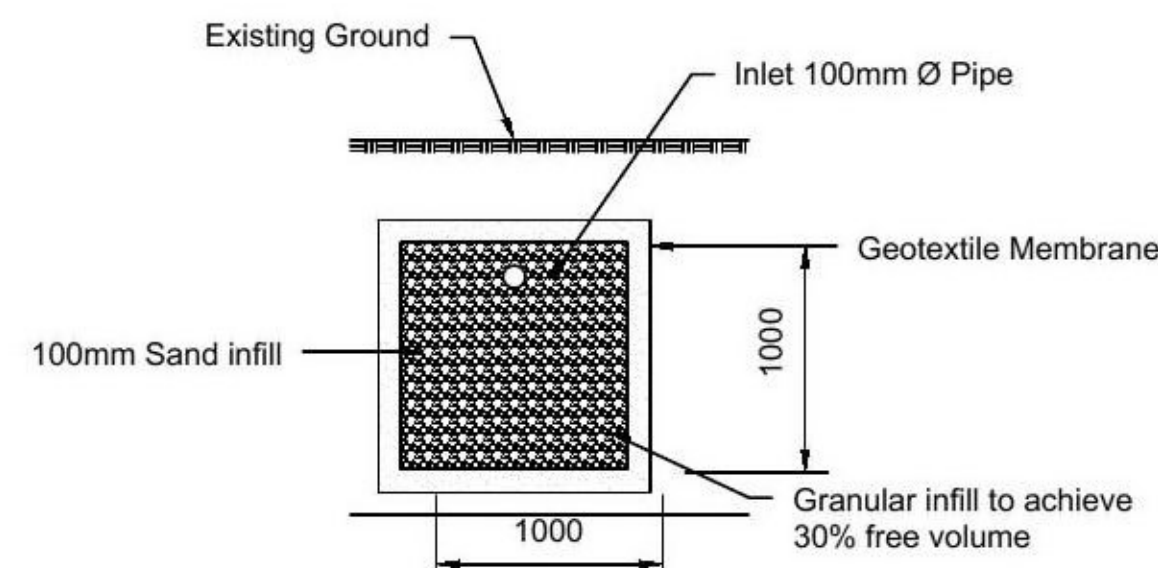
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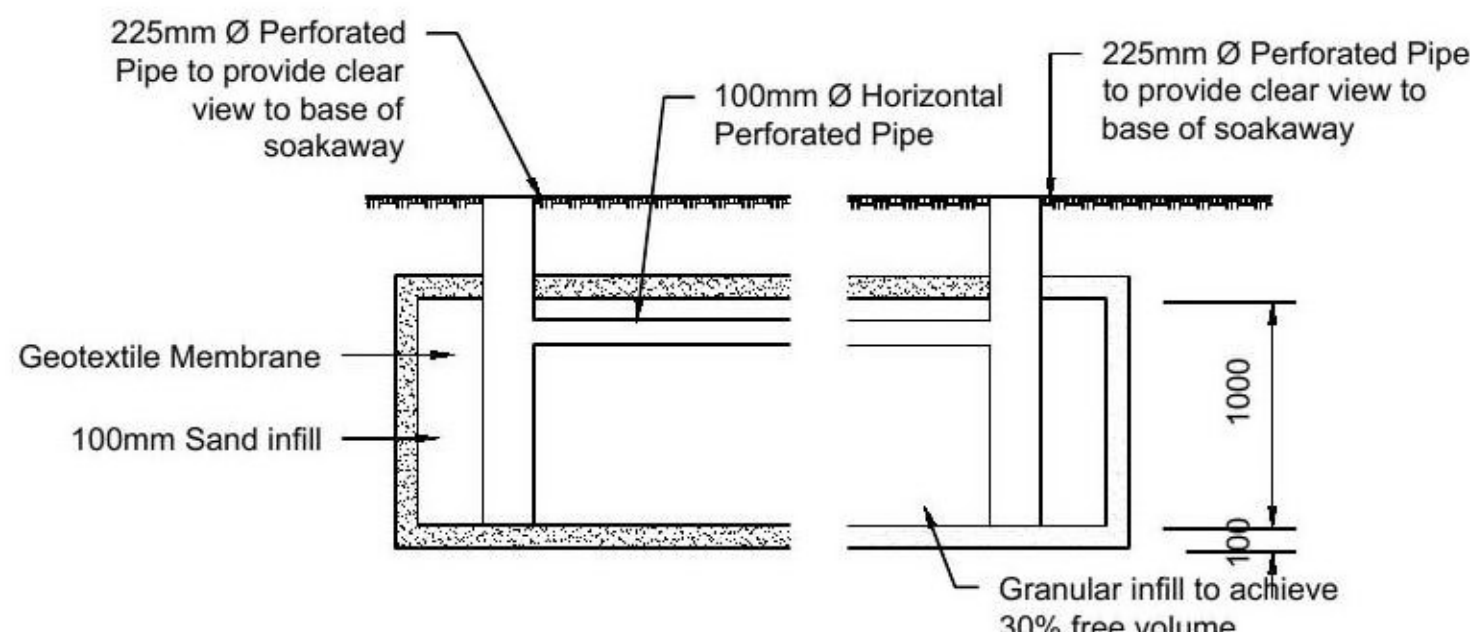
SUMMARY TABLE		DESIGN CONDITIONS			
		1	2	3	4
Land Use Type	Residential roofing				
Pollution Hazard Level	Very low				
Pollution Hazard Indices					
TSS	0.2				
Metals	0.2				
Hydrocarbons	0.05				
SuDS components proposed					
Component 1	None				
Component 2	None				
Component 3	None				
SuDS Pollution Mitigation Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Groundwater protection type	None				
Groundwater protection					
Pollution Mitigation					
Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Combined Pollution Mitigation Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Acceptability of Pollution Mitigation					
TSS	Additional TSS Mitigation Required				
Metals	Additional Metals Mitigation Required				
Hydrocarbons	Additional Hydrocarbon Mitigation Required				
		Note : In order to meet both Water Quality criteria set out in the SuDS Manual (Chapter 4), Interception should be delivered for all impermeable areas where ever possible. Interception delivery and treatment may be met by the same components, but Interception requires separate evaluation.	Reference to local planning documents should also be made to identify any additional protection required for sites due to habitat conservation (see Chapter 7 The SuDS design process). The implications of developments on or within close proximity to an area with an environmental designation, such as a Site of Special Scientific Interest (SSSI), should be considered via consultation with relevant conservation bodies such as Natural England		



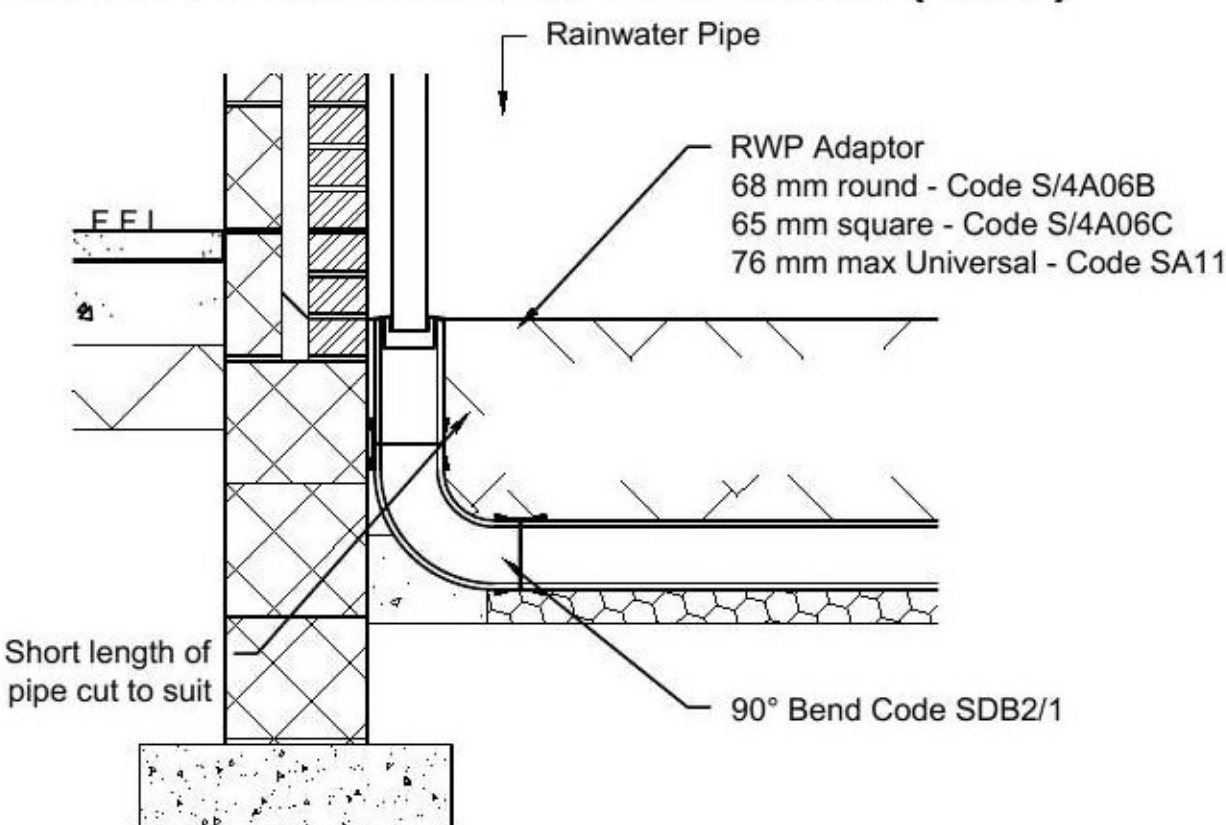
SITE PLAN (1:250)



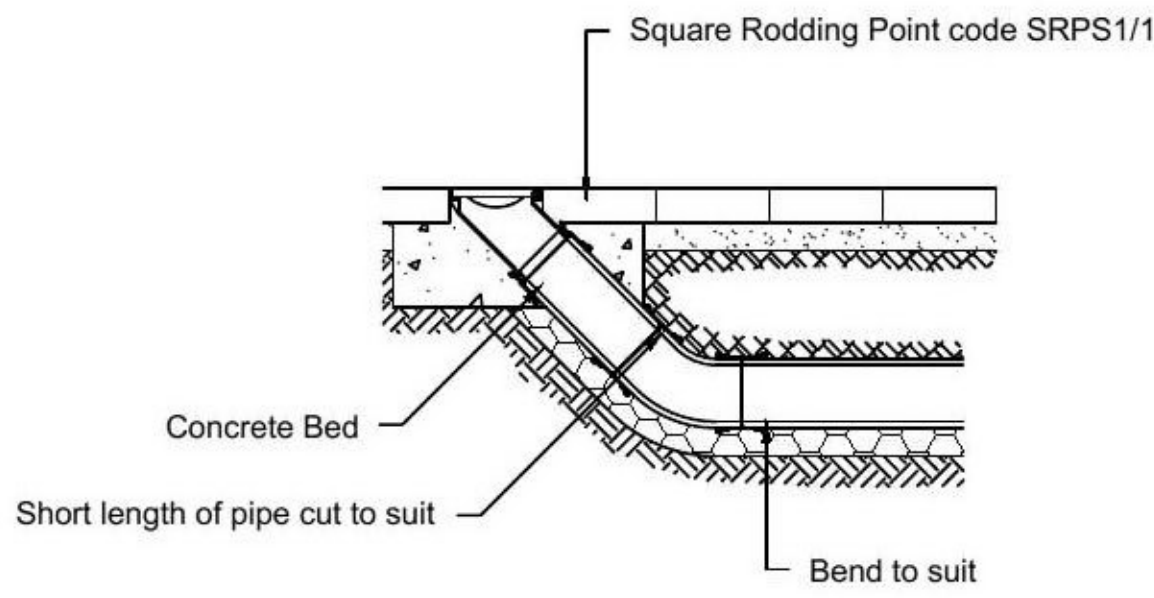
SURFACE SOAKAWAY SECTION (1:50)



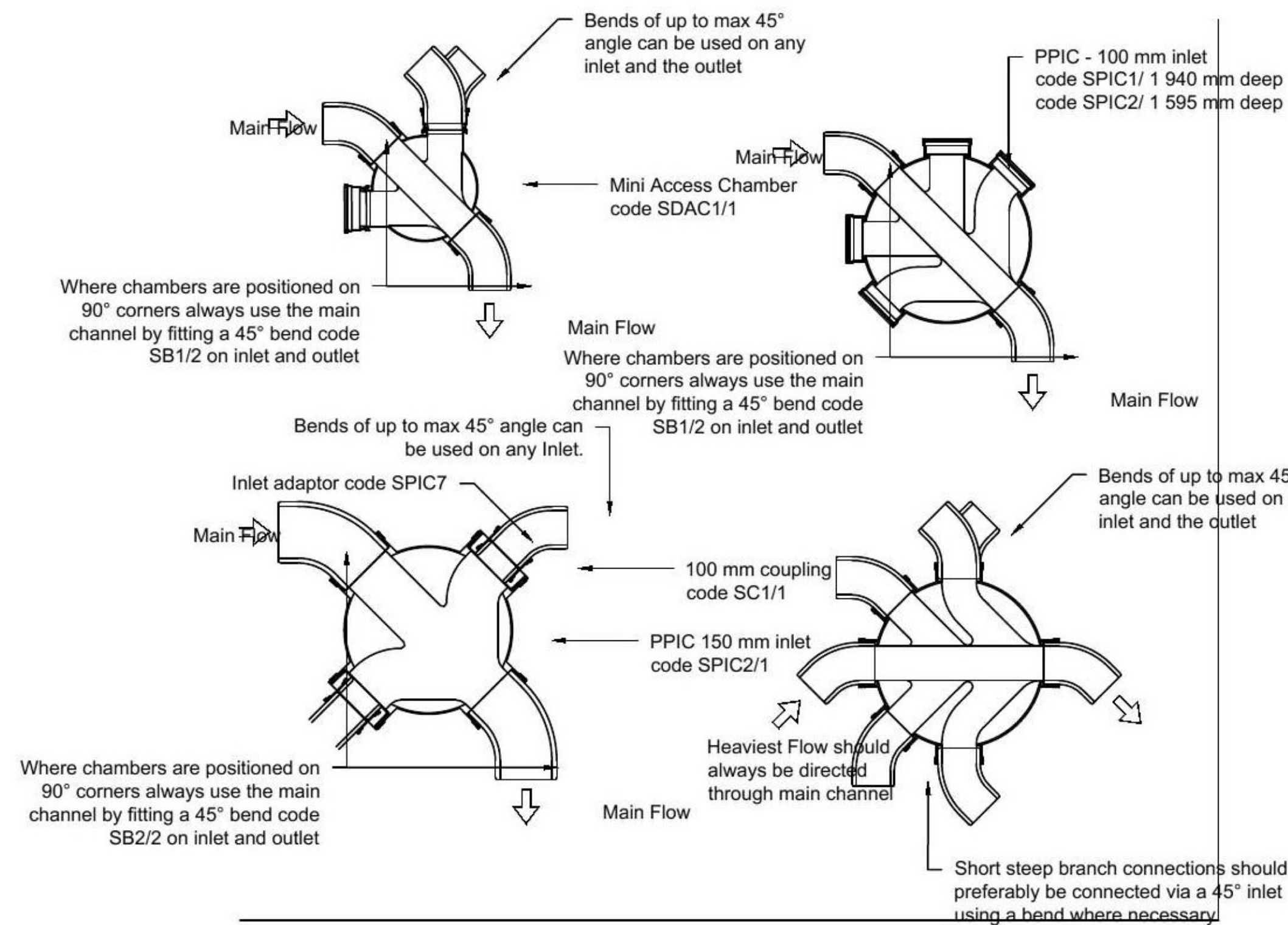
SOAKAWAY SECTION THRO INSPECTION WELL (1:50)



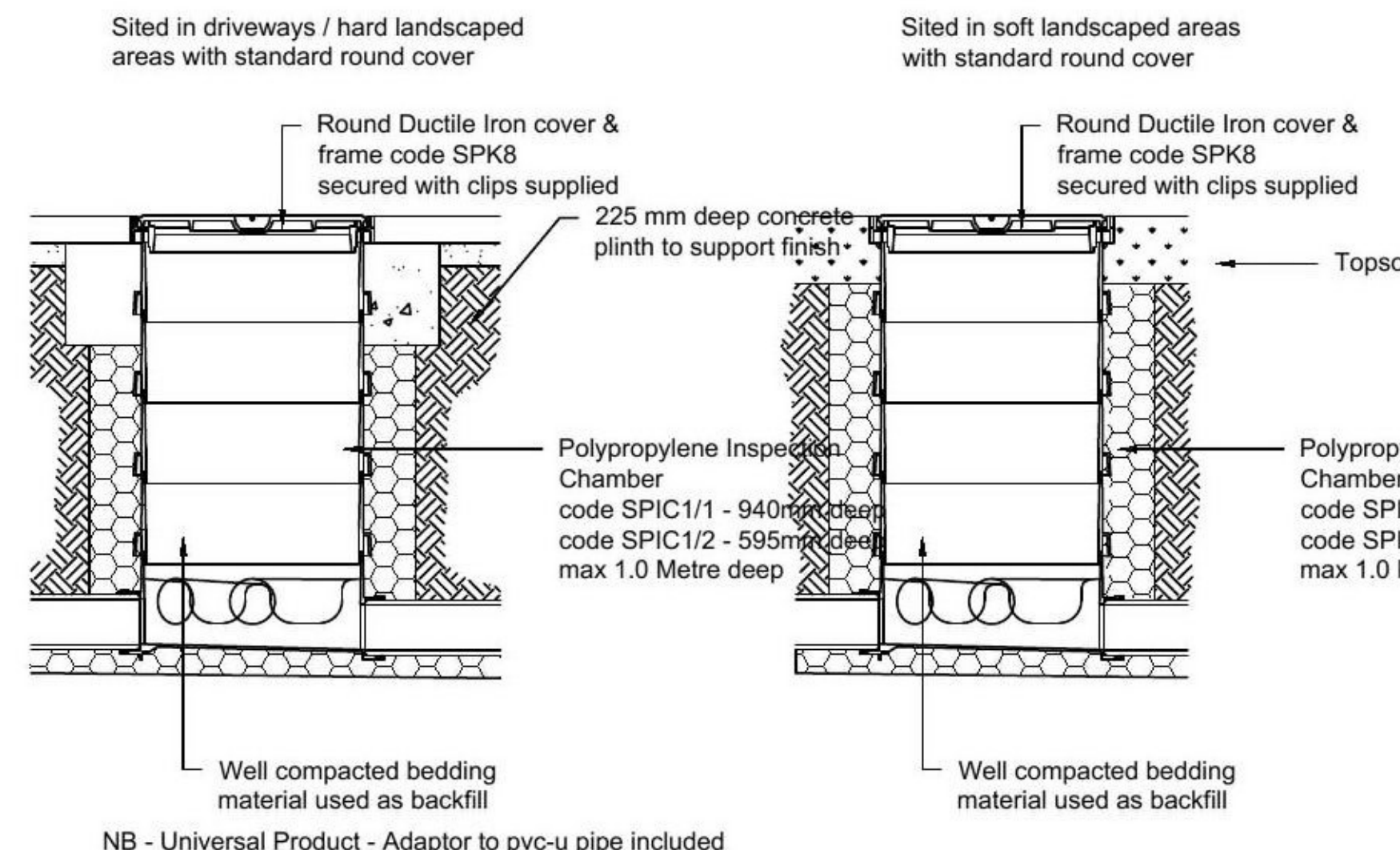
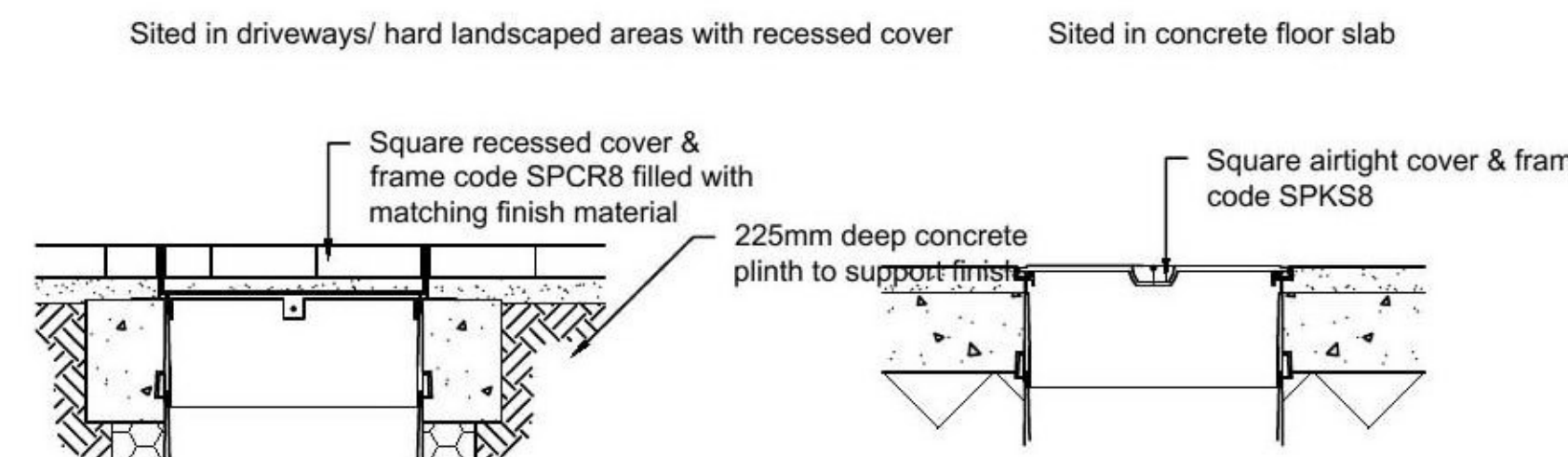
EXTERNAL RAINWATER PIPE CONNECTION DETAIL (1:20)



RODDING DETAIL (1:20)



MINI ACCESS CHAMBER / PPIC INSTALLATION DETAIL (1:20)



POLYPROPYLENE INSPECTION CHAMBER INSTALLATION DETAIL (1:20)

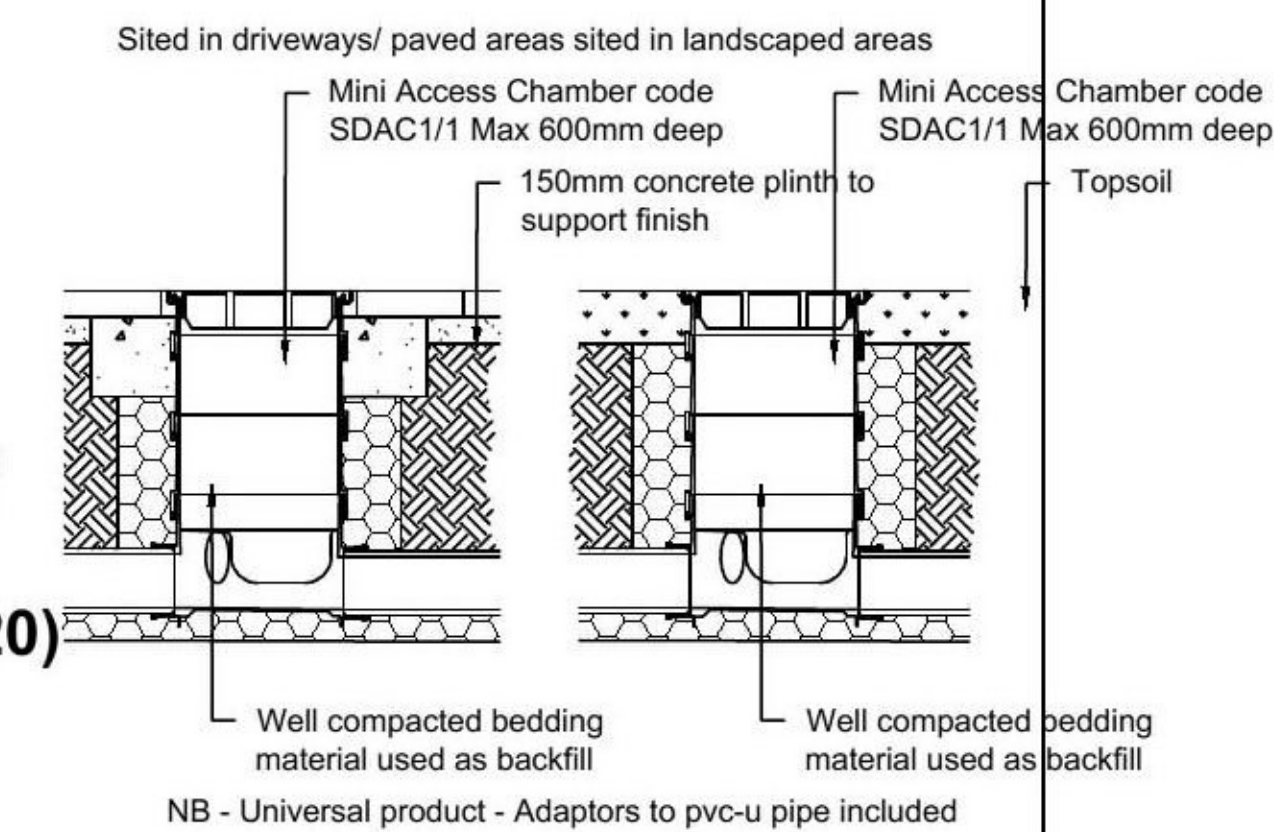
General

All dimensions are in millimeters unless noted otherwise.

Dimensions shall not be scaled from this drawing. Any dimension not shown should be checked on site or verified by the engineer.

This drawing is to be read in conjunction with latest revisions of all relevant engineers and architects drawings.

For setting out refer to the architects drawings.



MINI ACCESS CHAMBER INSTALLATION DETAIL (1:20)

Rev:	Description:	By:	Date:
Client:	Mr D. Wren		
	Unit 2.5 Discovery House Technology Park Dundee DD2 1SW Tel: 01382 561112 Email: info@griffendesign.co.uk		
Site:	New House, Gowanbank, Forfar, DD8 2RJ		
Type:	Comment/Approval	Scale:	Varies
Title:	Drainage Layout & Details	Date:	29/08/2024
		Drawn:	CDL
		Checked:	NDM
		Plot:	A2
		Project No:	245409
		Drawing No:	01
		Revision:	-

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David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk

mobile [REDACTED]

Development at Gowanbank, Forfar. Existing Drainage:

In considering previous development proposals at Gowanbank, the Council has raised the issue of the potential for conflict with septic tanks and/or infiltration fields serving existing properties adjacent to the site.

20.4.21 Committee Report No 122/21 recommending refusal

21.4.21 Refusal by AC

The reason(s) for the Council's decision are:

2. The proposal is contrary to Policies DS4, TC2 and F2 of the Angus Local Development Plan as it has not been demonstrated that the proposals would provide a good standard of amenity for future occupants and would not have an adverse impact on the amenity of existing neighbouring properties by virtue of impact on existing drainage infrastructure within the site.

This concern was noted at the appeal against the Council's refusal.

18.1.22 Appeal Upheld

Conclusions are:

Having regard to the provisions of the development plan I therefore consider the main issues in this appeal are whether the proposed development would:- • result in an acceptable form of development at this location; and • whether the amenity of existing and future residents would be affected by developing over, or near to, existing septic tank soakaways.

But this specific concern was rejected.

P32 (In regard to septic tanks and soakaways)....I am satisfied the amenity of both existing and future residents would be protected. On that basis, I do not find any conflict with the parts of LDP policies DS4 Amenity and TC2 Residential Development that seek to protect the amenity of existing and future residents.....

Notwithstanding the above the applicant has had an intrusive survey undertaken to identify if there are any conflicts relating to their development in particular. And proposes to retain the existing field access.

Site Investigation.

The following report relates to excavation and investigation (July 2024) at the applicants plot at the SW corner of the Gowanbank site, in respect to the concerns expressed over development affecting existing septic tanks and drainage. Local anecdotal knowledge suggested that no drains ran into the applicants' site, and whilst the investigation was underway Mr Ken Thomson, owner/occupier of Myrabank (immediately S of the plot) advised that all his drainage ran towards the A932.

A shallow but wide trench was dug down to subsoil along the boundary running E-W parallel with the rear of the houses running along the Arbroath Rd, and extending the full length of the applicants plot. At this level there was no evidence of any previous disturbance to the soil. This work was undertaken by W Douglas Contractors Ltd, experienced local drainage and groundworks contractors. The conclusion is that no drainage pipes or drain tails lie across the applicants' boundary/site.



Fig 1 The site, 'Woodlea' centre, 'Myrabank' at the left.



Fig 2 From the Eastern end of the site, subsoil exposed to reveal no evidence of previous excavation to lay drains which would show as parallel lines of disturbed soil.



Fig 3 Full length of the trench exposed.



Fig 4 Mid-section.



Fig 5 Western end of the trench at the 'Rosie Road'.

Existing Access:

Vehicle Access is currently possible to this plot, and the fields beyond and neighbouring properties.



Fig 6 Padlocked field gate into the applicants plot approx. 3m wide opening. Ref submitted dwgs, gate to be widened and set back further to the east. This would retain the occasional access to the rear of existing properties and maintain the status quo.



Fig 7 Vehicle access to the rear of 14 Strangs Ley.



Fig 8 Gate to rear of Woodlea.



Fig 9 Driveway at Myrabank.

Addendum:

Note the trench referred to above ran E-W immediately to the north side of the proposed access track-garden ground boundary and consequently missed the feature identified below.

Mr Callander owner occupier of Rossair advised that the soakaway to his septic tank (which is in his garden) lies immediately to the north of his boundary and Environmental Health requested further investigation to identify the scope and nature of the soakaway. Mr Callander also recalled that D.Liddle a local contractor, at the time, repaired/renewed the soakaway 20-25 years previously.

W.Douglas Contractors Ltd carefully excavated the area to expose the soakaway.

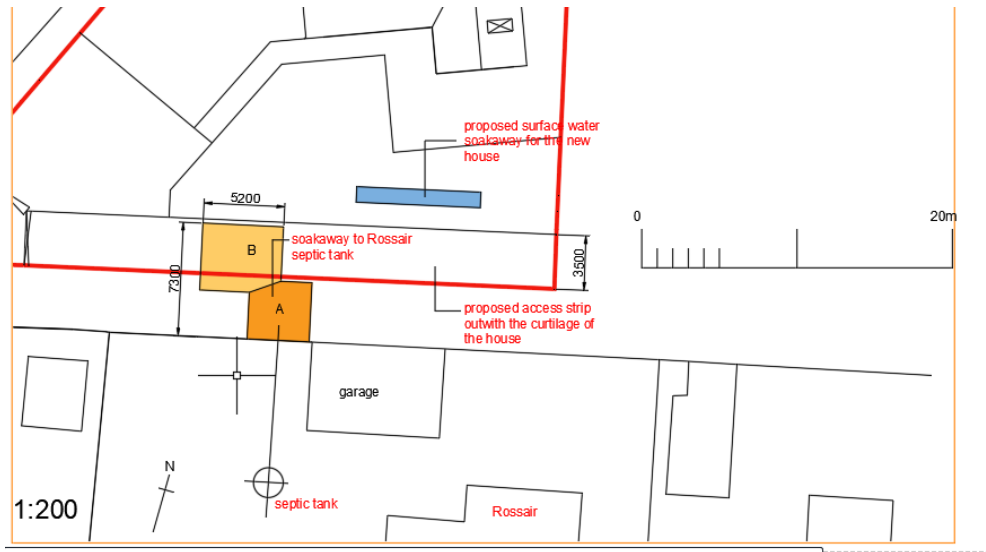


Fig A1 record of excavation 20.11.24

This revealed 2no distinct areas of gravel backfill with a clearly defined edge between the fill and original sand/soil.



Fig 2A edge between area A and undisturbed soil to the north

Area A appeared to be cleaner gravel whilst area B consisted of a gravel soil mix. Area A was wet at approx. 1.1m below ground level, area B was relatively dry and included some torn and patchy geotextile material.

A possible explanation is that area B might indicate the full extent of an older soakaway and area A indicates the repair ie removal of clogged up gravel at the outfall and replacement with fresh gravel. There was no geotextile over area A. It may also be the

case that area B constitutes the on site dumping of the material removed from area A in the repair.

No network of pipes was found, and excavation was kept back a safe distance from the garden wall. However, a single pipe from the septic tank into a gravel pit would not be unusual for the time period of initial construction.



Fig 3A



Fig 4A edge of area B

David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk



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Fig 8 Gate to rear of Woodlea.



Fig 9 Driveway at Myrabank.

David Wren 9.8.24

David Wren

From: KellyR <KellyR@angus.gov.uk>
Sent: 20 November 2018 09:13
To: David Wren
Subject: RE: Gowanbank, Forfar 18/00340/FULM

Dear Mr Wren,

I refer to your email in connection with the above planning application and would offer the following response to your queries.

In relation to neighbour notification the land in your ownership is out with the application site and as there is no notifiable property on the land to which a neighbour notification could be sent. As there is no premises on the land the planning authority placed a notice in a local newspaper in accordance with regulation 20 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The proposed vehicular access to serve the proposed development is to be formed through the demolition of an existing dwellinghouse on Arbroath Road. The provision of this vehicular access is consistent with the location that was identified when a previous planning permission in principle was approved at the site. The Roads Service has raised no objections to the proposed access arrangements and it is considered that the vehicle access to your land would not be adversely affected by planning application 17/00340/FULM.

At this time the location of the dwellinghouses at plots 33 – 38 are located in excess of 12m from the mutual boundary with your land which accords with the requirements of Advice Note 14 in relation to overlooking from first floor windows. There is no reason to conclude that the development as proposed would adversely affect your ability to develop your land which would also have to be undertaken in accordance with the requirements of Advice Note 14.

I trust the above clarifies the situation and responds to your queries.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Place Directorate |
Angus House : Orchardbank Business Park, Forfar, DD8 1AN. ☎ (01307) 473306



www.angus.gov.uk/angusdesignawards

From: PLNProcessing
Sent: 20 November 2018 07:24
To: KellyR
Subject: FW: Gowanbank, Forfar 18/00340/FULM

Morning Ruari,

Can you answer this please?

Veronica.

**Veronica Caney Clerical Officer Angus House : Planning Service, Orchardbank Business Park,
Forfar, DD8 1AN**

Tel : 01307 473242



www.angus.gov.uk/angusdesignawards

From: David Wren [<mailto:David@davidwrenarchitect.co.uk>]

Sent: 19 November 2018 14:34

To: PLNProcessing

Subject: Gowanbank, Forfar 18/00340/FULM

Dear Ms/Sir I own land that is immediately adjacent to site at Gowanbank currently being considered for housing see ref above. I have not been notified as a neighbour to date but would be grateful for some clarification.

I have vehicle access to my land at the SW corner and would be grateful for confirmation that this will not be adversely affected by the proposed development ie that the new junction proposed will not affect the current junction used by myself and my immediate neighbours.

Also I intend to develop my land and expect window distance to boundaries, overlooking etc to comply with your guidance set out in your Planning Notes and in particular note 14 small housing sites. Can you confirm that this is the case and no new houses contravene your guidance?

Many thanks

David Wren Architect Ltd
5C Gray St Broughty Ferry
Dundee
DD5 2BH

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David Wren

From: Stephanie G Porter <PorterSG@angus.gov.uk>
Sent: 11 January 2024 09:44
To: David Wren
Cc: Ruari Kelly
Subject: RE: Gowanbank Forfar

Good Morning David

I write in regard to your email below.

Planning permission ref: 14/00313/PPPM has since lapsed. Subsequent planning application ref: 18/00340/FULM for residential development on the site at Gowanbank was refused and an appeal dismissed for the same development by the DPEA in January 2022. You can review the report of handling for application ref: 18/00340/FULM and the appeal decision for the corresponding appeal case - PPA-120-2058 [here](#). The reasons for refusal and the appeal decision may be of interest.

There are no current planning applications relating to the wider Gowanbank site. Nonetheless progressing a separate application for a single dwelling on the area of land in the southwest corner of the wider site would not be encouraged for the same reasons discussed previously. This service would still reserve concerns with a piecemeal approach consisting of multiple smaller applications across the wider site without a detailed scheme for the overall housing site being approved. Approving a single house on a smaller corner site could have implications for the delivery of a successful layout of roads, landscaping, plots etc and could prejudice the provision of a successful scheme on the wider site. Development in the housing area should be submitted as part of an overall detailed scheme for the entire site.

I trust the above proves helpful.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Tuesday, January 2, 2024 8:50 AM
To: PLNProcessing <PLNProcessing@angus.gov.uk>
Subject: Gowanbank Forfar

Dear Ms/Sir, I would be grateful for your advice on the following points concerning the Local Plan Policy regarding the development of the site at Gowanbank, Forfar, for housing.

This site, has I believe been allocated for housing within the Local Plan for at least 10 yrs, and there was a scheme approved in 2014 ref 14/00313/PPPM, is this still valid or has it lapsed? Are there any current approved plans for development of the site that would restrict single house development on the periphery of the site?

My interest is as an owner of a plot of land at Gowanbank (see plan attached), and I understand that Development Plan Policy should not unreasonably restrict my opportunity to realise the potential of what could be a more than satisfactory plot within a residential area. Many thanks for your time in this,



David Wren

From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: 22 January 2024 14:16
To: David Wren
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi David,

I was copied into the correspondence regarding your enquiry and I can confirm that the proposed site layout relevant to the refusal of the planning application and subsequent appeal was rev. E.

Kind regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk



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From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Monday, January 22, 2024 1:38 PM
To: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi Ruari, I understand that you have been copied in on the previous correspondence with Stephanie Porter.

In regard to the report of handling for application ref: 18/00340/FULM, Committee report, refusal, and the subsequent appeal decision - PPA-120-2058. Can you confirm that rev E attached is the relevant version of the Site Layout referred to? Kind regards

David Wren Architect Ltd


From: Stephanie G Porter <PorterSG@angus.gov.uk>
Sent: Tuesday, January 16, 2024 10:45 AM
To: David Wren <David@davidwrenarchitect.co.uk>
Cc: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar

Hi David

If you could direct any further queries you have to Ruari please as he is the area officer. If you could use the following reference number - 24/00035/PREAPP for any of the correspondence.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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Sent: Monday, January 15, 2024 8:34 AM
To: Stephanie G Porter <PorterSG@angus.gov.uk>
Cc: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar

Hi Steph, many thanks for this. Having read the Committee Report, Decision Notice and Appeal Conclusions, I have some follow up questions, do I just send these to you, or should I make a formal PREAPP enquiry? Kind regards

David Wren Architect Ltd
[REDACTED]

From: Stephanie G Porter <PorterSG@angus.gov.uk>
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To: David Wren <David@davidwrenarchitect.co.uk>
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I trust the above proves helpful.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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This site, has I believe been allocated for housing within the Local Plan for at least 10 yrs, and there was a scheme approved in 2014 ref 14/00313/PPPM, is this still valid or has it lapsed? Are there any current approved plans for development of the site that would restrict single house development on the periphery of the site?

My interest is as an owner of a plot of land at Gowanbank (see plan attached), and I understand that Development Plan Policy should not unreasonably restrict my opportunity to realise the potential of what could be a more than satisfactory plot within a residential area. Many thanks for your time in this,

David Wren Architect Ltd


David Wren

From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: 06 February 2024 14:37
To: David Wren
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Good afternoon David,

In reply to the queries raised in your email I would offer the following comments in response:

1. It is fair to say that there is unlikely to be no objections to a development at the site that is in excess of 60 units providing this achieves compliance with the design quality aspirations of the development plan and associated supplementary guidance (it would also have to respond to matters of concern identified in the appeal decision). This would require a layout that is well designed that responds positively to the constraints of the site and the characteristics of the surrounding area.
2. Little meaningful attempt was made to integrate the Rosie Road into the development in a manner that would maintain or improve its amenity or safety. Lack of control of the Rosie Road is unlikely to be an impediment to successful development of this site however a development that proposed the backs of housing onto the Rosie Road would not be supported. It would appear that finding a resolution to the ownership of the Rosie Road would be advantageous as it would possibly allow for the path to be fully incorporated into a development proposal for the site which could include the re-routing of the path through the site.

You will have also noted that development of the site has the potential to impact on existing private drainage infrastructure serving properties on both the Arbroath Road and Montrose Road that are understood to extend into the site. As there was no assessment of that existing infrastructure it was unclear whether the measures identified in application 18/00340/FULM, were appropriate. Detailed assessment into this matter would be required should a further proposal come forward for the site.

I trust the above addresses your queries.

Regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk



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From: David Wren <David@davidwrenarchitect.co.uk>

Sent: Tuesday, February 6, 2024 9:41 AM

To: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank Forfar24/00035/PREAPP

Ruari, I have a couple of further questions regarding the above

Para 4 of the Appeal Decision, PPA-120-2058, notes that the 81 houses proposed is in excess of the 60no allocated in the Development Plan, and suggests that the Council does not find the numbers in themselves as a reason for refusal...but the nature of the design and layout of these 81 houses

item 8.6 of the Committee Report states

"The development provides for a total of 81 dwellings which has been reduced from an initial number of 106. It exceeds the development of around 60 units anticipated by the land allocation. However, the proposed increase in numbers does not give rise to significant issues in terms of land supply within the housing market area and there is scope for some flexibility in relation to that number if the proposal provides a good design solution."

And item 8.19

"This application provides for a significant increase in the number of dwellings proposed. That increase in number of units results in a poor quality development"

Q1 Is the Council's position then that a successful development at this site is possible in the range of 60-80+ houses, it's simply that a 'better quality' proposal is needed?

Both the Appeal Decision and Planning Committee Report highlight the importance of the Rosie Road to any successful development. However it is also noted that the Rosie Road is out-with the control of the applicant.

Item 8.9 of the Committee Report states

"The proposed layout identifies two general character zones that are separated by the Rosie Road with a main roadway connecting to the Arbroath Road. That general arrangement is broadly acceptable and responds to some of the constraints evident at the site"

Para 14-19 inc of the Appeal Decision note the importance of the Rosie Road and the failure of this proposal to properly respond to it as a landscape feature and link. However Para 39 does reiterate the point that this is the right place for development.

Q2 Is it the Council's position that lack of control of the Rosie Road is not an impediment to successful development of this site, and a holistic approach that deals with the whole site in relation to the Rosie Road (and other landscape features) is key?

Many thanks for your time and patience in this, regards

David Wren Architect Ltd



From: Ruari Kelly <KellyR@angus.gov.uk>

Sent: Monday, January 22, 2024 2:16 PM

To: David Wren <David@davidwrenarchitect.co.uk>

Subject: RE: Gowanbank Forfar24/00035/PREAPP

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07881 400919

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Subject: RE: Gowanbank Forfar

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Planning permission ref: 14/00313/PPPM has since lapsed. Subsequent planning application ref: 18/00340/FULM for residential development on the site at Gowanbank was refused and an appeal dismissed for the same development by the DPEA in January 2022. You can review the report of handling for application ref: 18/00340/FULM and the appeal decision for the corresponding appeal case - PPA-120-2058 [here](#). The reasons for refusal and the appeal decision may be of interest.

There are no current planning applications relating to the wider Gowanbank site. Nonetheless progressing a separate application for a single dwelling on the area of land in the southwest corner of the wider site would not be encouraged for the same reasons discussed previously. This service would still reserve concerns with a piecemeal approach consisting of multiple smaller applications across the wider site without a detailed scheme for the overall housing site being approved. Approving a single house on a smaller corner site could have implications for the delivery of a successful layout of roads, landscaping, plots etc and could prejudice the provision of a successful scheme on the wider site. Development in the housing area should be submitted as part of an overall detailed scheme for the entire site.

I trust the above proves helpful.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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From: David Wren <David@davidwrenarchitect.co.uk>

Sent: Tuesday, January 2, 2024 8:50 AM

To: PLNProcessing <PLNProcessing@angus.gov.uk>

Subject: Gowanbank Forfar

Dear Ms/Sir, I would be grateful for your advice on the following points concerning the Local Plan Policy regarding the development of the site at Gowanbank, Forfar, for housing.

This site, has I believe been allocated for housing within the Local Plan for at least 10 yrs, and there was a scheme approved in 2014 ref 14/00313/PPPM, is this still valid or has it lapsed? Are there any current approved plans for development of the site that would restrict single house development on the periphery of the site?

My interest is as an owner of a plot of land at Gowanbank (see plan attached), and I understand that Development Plan Policy should not unreasonably restrict my opportunity to realise the potential of what could be a more than satisfactory plot within a residential area. Many thanks for your time in this,

David Wren Architect Ltd



David Wren

From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: 22 February 2024 09:20
To: David Wren
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi David,

We appreciate that you have no means of insisting that your plot be included in any subsequent planning application(s) for housing at the wider site. In the event that your plot couldn't be included you could submit a separate application for a single house which could be considered at the same time as an application for the wider site or in the event that planning permission was granted for the wider site you could submit an application afterwards. We are aware of your interest in development of a single house at the SW of the F2 area and this would be a matter that we would give consideration to as part of any future proposals for the wider F2 area.

Regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk



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From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Thursday, February 22, 2024 9:06 AM
To: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi Ruari, apologies for coming back to you again on this, but I hope you can clarify a remaining issue.

Stephanie's email of the 11.1.24 makes clear that development of a single house at the SW of the F2 area should proceed as 'part of an overall detailed scheme'.

... progressing a sperate application for a single dwelling on the area of land in the southwest corner of the wider site would not be encouraged for the same reasons discussed previously. This service would still reserve concerns with a piecemeal approach consisting of multiple smaller applications across the wider site....Approving a single house on a smaller corner site could have implications for the delivery of a successful layout of roads, landscaping, plots etc and could prejudice the provision of a successful scheme on the wider site. Development in the housing area should be submitted as part of an overall detailed scheme for the entire site. S.Porter 11.2.24

However, application 18/00340/FULM excluded this plot, plans attached for your reference, and I have no means of insisting that my plot be included in any subsequent submissions that may follow this.

In the event that an applicant came forward with an acceptable proposal for the Gowanbank site based on the 18/00340/FULM submission. Would this mean that any concerns re the single dwelling and piecemeal development would no longer be relevant and that a single house (at my plot) could be supported given an appropriate design, and suitable access and drainage arrangements, etc?

Many thanks

David Wren Architect Ltd
[REDACTED]

From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: Tuesday, February 6, 2024 2:37 PM
To: David Wren <David@davidwrenarchitect.co.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Good afternoon David,

In reply to the queries raised in your email I would offer the following comments in response:

-

1. It is fair to say that there is unlikely to be no objections to a development at the site that is in excess of 60 units providing this achieves compliance with the design quality aspirations of the development plan and associated supplementary guidance (it would also have to respond to matters of concern identified in the appeal decision). This would require a layout that is well designed that responds positively to the constraints of the site and the characteristics of the surrounding area.
2. Little meaningful attempt was made to integrate the Rosie Road into the development in a manner that would maintain or improve its amenity or safety. Lack of control of the Rosie Road is unlikely to be an impediment to successful development of this site however a development that proposed the backs of housing onto the Rosie Road would not be supported. It would appear that finding a resolution to the ownership of the Rosie Road would be advantageous as it would possibly allow for the path to be fully incorporated into a development proposal for the site which could include the re-routing of the path through the site.

You will have also noted that development of the site has the potential to impact on existing private drainage infrastructure serving properties on both the Arbroath Road and Montrose Road that are understood to extend into the site. As there was no assessment of that existing infrastructure it was unclear whether the measures identified in application 18/00340/FULM, were appropriate. Detailed assessment into this matter would be required should a further proposal come forward for the site.

I trust the above addresses your queries.

Regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk

Think green – please do not print this email

From: David Wren <David@davidwrenarchitect.co.uk>

Sent: Tuesday, February 6, 2024 9:41 AM

To: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank Forfar24/00035/PREAPP

Ruari, I have a couple of further questions regarding the above

Para 4 of the Appeal Decision, PPA-120-2058, notes that the 81 houses proposed is in excess of the 60no allocated in the Development Plan, and suggests that the Council does not find the numbers in themselves as a reason for refusal...but the nature of the design and layout of these 81 houses

item 8.6 of the Committee Report states

“The development provides for a total of 81 dwellings which has been reduced from an initial number of 106. It exceeds the development of around 60 units anticipated by the land allocation. However, the proposed increase in numbers does not give rise to significant issues in terms of land supply within the housing market area and there is scope for some flexibility in relation to that number if the proposal provides a good design solution.”

And item 8.19

“This application provides for a significant increase in the number of dwellings proposed. That increase in number of units results in a poor quality development”

Q1 Is the Council's position then that a successful development at this site is possible in the range of 60-80+ houses, it's simply that a 'better quality' proposal is needed?

Both the Appeal Decision and Planning Committee Report highlight the importance of the Rosie Road to any successful development. However it is also noted that the Rosie Road is out-with the control of the applicant.

Item 8.9 of the Committee Report states

“The proposed layout identifies two general character zones that are separated by the Rosie Road with a main roadway connecting to the Arbroath Road. That general arrangement is broadly acceptable and responds to some of the constraints evident at the site”

Para 14-19 inc of the Appeal Decision note the importance of the Rosie Road and the failure of this proposal to properly respond to it as a landscape feature and link. However Para 39 does reiterate the point that this is the right place for development.

Q2 Is it the Council's position that lack of control of the Rosie Road is not an impediment to successful development of this site, and a holistic approach that deals with the whole site in relation to the Rosie Road (and other landscape features) is key?

Many thanks for your time and patience in this, regards

David Wren Architect Ltd



From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: Monday, January 22, 2024 2:16 PM
To: David Wren <David@davidwrenarchitect.co.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi David,

I was copied into the correspondence regarding your enquiry and I can confirm that the proposed site layout relevant to the refusal of the planning application and subsequent appeal was rev. E.

Kind regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk



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Sent: Monday, January 22, 2024 1:38 PM
To: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi Ruari, I understand that you have been copied in on the previous correspondence with Stephanie Porter.

In regard to the report of handling for application ref: 18/00340/FULM, Committee report, refusal, and the subsequent appeal decision - PPA-120-2058. Can you confirm that rev E attached is the relevant version of the Site Layout referred to? Kind regards

David Wren Architect Ltd


From: Stephanie G Porter <PorterSG@angus.gov.uk>
Sent: Tuesday, January 16, 2024 10:45 AM
To: David Wren <David@davidwrenarchitect.co.uk>
Cc: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar

Hi David

If you could direct any further queries you have to Ruari please as he is the area officer. If you could use the following reference number - 24/00035/PREAPP for any of the correspondence.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Monday, January 15, 2024 8:34 AM
To: Stephanie G Porter <PorterSG@angus.gov.uk>
Cc: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar

Hi Steph, many thanks for this. Having read the Committee Report, Decision Notice and Appeal Conclusions, I have some follow up questions, do I just send these to you, or should I make a formal PREAPP enquiry? Kind regards

David Wren Architect Ltd


From: Stephanie G Porter <PorterSG@angus.gov.uk>
Sent: Thursday, January 11, 2024 9:44 AM
To: David Wren <David@davidwrenarchitect.co.uk>
Cc: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar

Good Morning David

I write in regard to your email below.

Planning permission ref: 14/00313/PPPM has since lapsed. Subsequent planning application ref: 18/00340/FULM for residential development on the site at Gowanbank was refused and an appeal dismissed for the same development by the DPEA in January 2022. You can review the report of handling for application ref: 18/00340/FULM and the appeal decision for the corresponding appeal case - PPA-120-2058 [here](#). The reasons for refusal and the appeal decision may be of interest.

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I trust the above proves helpful.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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From: David Wren <David@davidwrenarchitect.co.uk>

Sent: Tuesday, January 2, 2024 8:50 AM

To: PLNProcessing <PLNProcessing@angus.gov.uk>

Subject: Gowanbank Forfar

Dear Ms/Sir, I would be grateful for your advice on the following points concerning the Local Plan Policy regarding the development of the site at Gowanbank, Forfar, for housing.

This site, has I believe been allocated for housing within the Local Plan for at least 10 yrs, and there was a scheme approved in 2014 ref 14/00313/PPPM, is this still valid or has it lapsed? Are there any current approved plans for development of the site that would restrict single house development on the periphery of the site?

My interest is as an owner of a plot of land at Gowanbank (see plan attached), and I understand that Development Plan Policy should not unreasonably restrict my opportunity to realise the potential of what could be a more than satisfactory plot within a residential area. Many thanks for your time in this,

David Wren Architect Ltd



David Wren

From: David Wren
Sent: 12 April 2024 10:35
To: Ruari Kelly
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi Ruari, thanks again for your time the other day. As you pointed out it might take me a little while to get everything in order to make an application so I thought I should make a brief minute of our conversation, if you feel I've misrepresented anything please let me know.

You re-iterated that there were concerns to be dealt with regarding a single house at my plot at Gowanbank and these were as outlined in your email of the 9.4.24.

I noted the following in response,

The existing field gate/vehicle access into the site at the SW corner to be used, with no works affecting the Rosie Road or access to it (other than on a temporary basis eg services connections).

The site to be surveyed for ex drainage tails from septic tanks to houses off the Arbroath Road, in the case there are any, then access for maintenance to be addressed satisfactorily in the detailed layout of the site and a burden introduced as needed to the title of my plot.

The specific house design to be decided but in principal facing the Rosie Road and similar in scale and appearance to existing properties neighbouring.

FRA and DIA to accompany any submission, but the site does not appear on the SEPA Flood Map, foul drainage by gravity to the public sewer in the Arbroath Rd, and surface water disposal by SUDS.

We discussed whether permission for a single house here would provide an unwanted precedent, and were in general agreement that this was unlikely due to the single ownership of the wider F2 site and potential upfront infrastructure costs for the larger site.

Kind Regards

David Wren Architect Ltd


From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: Tuesday, April 9, 2024 4:16 PM
To: David Wren <David@davidwrenarchitect.co.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi David,

In response to your queries I would advise that there is nothing preventing you from applying in advance of an application for the wider site, but our advice is that we would not seek to encourage that.

We have previously indicated that approving a single house on a smaller corner site could have implications for the delivery of a successful layout of roads, landscaping, plots etc and could prejudice the provision of a successful scheme on the wider site. Your submitted location plan indicates that the plot would share access via right of way (Rosie Road) with public. There is an aspiration that the Rosie Road be incorporated into a development on the wider site, but it is unclear how that could be achieved given the land ownership issues

with the path. It may involve the path being re-routed, but it is unclear how that could be impacted through the development of your plot.

Consideration of impacts on the private drainage systems would also be relevant as existing soakaways from neighbouring septic tanks discharge into the site but there is uncertainty over the precise location or extent of these features. There was a lack of accurate survey information or full agreement with affected residents in the 2018 planning application and you would have to address this matter as it would be a matter that would be raised in representations by third parties.

Development of the wider site by a single developer would incorporate standardised house designs and material finishes. I note that concerns were raised with the design of a house at the plot as part of a 2013 application. There are likely to be similar concerns should a planning application be submitted for a single house.

All planning applications are assessed on their own merits however all applications on the F2 land allocation would have to comply with the requirements of that policy and this would require submission of a Flood Risk Assessment and Drainage Impact Assessment as required by Policy F2. For a single house this increases your financial commitment to an application and given our concerns about a single house development at the site, it still wouldn't guarantee that an application could receive a favourable recommendation.

If you wish to have a discussion about matters, I am available tomorrow morning if that is convenient and I can be contacted directly on 01307 492125. If that is not convenient drop me an email with your availability and I will arrange an alternative time with you for a discussion.

Regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk



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From: David Wren <David@davidwrenarchitect.co.uk>

Sent: Tuesday, April 9, 2024 11:07 AM

To: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi Ruari, thanks for this which is re-assuring but if I can apply after or at the same time as the larger site, why not before?

If the wider F2 site can proceed successfully alongside my site and vice versa, why is the timing or sequencing of concern. I can understand the Council's reluctance to permit a house on my site where it would impede development of the wider site but this (I think has been agreed) is not the case?

I note the concerns regarding piecemeal development but presume that any and all proposals will be treated on merit and involve a thorough consideration of any impact on the overall site.

Approval of a single house on my site following a co-operative approach might be regarded as a useful precedent rather than an unwanted one.

Would it be possible to arrange a telephone call to discuss this? Many thanks

PS I would imagine that piece meal development of the wider area is unlikely simply because of the necessary upfront costs for infrastructure to serve the interior of the site, particularly the road inc the demolition of an existing house, and drainage due to the levels across the site.

David Wren Architect Ltd


From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: Thursday, February 22, 2024 9:20 AM
To: David Wren <David@davidwrenarchitect.co.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi David,

We appreciate that you have no means of insisting that your plot be included in any subsequent planning application(s) for housing at the wider site. In the event that your plot couldn't be included you could submit a separate application for a single house which could be considered at the same time as an application for the wider site or in the event that planning permission was granted for the wider site you could submit an application afterwards. We are aware of your interest in development of a single house at the SW of the F2 area and this would be a matter that we would give consideration to as part of any future proposals for the wider F2 area.

Regards,

Ruari

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From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Thursday, February 22, 2024 9:06 AM
To: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi Ruari, apologies for coming back to you again on this, but I hope you can clarify a remaining issue.

Stephanie's email of the 11.1.24 makes clear that development of a single house at the SW of the F2 area should proceed as 'part of an overall detailed scheme'.

... progressing a sperate application for a single dwelling on the area of land in the southwest corner of the wider site would not be encouraged for the same reasons discussed previously. This service would still reserve concerns with a piecemeal approach consisting of multiple smaller applications across the wider site....Approving a single house on a smaller corner site could have implications for the delivery of a successful layout of roads, landscaping, plots etc and could prejudice the provision of a successful scheme on the wider site. Development in the housing area should be submitted as part of an overall detailed scheme for the entire site. S.Porter 11.2.24

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Many thanks

David Wren Architect Ltd

From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: Tuesday, February 6, 2024 2:37 PM
To: David Wren <David@davidwrenarchitect.co.uk>
Subject: RE: Gowanbank Forfar24/00035/PREAPP

Good afternoon David,

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-

1. It is fair to say that there is unlikely to be no objections to a development at the site that is in excess of 60 units providing this achieves compliance with the design quality aspirations of the development plan and associated supplementary guidance (it would also have to respond to matters of concern identified in the appeal decision). This would require a layout that is well designed that responds positively to the constraints of the site and the characteristics of the surrounding area.
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18/00340/FULM, were appropriate. Detailed assessment into this matter would be required should a further proposal come forward for the site.

I trust the above addresses your queries.

Regards,

Ruari

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To: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank Forfar24/00035/PREAPP

Ruari, I have a couple of further questions regarding the above

Para 4 of the Appeal Decision, PPA-120-2058, notes that the 81 houses proposed is in excess of the 60no allocated in the Development Plan, and suggests that the Council does not find the numbers in themselves as a reason for refusal...but the nature of the design and layout of these 81 houses

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Q2 Is it the Council's position that lack of control of the Rosie Road is not an impediment to successful development of this site, and a holistic approach that deals with the whole site in relation to the Rosie Road (and other landscape features) is key?

Many thanks for your time and patience in this, regards

David Wren Architect Ltd
[REDACTED]

From: Ruari Kelly <KellyR@angus.gov.uk>
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Subject: RE: Gowanbank Forfar24/00035/PREAPP

Hi David,

I was copied into the correspondence regarding your enquiry and I can confirm that the proposed site layout relevant to the refusal of the planning application and subsequent appeal was rev. E.

Kind regards,

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Cc: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank Forfar

Hi David

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Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

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Sent: Monday, January 15, 2024 8:34 AM

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Cc: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank Forfar

Hi Steph, many thanks for this. Having read the Committee Report, Decision Notice and Appeal Conclusions, I have some follow up questions, do I just send these to you, or should I make a formal PREAPP enquiry? Kind regards

David Wren Architect Ltd


From: Stephanie G Porter <PorterSG@angus.gov.uk>

Sent: Thursday, January 11, 2024 9:44 AM

To: David Wren <David@davidwrenarchitect.co.uk>

Cc: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank Forfar

Good Morning David

I write in regard to your email below.

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From: David Wren <David@davidwrenarchitect.co.uk>

Sent: Tuesday, January 2, 2024 8:50 AM

To: PLNProcessing <PLNProcessing@angus.gov.uk>

Subject: Gowanbank Forfar

Dear Ms/Sir, I would be grateful for your advice on the following points concerning the Local Plan Policy regarding the development of the site at Gowanbank, Forfar, for housing.

This site, has I believe been allocated for housing within the Local Plan for at least 10 yrs, and there was a scheme approved in 2014 ref 14/00313/PPPM, is this still valid or has it lapsed? Are there any current approved plans for development of the site that would restrict single house development on the periphery of the site?

My interest is as an owner of a plot of land at Gowanbank (see plan attached), and I understand that Development Plan Policy should not unreasonably restrict my opportunity to realise the potential of what could be a more than satisfactory plot within a residential area. Many thanks for your time in this,

David Wren Architect Ltd



ITEM 10

Gowanbank - Accommodation Schedule				
Key	Beds	Sq Ft	No.	Total Sq Ft
Private Units				
Avon	3	843	6	5058
Clyde	3	907	10	9070
Ellen	3	977	4	3908
Amoscar	3	1025	4	4092
Talbot	3	1047	3	3141
Lornard	3	1102	6	6612
Sney	4	1127	11	12387
Tweed	4	1275	12	15300
Dewson	4	1368	5	6840
Sub Total			81	88828
Affordable Units				
2 Bed Semi	2	904	4	3616
3 Bed Semi	3	1025	4	4092
4 Bed Detached	4	1186	4	4744
1 Bed CF - GF	1	572	2	1144
1 Bed CF - UF	1	675	2	1350
2 Bed CF - GF	2	775	2	1550
2 Bed CF - UF	2	882	2	1764
Sub Total			20	18860
Total Number of Units			101	107688
Green Total Site Area (Acres)				
Net Total Site Area (Acres)				34.80
Total Site Coverage (Sq Ft / Acre)				9.88

- LEGEND**
- SITE BOUNDARY
 - 1800mm HIGH TIMBER SCREEN FENCE
 - 1200mm HIGH TIMBER FENCE
 - 2000mm HIGH TIMBER ACoustic FENCE
 - 1500mm HIGH TIMBER SCREEN FENCE WITH 300mm TRELLIS FEATURE
 - 1800mm HIGH CLOSE BOARDED TIMBER SCREEN FENCE
 - FEATHER BOUNDARY WALL
 - 900mm HIGH HEDGING
 - DENOTES SINGLE STOREY HOUSING
 - DENOTES 2 STOREY HOUSING
 - DENOTES AFFORDABLE HOUSING
 - DENOTES 6m ACCESS STRIP FOR MAINTENANCE OF EXISTING DRAINAGE INFRASTRUCTURE
 - DENOTES NON DEVELOPABLE AREA DUE TO SITE TOPOGRAPHY
 - DENOTES EXISTING CORE PATH
 - DENOTES TARMAC ROADS (APPROX. AREA = 2383sqm)
 - DENOTES TARMAC FOOTPATHS (APPROX. AREA = 2015sqm)
 - DENOTES SHARED SURFACE (APPROX. AREA = 4360sqm)
 - DENOTES GRASS VERGES (APPROX. AREA = 1099sqm)
 - DENOTES PRIVATE GARDEN GROUND
 - DENOTES COMMUNAL LANDSCAPED AREA
 - DENOTES POSSIBLE SALES OFFICE AND SHOW HOME LOCATION
 - DENOTES COMMUNAL SOAKAWAYS
 - DENOTES IN CURTILAGE GARDEN SOAKAWAYS DISCHARGING TO LAND
 - DENOTES PLAY AREA
 - DENOTES 2.4 x 4.3m VISIBILITY SLAT
 - TIERED GARDENS AND ACoustic FENCE TO REAR OF PLOTS 7 - 12 FORMING ACoustic SCREEN TO INDUSTRIAL SITE ADJACENT.

REV E	30.03.21	LAYOUT UPDATED PER JAC ROADS COMMENTS 23.12.20	CMAJ
REV D	11.09.20	DEVELOPMENT SITE A SEA REVERTED TO ORIGINAL HOUSE TYPE MIX UPDATED.	CMAJ
REV C	27.03.20	DEVELOPMENT SITE A SEA REDUCED. HOUSE TYPE MIX UP DATED.	CMAJ
REV B	08.02.19	LAYOUT UPDATED PER PLANNING COMMENTS.	CMAJ
REV A	01.06.18	SITE BOUNDARY LINE - MENDED.	CMAJ

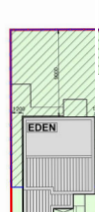
REVISIONS

Ogilvie Homes Ltd, 0 Jive House,
Pinnhill Business Park,
Stirling, FK7 4ES
Tel: 01786 811811 Fax 01786 816935

PROJECT
GOWANBANK, FORFAR

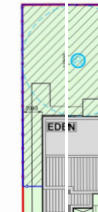
DRAWING
SITE LAYOUT

SCALE
1:500, 1:200



KEY

- PLOT AREA = 247.61m²
- HOUSE AREA = 49.18m² (20% OF PLOT AREA)
- HOUSE AREA REQUIRED TO BE MAX. 30% OF PLOT AREA. THEREFORE COVERAGE COMPLIES WITH ANGUS COUNCIL GUIDANCE.
- PRIVATE GARDEN AREA = 10.64m²
- PRIVATE GARDEN AREA REQUIRED TO BE MIN. 100m². THEREFORE GARDEN AREA COMPLIES WITH ANGUS COUNCIL GUIDANCE.



KEY

- PLOT AREA = 18.87m²
- HOUSE AREA = 49.18m² (22% OF PLOT AREA)
- HOUSE AREA REQUIRED TO BE MAX. 30% OF PLOT AREA. THEREFORE COVERAGE COMPLIES WITH ANGUS COUNCIL GUIDANCE.
- PRIVATE GARDEN AREA = 14.71m²
- PRIVATE GARDEN AREA REQUIRED TO BE MIN. 100m². THEREFORE GARDEN AREA COMPLIES WITH ANGUS COUNCIL GUIDANCE.
- DENOTES IN CURTILAGE GARDEN SOAKAWAY AND ASSOCIATED 9m STAND-OFF TO HOUSE AND PLOT BOUNDARY

DIAGRAM BASED ON EDEN HOUSE TYPE DEMONSTRATING

DIAGRAM BASED ON EDEN HOUSE TYPE DEMONSTRATING

Wednesday, 14 August 2024

David Wren
33/2 Church Street Dundee DD5 1HB

Dundee
DD5 1HB



**Scottish
Water**
Trusted to serve Scotland

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

Development Operations
Free phone Number - 0800 389 0379
E-Mail - developmentoperations@scottishwater.co.uk
www.scottishwater.co.uk

Follow Us



Dear Customer,

Gowanbank, Arbroath Road, Forfar, DD8 2RJ
Pre-Development Enquiry Application – Capacity Review
Our Reference: DSCAS-0115338-V4N

Thank you for your recent application regarding the above proposed development. Please note our reference number above, which should be quoted on all future correspondence.

Capacity Assessment

Number of Housing Units reviewed: (1)

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

- ▶ There is currently **sufficient** capacity in the **Lintrathen** Water Treatment Works to service your development.
- ▶ There is currently **sufficient** capacity in the **Forfar** Waste Water Treatment works to service your development.

Network Assessment

- ▶ There are no issues currently identified within our **water and wastewater** network that would adversely affect the demands of your development.

Please Note

- ▶ This response is valid for **12 months** from the date above and may be subject to further review.
- ▶ Water: Point of connection will be reviewed and agreed at technical audit stage when a formal application and water design has been submitted to us. Water

Design Layout which should show the point of connection, route of pipework (ensure you label these with size and material) and location of toby (this should be on footpath or boundary of site).

- ▶ Waste: Point of connection will be reviewed and agreed at technical audit stage when a formal application and sewer design has been submitted to us.
- ▶ Surface water to be dealt with onsite via soakaway.

General Note

- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws.
- ▶ Scottish Water is unable to reserve capacity therefore connections to the water and wastewater networks can only be granted on a first come first served basis. For this reason, we will review our ability to serve the development on receipt of an application to connect.
- ▶ Please be advised that Scottish Water will only accept surface water into the combined network under exceptional circumstances. In the consideration of any development, if due diligence has been carried out in fully investigating the available options for surface water drainage and if all of these options are subsequently deemed unreasonable to pursue, the remaining alternative options can then be considered for approval to allow the development to proceed.
- ▶ Unless stated on your PDE application, the drainage is assumed to propose to connect to our network via gravity without the use of a pumping station. If this is not the case, then please let us know as soon as possible because Scottish Water would need to reassess this case.

Next Steps

If you would like to progress with connection(s) to the water **and** waste water network please submit the relevant application via [our portal](#) or contact Development Operations.

This response is in relation to the information you have provided in your application. If there are any changes to your proposed development you may be required to submit a new Pre-Development Enquiry application via [our portal](#) or contact Development Operations.

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.

Yours sincerely

Jack Caulfield

Development Operations Advisor

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

David Wren Architect Ltd

33/2 Church Street, Broughty Ferry, Dundee. DD5 1HB

info@davidwrenarchitect.co.uk

mobile [REDACTED]

Response to Countryside Access Officer Consultation Remarks, 10.9.24:

Gowanbank Single House ref 24/00543/FULL

1. Siting, see revised Location and Proposed Plan (dwg ref 2024.346.1 rev A) attached. The proposed house has been located at the East of the plot and orientated to offer some casual monitoring of the path adjacent.
2. Boundary, see specification submitted for a low stone dyke between the path and the plot (dwg ref 2024.346.1 rev A), and I am happy for this to be subject to a condition.
3. Adequate space is available for cars and delivery vehicles to turn within the site and not compromise the safety of path users, see variation marked up on revised Location and Proposed Plan (dwg ref 2024.346.1 rev A), attached (top right panel).

David Wren 9.10.24 Version 2.1

ITEM 12(i)

DO NOT SCALE FROM THIS
DWG FOR CONSTRUCTION

REV	B

2024.346.3

21.10.24

New House, Gowanbank, Forfar.
DD8 2RJ

Turning Head

D.Wren

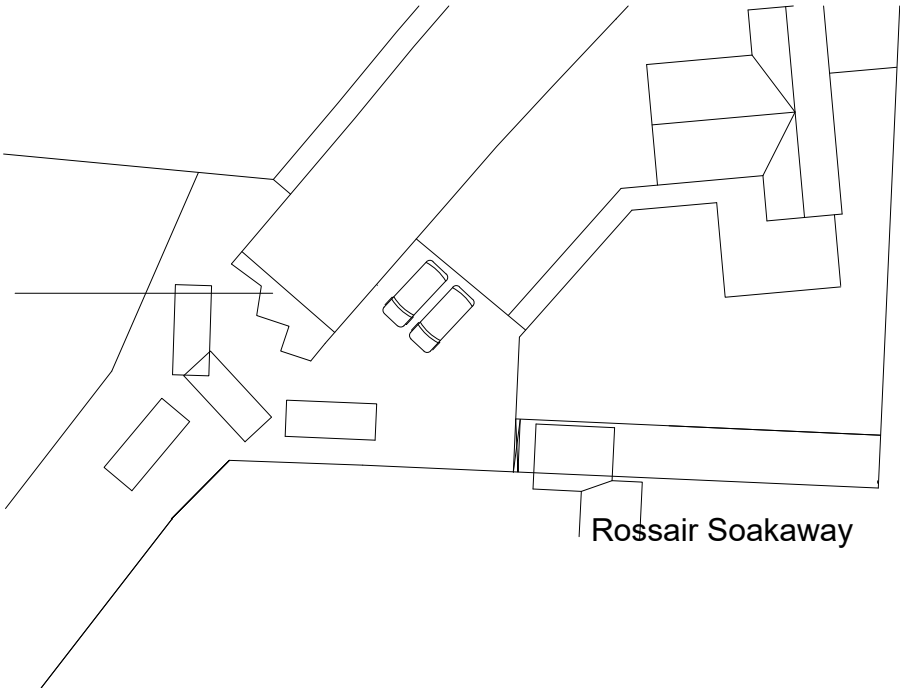
DAVID WREN ARCHITECT LTD
info@davidwrenarchitect.co.uk



Notes:

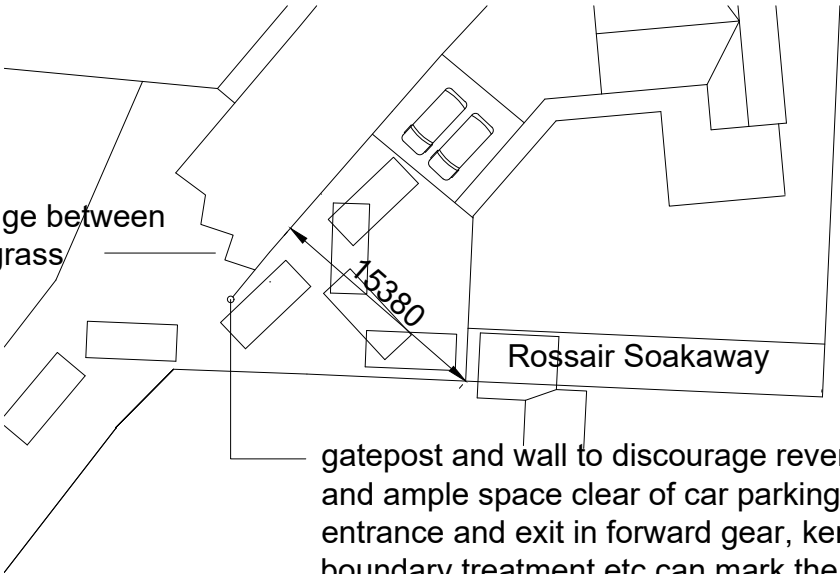
These options are to simply
show possible turning heads,
and are not at this point
submitted as preferred, and
the application dwg can be
updated as directed

additional road metal as
suggested by the CAO, extent
to be determined, no gate



1:500 option 1

indeterminate edge between
road metal and grass



gatepost and wall to discourage reversing in, no gate
and ample space clear of car parking to encourage
entrance and exit in forward gear, kerbing and
boundary treatment etc can mark the separation
between the turning head and house curtilage

1:500 option 2

David Wren

From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: 18 November 2024 16:14
To: David Wren
Subject: RE: Gowanbank ref 24/00543/FULL
Attachments: 2400543FULL_EnvHealth.pdf

Dear David,

Town and Country Planning (Scotland) Act 1997 (As Amended)
Proposal: Proposed erection of a dwellinghouse and associated works
Location: Land At Gowanbank, Arbroath Road, Forfar
Application Reference: 24/00543/FULL

I write in connection with the above planning application and apologise for the delay in providing an update on the application.

My previous correspondence advised that a request had been made to the objector to ascertain whether they could provide any factual evidence that identified the exact location of the soak away for their septic tank and the route of any associated pipework.

The environmental health service was advised of the reply from the objector and their subsequent response is attached for your consideration. The response provided is recommending further investigative site works be undertaken to hopefully identify whether any drainage infrastructure serving the objector's property is located within/crosses the application site. Until this matter is clarified the environmental health service would be objecting to the application.

In order that you have full information to inform whether you seek to address the concerns raised by the environmental health service consideration has been given to whether the principle of the application can be supported. In this respect the concerns that were identified prior to the submission of the planning application remain (a single house on a smaller corner site could have implications for the delivery of a successful layout of roads, landscaping, plots etc and could prejudice the provision of a successful scheme on the wider F2 site) and it has been concluded that the principle of the development cannot be supported.


The foregoing comments are intended to make you aware that even if you undertake the works to satisfy the concerns of the environmental health service there are concerns with the principle of the development and should the application be progressed to determination it would not receive a positive recommendation.

I appreciate that you may be disappointed by this response, but I trust the above explains the concerns pertaining to the development proposal and would be grateful if you could reply at your earliest convenience confirming how you intend to progress the application.

Kind regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk

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From: David Wren <David@davidwrenarchitect.co.uk>

Sent: Wednesday, October 23, 2024 4:21 PM

To: Ruari Kelly <KellyR@angus.gov.uk>

Subject: RE: Gowanbank ref 24/00543/FULL

Hi Ruari, thanks as ever, the update is appreciated, regards

David Wren Architect Ltd

From: Ruari Kelly <KellyR@angus.gov.uk>

Sent: 23 October 2024 16:07

To: David Wren <David@davidwrenarchitect.co.uk>

Subject: RE: Gowanbank ref 24/00543/FULL

Hi David,

I acknowledge receipt of your email with accompanying information which is helpful to have for the application.

By way of an update on the application we are still in the process of assessing the proposal. The Environmental Health Service have reviewed the objection to the application and require further information in relation to the points expressed before they would be in a position to provide their consultation response. Whilst you have provided supporting information and a separate email in response the claims made by the objector, I have contacted the objector to request provision of factual evidence that identifies the exact location of the soak away for their septic tank and the route of any associated pipework. Once I have received a reply from the objector this will allow the Environmental Health Service to consider the matter further.


I trust the above is of assistance and clarifies the situation for you.

Kind regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk

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From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Tuesday, October 22, 2024 11:11 AM
To: Ruari Kelly <KellyR@angus.gov.uk>
Subject: RE: Gowanbank ref 24/00543/FULL

Hi Ruari, I note the CAO's further comments and would just like to clarify that my previous sketch was simply to show that there is ample room for vehicle turning within the application site if needed, without affecting the residential amenity of the proposed house. Attached are some options illustrating the CAO's comments in a bit more detail, kind regards

David Wren Architect Ltd


From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: 10 October 2024 09:05
To: David Wren <David@davidwrenarchitect.co.uk>
Subject: RE: Gowanbank ref 24/00543/FULL

Hi David,

I acknowledge receipt of your email with accompanying information. I will add this to the application file and share it with the Countryside Access Officer for his review.

Kind regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk



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From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Wednesday, October 9, 2024 3:45 PM
To: Ruari Kelly <KellyR@angus.gov.uk>
Cc: PLNProcessing <PLNProcessing@angus.gov.uk>
Subject: RE: Gowanbank ref 24/00543/FULL

Hi Ruari, thanks for this, please see attached further information in response to the CAO comments. I trust these are dealt with satisfactorily but please let me know if you need anything further, kind regards

David Wren Architect Ltd


From: Ruari Kelly <KellyR@angus.gov.uk>
Sent: 07 October 2024 14:02
To: David Wren <David@davidwrenarchitect.co.uk>
Subject: RE: Gowanbank ref 24/00543/FULL

Good afternoon David,

I acknowledge receipt of your email in response to the submitted representation. The information provided along with the representation will be discussed with the Environmental Health Service as they have been consulted on the planning application in relation to potential impacts on private drainage infrastructure.

I can confirm that there is no requirement for a public notice to be posted at the application site.

Kind regards,

Ruari

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk



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Think green – please do not print this email

From: David Wren <David@davidwrenarchitect.co.uk>
Sent: Friday, October 4, 2024 9:01 AM
To: PLNProcessing <PLNProcessing@angus.gov.uk>
Cc: Ruari Kelly <KellyR@angus.gov.uk>
Subject: Gowanbank ref 24/00543/FULL

Hi, with ref to Mr Callander's comment regarding his understandable concern for his soakaway, I can confirm that the plot boundary is approx.4m away from his rear garden wall and that any significant intrusive works are more than 9m from his boundary (ref Engineer's dwg). Furthermore our site investigation found no evidence of his soakaway being in the plot, and it must be located somewhere to the S or E.

In addition can you confirm whether a public notice of development needs to be posted at the site, or not?

Kind regards

David Wren Architect Ltd



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Angus Council

Application Number:	24/00543/FULL
Description of Development:	Proposed erection of a dwellinghouse and associated works
Site Address:	Land At Gowanbank Arbroath Road Forfar
Grid Ref:	347269 : 750860
Applicant Name:	David Wren Architect Ltd

Report of Handling**Proposal**

The application seeks planning permission for the erection of a dwellinghouse. The triangular shaped application site comprises of agricultural land that measures around 1120sqm. The site is bound to the north and west by a core path (the Rosie Road), to the east by agricultural land and to the south by residential properties and an access strip serving those residential properties.

The proposed single storey dwelling is to be located in the east of the plot and has a footprint of 165sqm with a ridge height of roughly 5m. The external materials comprise of a slate effect roof tile and off white rendered external walls. The accommodation comprises an open plan living/kitchen/dining area, 3 bedrooms and a bathroom. Vehicular access to the site is located at the southwest corner of the plot with parking for 3 cars provided within the plot. The boundary enclosures are proposed to be a combination of 0.6m high dry-stone walling and 1.8m high timber fencing. The proposed foul drainage arrangements would connect to the public sewer, surface water drainage arrangements would connect to a sustainable urban drainage system and water supply arrangements would connect to the public water main. A 3.5m wide access strip is adjacent to the south boundary to maintain access for the neighbouring properties to the south.

An amended drawing was submitted on 9 October 2024. The amended drawing is: -

2024.346.1 Rev. A: Location and Proposed by David Wren Architect.

The proposal has been varied to confirm the proposed boundary enclosures and the provision of a turning space within the house plot.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 13 September 2024 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

Application 13/00863/FULL for Erection of a Dwellinghouse was determined as "Application Withdrawn" on 27 November 2013.

Application 14/00313/PPPM for Erection of 63 houses including access, landscaping, associated works and demolition of property (Rosewood), Arbroath Road, Gowanbank, Forfar was determined as "approved subject to conditions" on 14 October 2015.

Application 18/00340/FULM for Residential Development Incorporating Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure was refused on 21 April 2021. The application was refused by committee for the following reasons: -

1. The proposal is contrary to Policies DS2, DS3, PV3 and F2 of the Angus Local Development Plan and its accompanying adopted design and placemaking supplementary guidance as the layout and design of the development does not deliver a high design standard that contributes positively to the character and sense of place of the area and that is safe, pleasant, and well-connected, and as it would detract from the existing amenity value of the Rosie Road as a recreational route.
2. The proposal is contrary to Policies DS4, TC2 and F2 of the Angus Local Development Plan as it has not been demonstrated that the proposals would provide a good standard of amenity for future occupants and would not have an adverse impact on the amenity of existing neighbouring properties by virtue of impact on existing drainage infrastructure within the site.

Planning appeal PPA-120-2058 was lodged with DPEA and sought to challenge the council's decision in relation to application 18/00340/FULM. That appeal was dismissed and planning permission was refused on 18 January 2022. The decision letter in respect of that appeal stated: -

While I am satisfied the layout of the development has addressed the broad requirements of the LDP housing allocation F2 it has done so in a way that conflicts with other policies of the development plan. Especially those policies that seek to achieve a good quality development that at the same time protects and enhances key landscape features and important access routes at the site. Consequently, I find the proposed development would be contrary to the development plan overall.

Applicant's Case

The following documents have been submitted in support of the application: -

Supporting Statement - this statement provides an assessment of the development in the context of the land allocation policy for the wider F2 site. It considers that approval of the plot independently of the rest of 'Gowanbank' would in fact strengthen the Council's position if it faced an appeal against a refusal of another single house or small-scale development. This single house plot at the SW corner of the F2 site is unique. It has an established vehicular access and was excluded from the refused 18/00340/FULM application (which was also dismissed at appeal), and consequently is absent from any remarks made by Angus Council or the Reporter concerning that application.

Ground Investigation Report - this report details the findings of ground investigations that were undertaken to ascertain whether any private drainage infrastructure serving the properties to the south of the site were located within the application site. The report advises that a shallow but wide trench was dug down to subsoil along the boundary running E-W parallel with the rear of the houses running along the Arbroath Road and extending the full length of the application site and did not identify any private drainage infrastructure within the application site.

Updated Ground Investigation Report - this report updates the initial ground investigation report to provide a definitive response to a comments from the environmental health service and a representation from the property (Rossair) bounding the application site. The report advises a more intrusive excavation was undertaken and this identified a soakaway serving Rossair located within the access strip adjacent to the application site with a gravel area below the subsoil located within the application site. This area of gravel is likely to be part of the soakaway arrangement serving Rossair due to the property owner confirming the period when the works to the soakaway were undertaken.

Surface Water Drainage Report - this document identifies a design to deal with surface water from the development. The report notes that the site is not within a flood risk area based on the SEPA Flood Risk map. Based on the ground conditions of the site it is proposed that the surface water scheme will accept water from the new roof and routed through a soakaway to be discharged into the ground.

Scottish Water Letter - this document is a response from Scottish Water to a pre-development enquiry submission which advises Scottish Water has carried out a capacity review and there is currently

sufficient capacity in the Lintrathen Water Treatment Works to service the development. There is currently sufficient capacity in the Forfar Waste Water Treatment works to service the development. There are no issues currently identified within our water and wastewater network that would adversely affect the demands of your development.

Responses to Countryside Access Officer Consultations - these replies seek to address comments made by the consultee by demonstrating how vehicles accessing the site, including delivery vehicles, can turn without compromising the safety of users of the Core Path.

Consultations

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

Roads (Traffic) - This consultee has offered no objection to the application.

Scottish Water - This consultee has offered no objection to the application.

Angus Council - Countryside Access - This consultee has raised some concerns over the potential impact of the proposed development on the character and amenity value of the Rosie Road. Specifically, how the proximity of the plot boundary, and of the proposed dwelling, would impact on the open character of the core path when combined with the existing proximity of a high fence on the western side of this part of the path. Concern is also raised that the increased vehicular traffic associated with the dwelling would have some impact on the amenity value of the path and may have some impacts on safety.

Environmental Health - This consultee has offered no objection to the application but has noted that Area B (which substantially lies within the application site) referred to in the Updated Ground Investigation Report could be part of the neighbour's soakaway arrangements. Therefore, they advise that in order to ensure the development would not give rise to any amenity issues, the proposal should have no impact on the soakaway capacity.

Representations

One letter of representation was received in objection to the proposal. The main points of concern were as follows:

- Impacts on existing private drainage infrastructure located within the application site.

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 5 Soils

Policy 6 Forestry, woodland and trees

Policy 7 Historic assets and places

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 13 Sustainable transport

Policy 14 Design, quality and place

Policy 15 Local living and 20 minute neighbourhoods

Policy 16 Quality homes

Policy 18 Infrastructure first

Policy 20 Blue and green infrastructure

Policy 21 Play, recreation and sport

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 DS5 : Developer Contributions
Policy TC1 : Housing Land Supply / Release
Policy TC2 : Residential Development
Policy TC3 : Affordable Housing
Policy PV1 : Green Networks and Green Infrastructure
Policy PV2 : Open Space within Settlements
Policy PV3 : Access and Informal Recreation
Policy PV5 : Protected Species
Policy PV6 : Development in the Landscape
Policy PV7 : Woodland Trees and Hedges
Policy PV8 : Built and Cultural Heritage
Policy PV12 : Managing Flood Risk
Policy PV15 : Drainage Infrastructure
Policy PV20 : Soils and Geodiversity
F2 Housing - Gowanbank

The full text of the relevant development plan policies can be viewed within the above documents.

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 within the above documents 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.

ALDP Policy DS1 states that 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. NPF4 Policy 16 states that development proposals for new homes on land allocated for housing in LDPs will be supported.

The application site comprises land that lies within the development boundary of Forfar as defined by the ALDP. The application site is allocated for residential development by ALDP land allocation Policy F2.

ALDP Policy F2 identifies land allocated for residential development of around 60 units. It includes a requirement that the public footpath (Rosie Road Core Path) which crosses the land allocation be taken into account and incorporated into the layout of the development of the site. Development is also required to take account of the amenity of existing properties around the perimeter of the site and any loss of amenity or nuisance to future occupiers in terms of noise or odour associated with the operational landfill site to the east, as well as respect the cordon sanitaire associated with the nearby landfill site.

The proposed development provides for a single dwellinghouse located in the southwest corner of the wider allocated F2 site, with access taken from the Arbroath Road via the Rosie Road. While the principle of residential development at this location is compatible with ALDP Policy F2, and as such also generates

a level of support from NPF4 Policy 16, the relevant issues in relation to this application are, whether development of a single dwellinghouse would give rise to implications for the delivery of a successful development scheme on the wider F2 allocated site, and whether detailed matters regarding the layout and design of the proposal are acceptable having regard to development plan policy, design guidance, and other material considerations.

The F2 site has several identified constraints including the core path (Rosie Road), adjoining land uses, undulating landform and private drainage infrastructure of adjoining residential properties being located within the allocated site. As indicated above, an application for 81 residential units on the wider allocated site (which did not include this application site) was refused in 2020 by the development standards committee and subsequently dismissed at appeal by the Scottish Government as it was concluded that the layout and design of that proposal responded poorly to the site and its surroundings. The layout and design did not comply with the council's design quality and placemaking supplementary guidance in a number of significant respects, including failure in areas to provide an outward facing perimeter block design. The government Reporter also considered that the previous proposal would significantly detract from the existing amenity value of the Rosie Road as a recreational route due to rear or side garden boundaries of proposed plots lining the path. Therefore, it is evident that any design solution required for the wider F2 site will be subject to challenges and development of a single house in isolation could affect the ability to deliver a successful layout/development on the site in manner that is compatible with relevant development plan policies and design guidance.

While policy F2 does not preclude a phased or piecemeal approach towards development of the site, policy DS1 states that sites allocated for development in the ALDP will be safeguarded for the uses set out. The application site forms part of a larger site allocated for the development of around 60 dwellings and policy safeguards it for that form of development. There is a public interest in ensuring that any development that takes place on part of the allocated site does not prejudice ability to deliver the wider development anticipated by the ALDP land allocation.

The 60 dwelling number identified in the ALDP allocation recognises the constraints that affect the site. It recognises that a successful residential development must reflect the environment within which it is located and encompass open space, landscaping, public access routes, roads and other infrastructure, as well as dwellings. Consequently, not every part of land allocated for residential development will be expected to accommodate a dwelling.

The Rosie Road is a core path located within the allocated F2 site and policy specifically requires development proposals on the allocated land to take it into account and incorporate it into the layout of the site. Development plan design policy requires proposals to retain and sensitively integrate important features and to provide safe, pleasant, and well connected places. NPF4 states that LDPs should safeguard access rights and core paths, and policy PV3 of the ALDP states that new development proposals should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Policy PV1 of the ALDP seeks to protect, enhance and extend the value of the green network, which includes core paths. The Reporter associated with the previous planning appeal confirmed the need for the design to respond positively to the qualities of the core path and summarised those qualities as its purpose as a recreational route linking the town with other countryside access paths, its predominantly open character, the way it follows the prevailing ground levels of the undulating land and, the unsurfaced and varying width of the path itself.

In this case, the proposed house would be located adjacent to the core path in the southwest corner of the larger allocated site. The proposed house would take vehicular access over a section of the core path which runs between the application site boundary and Arbroath Road. That is a small section of the overall core path, and it is an area that already experiences vehicular traffic associated with existing dwellings at this location. While the vehicular traffic associated with a single new house would not be significant, additional vehicular activity on the path would detract from its overall character and amenity value as a recreational pedestrian route. Such impact might be justifiable and acceptable in circumstances where it was necessary to see delivery of the wider land allocation, but that is not the case. Use of the core path for vehicular access is only necessary because this application proposes development of a small part of the overall allocated site in a piecemeal manner. A comprehensive development proposal for the F2 allocation would necessitate some vehicular crossing of the core path and that would adversely impact the character and amenity of the path. Where such impact is necessary

and unavoidable, it would be desirable to minimise or avoid impact elsewhere on the core path. A comprehensive development proposal could avoid the need for additional vehicular traffic movement on that part of the path network affected by this proposal. The proposal, which necessitates additional vehicular activity on the core path, is not consistent with development plan policy, including the F2 land allocation.

The western boundary of the plot is conterminous with the core path for a distance in the region of 65m. The layout and design of the dwelling is such that two elevations of the building would face the path and these would contain windows serving living room and bedroom accommodation. This arrangement would provide some natural surveillance of the core path. However, the majority of the garden ground available for the dwelling would sit between the building and the core path. While it is indicated that a low stone boundary wall would be provided to define the plot, it is likely that any residents would reasonably expect a higher boundary next to the path that provided privacy for the sizeable garden area, particularly when the larger land allocation is developed and use of the path increases. It would be difficult to resist provision of a more substantial boundary enclosure in such circumstance. This is a general arrangement not unlike that found unacceptable in determination of the planning appeal for the larger allocated site. It is not consistent with the council's design quality and placemaking supplementary guidance and would be undesirable in terms of adverse impact on the core path.

As indicated in the appeal decision, the open nature and rural feel of the core path is one of its key qualities. That would be affected by development of the larger land allocation. However, such impact could be mitigated by providing open space necessary for the residential development adjacent to the core path and ensuring that it is overlooked by public areas of new dwellings. The current proposal, which involves development adjacent to the core path would increase enclosure of the path and would not be consistent with the overall objective of successfully integrating the Rosie Road into the development in a manner that protects and enhances its value as part of a green network. Allowing this form of development on this site would make it more difficult to resist a similar form of development elsewhere on the larger land allocation.

In addition, the layout makes provision for the retention of a small field access to the south of the plot which would sit to the rear of existing dwellings. It is indicated that drainage infrastructure associated with the existing dwellings is located in this area, and provision is made for access to this infrastructure to be retained. A 1.8m high timber fence would be provided adjacent to that access and this would provide some screening for an area of garden ground that would sit between it and the proposed house. There would be no natural surveillance of this area.

It is relevant to note that future development of the larger allocated F2 site will require mitigation of potential impact on drainage infrastructure associated with the existing dwellings that front Arbroath Road. This might reasonably be anticipated to require provision of a similar 'buffer strip' to the rear of all of those properties which would connect to the retained field access and the Rosie Road. This could serve as an additional pedestrian route or as an area of open space within the larger development and it could have some amenity value in that respect. However, consistent with relevant design guidance, any such route or area should be designed such as to benefit from natural surveillance. The current proposal provides no meaningful natural surveillance for the retained access to the south; there is no indication how the access would be incorporated into any development of the larger land allocation; and successful development of the larger area could be compromised by the current development proposal. Again, this arrangement is not consistent with the council's design guidance.

The proposal does not give rise to significant issues in terms of remaining development plan policy and any associated issues could be addressed by condition. It should be noted that as the proposal forms a phase of the wider allocated site, which exceeds 0.5ha and is allocated for well over 10 units, developer contributions would be required in line with relevant policy on the matter. Were the proposal otherwise acceptable, this matter could be secured via condition and/or legal agreement.

As with any proposal, the application attracts some support from development plan policy, but it does not comply with those policies that seek to achieve a good quality development and that seek to protect and enhance important access routes at the site, including the F2 allocation which deals specifically with development at this location. In overall terms, the proposal is contrary to the development plan.

In addition to the development plan, it is necessary to have regard to other material planning considerations. In this case those include the representation submitted in objection to the proposal, the planning history relevant to the proposal, and the potential impact the development could have on delivery of an allocated local development plan site, and the information provided by the applicant.

Issues regarding potential impact on existing drainage systems could potentially be addressed by planning condition. However, approval of this application could potentially adversely impact the approach towards dealing with this matter for the remainder of the site as discussed above.

The council has previously refused planning permission for residential development in this vicinity that did not take appropriate account of the Rosie Road core path. A subsequent planning appeal was dismissed and the council's position regarding the design failings of that development were supported. This proposal gives rise to similar issues in terms of its impact on the core path. While there is no concept of binding precedent in planning law, there is an expectation that proposals that give rise to similar issues will be dealt with in a similar manner.

While the application site is on land that is allocated for residential development, that does not mean that this part of the land allocation is inherently a suitable or appropriate location for the erection of a house. Any decision regarding the suitability of the proposal should have regard to the public interest and desirability of seeing the larger allocated site developed in an appropriate manner. In this case, the proposal could adversely affect future consideration of drainage and access arrangements for development of the larger allocated F2 site. Any development of the larger allocated site would need to be built around the additional constraints imposed by this development and that would affect the location of houses, access routes, and open space. Piecemeal development that potentially affects delivery of an appropriate design solution on allocated land is not desirable.

There is nothing in the applicant's supporting information that would lead to a different conclusion on the acceptability of this proposal.

In conclusion, while the principle of residential development on the larger allocated site F2 is established by the ALDP and is supported by NPF4 Policy 16, this proposal is not consistent with the requirements of the land allocation because it does not take proper account of the existing core path. The proposal would unnecessarily adversely impact the character and amenity of the core path and as such is not consistent with NPF4 policies 14 and 20 or ALDP policies DS3, PV1 and PV3 or the council's approved design quality and placemaking supplementary guidance. In addition, the application site forms part of a larger area of land allocated for residential development in the ALDP. Approval of this application would impact on issues associated with the layout and design of the wider site and could adversely impact the ability to deliver a well-designed and successful development on the larger site in a manner that complies with development plan policy and associated design quality and placemaking supplementary guidance. The proposal is contrary to the development plan and 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 application is contrary to land allocation F2 identified in the Angus Local Development Plan because it fails to take appropriate account of the Rosie Road core path and would have an adverse impact on the character and amenity of that path, contrary to the provisions of NPF4 policies 14 and 20, ALDP policies DS3, PV1 and PV3, and the council's approved design quality and placemaking supplementary guidance.
2. Approval of this application would impact on issues associated with the layout and design of the larger F2 land allocation as defined by the Angus Local Development Plan and could adversely impact the ability to deliver a well-designed and successful development on the larger site in a manner that complies with development plan policy and associated design quality and placemaking supplementary guidance.

Notes:

Case Officer: Ruari Kelly
Date: 30 December 2024



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

**PLANNING PERMISSION REFUSAL
REFERENCE : 24/00543/FULL**

To **David Wren Architect Ltd**
Mr David Wren
33/2 Church Street
Broughty Ferry
Dundee
DD5 1HB

With reference to your application dated 9 September 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Proposed erection of a dwellinghouse and associated works at Land At Gowanbank Arbroath Road Forfar for David Wren Architect Ltd

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

The reasons for the Council's decision are:-

- 1 The application is contrary to land allocation F2 identified in the Angus Local Development Plan because it fails to take appropriate account of the Rosie Road core path and would have an adverse impact on the character and amenity of that path, contrary to the provisions of NPF4 policies 14 and 20, ALDP policies DS3, PV1 and PV3, and the council's approved design quality and placemaking supplementary guidance.
- 2 Approval of this application would impact on issues associated with the layout and design of the larger F2 land allocation as defined by the Angus Local Development Plan and could adversely impact the ability to deliver a well-designed and successful development on the larger site in a manner that complies with development plan policy and associated design quality and placemaking supplementary guidance.

Amendments:

- 1 An amended drawing was submitted on 9 October 2024. The amended drawing is: - 2024.346.1 Rev. A: Location and Proposed by David Wren Architect. The proposal has been varied to confirm the proposed boundary enclosures and the provision of a turning space within the house plot.

Dated this **31 December 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

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

THE STRATEGY

Policy DS2 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
0	+	+	0	0	+	+	0	0	0

Design Quality & Placemaking

The publication of Scottish Government policy documents “Designing Places”, “Designing Streets” and “Creating Places – A Policy Statement on Architecture and Place for Scotland” seek to raise the design quality of new development and create better quality places.

The creation of successful, well-designed sustainable places is an objective of the Angus Community Plan and Single Outcome Agreement (2013-2016), and is key to delivering the Council's vision that “*Angus is a place where a first class quality of life can be enjoyed by all*”.

Good design delivers benefits for everyone in Angus. For its residents it can reduce energy costs, improve health and wellbeing, improve safety, engender civic pride and promote social inclusion. The creation of well-designed places where people want to live and visit can also attract economic development and can help developers by increasing the value of their investment.

The document “Designing Places” identifies six qualities of a successful place - ensuring development is well connected, has a strong sense of character and identity, is a safe and pleasant place to be in, makes good use of resources and is able to adapt to changing community needs.

The aim of Policy DS3 Design Quality and Placemaking is to ensure that development proposals in Angus are of a high quality which reflects the six qualities of a successful place.

The scale of development ranges from the creation of new neighbourhoods in towns and villages, to individual buildings in settlements and the countryside, and the alteration or adaptation of existing buildings or spaces. The policy will be supported by Supplementary Guidance on Design Quality which will reflect these different contexts and how proposals will be assessed against the six qualities of successful places.

Securing an appropriate design solution is particularly important for large scale development proposals, and for those in sensitive locations that are visually prominent from a public place or where the scale or nature of the proposal would have a significant impact on the locality. In such circumstances a Design Statement will be required. This will also be required for certain developments within conservation areas or where development would affect a listed building or its setting.

Design Statements should be prepared using the guidance set out in Planning Advice Note (PAN) 68: Design Statements and clearly explain the design process and the proposed design solution.

THE STRATEGY

Policy DS3 Design Quality and Placemaking

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

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

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 DS3 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
+	++	+	0	0	+	+	++	+	++

Amenity

The stewardship of natural resources is key to sustainable development and the ALDP has a role in avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for air quality. There is also a need to safeguard the amenity of future occupiers, or existing properties near to development as well as the wider area. Where it is considered that development has an impact, appropriate mitigation or compensatory measures will be secured through conditions or planning obligations. Specific impacts relating to the water environment, geodiversity and minerals resource are covered by policies elsewhere within the Plan.

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

Policy PV1 Green Networks and Green Infrastructure

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

Policy PV1 SEA Implications									
Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
++	++	+	0	0	+	+	0	0	++

Open Space within Settlements

Open spaces within our settlements are part of the Green Network, contribute towards the amenity and character of an area and are an important sporting, recreational and social resource.

Angus Council is undertaking an audit of the quantity, quality and accessibility of open space in the Angus towns which will identify existing levels of open space provision and deficiencies at a local level. This will form the basis of an Open Space Strategy which will establish standards for the provision of open space in new development and identify opportunities for improving and extending green networks in and around the Angus towns.

Policy PV2 (below) seeks to protect open spaces within settlements (based on the typology of open spaces set out in the Scottish Government's Planning Advice Note 65) from development which might erode the function or characteristics for which they are valued. The policy aims to ensure that where development is proposed the loss is justified and that compensatory provision is made.

Whilst the ALDP identifies principal open spaces on the Proposals Maps, the policy will apply to all open space areas within development boundaries including other smaller spaces which may not be shown on a map.

The policy also seeks to ensure that new development is accompanied by an appropriate level and type of open space and that it is considered as an integral part of the overall design of new development to deliver better quality places as set out in Policy DS3 Design Quality and Placemaking. The amount and type of open space to be provided will be dependent upon existing provision in the locality and the nature of development proposed. In circumstances where on site provision is unnecessary or inappropriate a financial contribution towards the improvement of existing provision may be required as set out in Policy DS5 – Developer Contributions.

THE POLICY FRAMEWORK – PART 2

PROTECTED AND VALUED

Opportunities for outdoor access in Angus include core paths, path networks around settlements, active travel routes, public rights of way, other paths, and access rights over areas such as hills, woodland, farmland and inland water. Core paths in the part of Angus outwith the Cairngorms National Park are identified in the Angus Council Core Paths Plan, Adopted 23 November 2010. The Plan identifies a basic framework of paths throughout Angus. Core Paths in the National Park are identified in the Cairngorms National Park Core Paths Plan. The Angus Countryside Access Strategy 2007-2012 sets out priorities for the provision of access to the Countryside in Angus.

It is important that opportunities for outdoor access are protected and enhanced as this will facilitate opportunities for recreation, physical activity and active travel. The Land Reform (Scotland) Act 2003 established a statutory right of access to most land and inland water. Local authorities have duties to protect access rights and public rights of way

Policy PV3 Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy PV3 SEA Implications

Biodiversity Flora and Fauna	Population	Human Health	Soil	Water	Air	Climatic Factors	Cultural Heritage	Material Assets	Landscape
0	0	+	0	0	+	0	0	0	++

Natural Heritage and Biodiversity

The natural heritage of Angus is a major contributor to the biodiversity value of the nation and is recognised in the protection of sites and species across the plan area. It contributes to the well-being of residents and underpins a significant part of the local economy including tourism, food and drink. The protection and enhancement of the natural environment and its biodiversity is vital to the long term health and wealth of the area.

Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value

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

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection

SETTLEMENT STATEMENTS, VILLAGE DIRECTORY & DEVELOPMENT BOUNDARY MAPS

SITES PREVIOUSLY IDENTIFIED BY THE ANGUS LOCAL PLAN REVIEW

The site summarised in Table F2 was previously identified in the Angus Local Plan Review. This Plan continues the allocation of this site for housing development, and where appropriate the wording of the proposal and / or the indicative yield from the site may have changed.

Table F2: Sites Previously Identified by the Angus Local Plan Review

Name / reference	Capacity	ALDP First Phase (2016 – 2021)	ALDP Second Phase 2021 – 2026)
F2 Gowanbank	60	60	-
Total	60	60	-

F2 Housing – Gowanbank

6 Ha of land at Gowanbank is allocated for residential development of around 60 units.

An appropriate vehicular access will require to be provided from Arbroath Road, or from both Montrose Road and Arbroath Road. No through route for vehicles will be permitted between Montrose Road and Arbroath Road, although emergency access should be provided.

The public footpath which crosses the site from north east to south west and connects into the Forfar Path network at those points will require to be taken into account and incorporated into the layout of the site.

Development will require to take account of the amenity of existing properties around the perimeter of the site any loss of amenity or nuisance to future occupiers in terms of noise or odour associated with the operational landfill site to the east and respect the cordon sanitaire.

Foul drainage arrangements for the site should be agreed in writing with Scottish Water. A Flood Risk Assessment and Drainage Impact Assessment are also required.

Developer contributions may be required from development proposals, including a contribution towards education infrastructure.

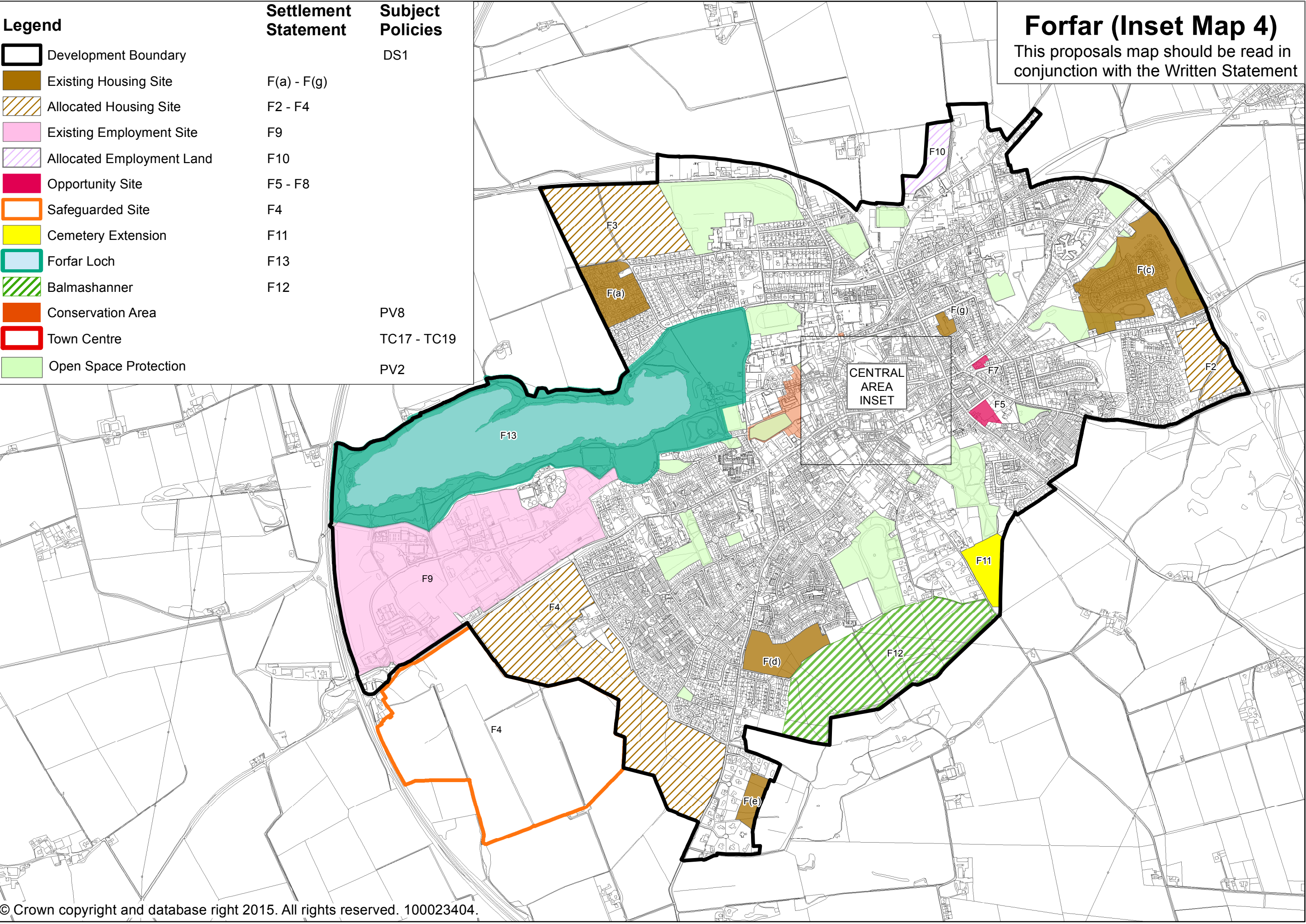
(Planning permission in principle approved subject to a Section 75 Agreement for 63 residential units in August 2014.)

NEW ALLOCATIONS

Table F3 summarises new allocations of housing land that will contribute towards meeting TAYplan SDP requirements.

Table F3: New Allocations

Name / reference	Capacity	ALDP First Phase (2016-2021)	ALDP Second Phase (2021-2026)
F3 Turfbeg	300	175	125
F4 Westfield	300	0	300
Total	600	175	425



ITEM 16(i)**Biodiversity****Policy Principles****Policy Intent:**

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy Outcomes:

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

Local Development Plans:

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

Policy 3

- 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 impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

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

- 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 impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[All other policies.](#)

Local Living and 20 minute neighbourhoods

Policy Principles

Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

Policy 15

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

with the surrounding area, including local access to:

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

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Retail](#)

Quality homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year [Minimum All-Tenure Housing Land Requirement \(MATHLR\)](#) set out in Annex E.

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Rural homes](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

Blue and green infrastructure

Policy Principles

Policy Intent:

To protect and enhance blue and green infrastructure and their networks.

Policy Outcomes:

- Blue and green infrastructure are an integral part of early design and development processes; are designed to deliver multiple functions including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management.
- Communities benefit from accessible, high quality blue, green and civic spaces.

Local Development Plans:

LDPs should be informed by relevant, up-to-date audits and/or strategies, covering the multiple functions and benefits of blue and green infrastructure. The spatial strategy should identify and protect blue and green infrastructure assets and networks; enhance and expand existing provision including new blue and/or green infrastructure. This may include retrofitting. Priorities for connectivity to other blue and/or green infrastructure assets, including to address cross-boundary needs and opportunities, should also be identified.

LDPs should encourage the permanent or temporary use of unused or under-used land as green infrastructure. Where this is temporary, this should not prevent future development potential from being realised.

LDPs should safeguard access rights and core paths, including active travel routes, and encourage new and enhanced opportunities for access linked to wider networks.

Policy 20

- a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.
- b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well integrated into the overall proposals.

- c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.
- d) Development proposals for temporary open space or green space on unused or under-used land will be supported.
- e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy impact:

- ✔ Just Transition
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Green belts](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Quality homes](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[City, town, local and commercial centres](#)

[Rural development](#)

ITEM 17

NOTES
DO NOT SCALE DRAWINGS

Planning and Environmental Appeals Division
Hadrian House, Callendar Business Park, Falkirk, FK1 1XR
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Scottish Government
Riaghaltas na h-Alba
gov.scot

Appeal Decision Notice

Decision by Elspeth Cook, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-120-2058
- Site address: Land at Gowanbank, Arbroath Road, Forfar, DD8 2SX
- Appeal by Ogilvy Homes Ltd against the decision by Angus Council.
- Application for planning permission 18/00340/FULM dated 27 April 2018 refused by notice dated 21 April 2021.
- The development proposed: Residential development incorporating formation of vehicular access, access roads, open space, landscaping, suds and associated infrastructure.
- Date of site visit by Reporter: 17 October 2021

Date of appeal decision: 18 January 2022

Decision

I dismiss the appeal and refuse planning permission.

Preliminary

The scale and nature of this development is such that it would come within the description of development set out in Class 10 b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposed development was the subject of a screening opinion issued by Angus Council on 25 May 2018 under the aforementioned Regulations. The council decided that an Environmental Impact Assessment would not be required and I agree with this conclusion.

The appellant also confirmed during the course of this appeal that the correct site boundary is that depicted by the location plan LOC-01 which includes Rosie Road.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the TAYplan Strategic Development Plan 2017 (TAYplan) and the Angus Local Development Plan 2016 (LDP) including its supplementary guidance.
2. I am referred by the council and the appellant to Policy 2 Shaping Better Quality Spaces of TAYplan and a further five LDP policies and its supplementary guidance, Design Quality and Placemaking. I find these to be relevant to the appeal proposals and address them in more detail in my findings below.
3. The appeal site is situated on the eastern edge of Forfar and consists of a six hectare area of undulating grassland and a single dwellinghouse on Arbroath Road (to be demolished for access purposes). Housing lies to the north, south and west with a disused railway embankment marking the eastern site boundary. Beyond that there is a concrete

block factory and storage yard located on a former sand and gravel quarry and, a closed landfill site operating as a waste management centre. A core path, Rosie Road, cuts diagonally across the site between Arbroath Road to the south west and Montrose Road to the north east.

4. Some of the representations express resistance to the principle of a residential development at this site however I find this is not a relevant consideration in this case as the local development plan allocates this site for housing development (F2). Although the proposed development of 81 dwellings would exceed the indicative capacity of 60 units set out in F2, the council has not indicated this leads to any conflict with the development plan in terms of an over-supply of housing land, availability of infrastructure eg education capacity, or road safety (or traffic management) matters. The council's concerns centre on the design and layout of those 81 dwellings and the associated open space.

5. I also find the appellant has demonstrated through the supporting information on noise, dust and odour that (subject to the installation of noise mitigation measures) there would be no amenity concerns arising from the erection of housing in the cordon sanitaire (a requirement of F2). The council does not raise any concerns regarding these aspects of the development and its concerns with regard to amenity are focussed on the effect of the development on existing septic tank soakaways within the site boundaries.

6. Having regard to the provisions of the development plan I therefore consider the main issues in this appeal are whether the proposed development would:-

- result in an acceptable form of development at this location; and
- whether the amenity of existing and future residents would be affected by developing over, or near to, existing septic tank soakaways.

Form of development

7. The housing allocation F2 offers some direction on how the site should be developed. The vehicular access is to be taken from Arbroath Road; and Rosie Road is to be "taken into account and incorporated into the layout of the site". There is no further direction offered by F2 in terms of how Rosie Road should be treated in landscape or housing layout terms. I therefore find that the layout of the proposed development, as it incorporates a new vehicular access onto Arbroath Road and retains Rosie Road meets these requirements of F2.

8. Although these broad requirements are met I find the other design orientated policies of the development plan still apply to this proposed development. In particular those that offer direction on the design and layout of new housing, the design of open space and the treatment of existing or new pedestrian and cycle routes. Of particular relevance in this case are the parts of those policies that place emphasis on the importance of understanding and responding to the existing features of the site and those that offer direction on what constitutes good quality design.

9. TAYplan policy 2 Shaping Better Quality Places expects new development to be "place-led", responding to an understanding of the place and incorporating and enhancing existing natural and historic assets. LDP policy DS3 Design Quality and Placemaking expects development to draw on aspects of landscape and townscape that contribute positively to the character or the sense of place of the area. Five key attributes are set out and they are expanded upon within the council's Design and Placemaking Supplementary Guidance (SG). The council highlights the parts of this document that promote a perimeter block approach to the layout of housing and the natural surveillance of open space.

10. Other LDP policies deal more specifically with pedestrian and cycle connectivity. DS2, Accessible Development, expects new development to provide or enhance safe and pleasant paths for walking and cycling and to create new links between existing and new paths. Policy PV3, Access and Informal Recreation, seeks to protect the “integrity or amenity of existing recreational access opportunities” including access rights, core paths and rights of way. Existing access routes should be retained, and new development should incorporate links to green space, path networks, green networks and the wider countryside.

11. Taking into account the requirements of these policies and guidance documents I consider the key issues here are the extent to which the proposals have been ‘place-led’, to what extent the layout has addressed any important landscape or townscape features and how the formal open spaces and informal landscaped areas have been treated.

12. In making my assessment I have taken into account the various submitted plans and the appellant’s documents explaining their design rationale as set out in the original Design and Access Statement, the addendum to that Statement, the Sustainable Development Assessment and the Settlement and Character Assessment. I have also carried out a site inspection, where I was able to walk through and around the site.

Existing landscape and townscape features

13. The site is encircled by housing which dates from different eras of the town’s expansion and as such it demonstrates a variety of designs. The only common feature being the orientation of rear or side boundaries towards the appeal site. I do not therefore find there to be any prevailing architectural style or distinctive townscape characteristics that would be an over-riding consideration at this location. However I find there to be a number of important landscape features at the appeal site that I would expect to influence the design and layout of the development. These are the route of Rosie Road through the site, the undulating nature of the open grassland, and the railway embankment to the east.

Rosie Road

14. Rosie Road is a well-used but unsurfaced pedestrian footpath passing along a fenced corridor of between 5 and 10 metres in width. The representations indicate its value to the local community and this is reflected in its designation as a core path. The retention of the footpath is clearly beneficial not just for recreational purposes within the local community but as a pedestrian link from the proposed housing development to the surrounding area. While Rosie Road is to be retained and linkages made with the housing development, unfortunately it cannot be improved or realigned as the appellant does not control the land within the fenced corridor.

15. Vehicular connectivity and permeability are important design expectations of policy DS3 and the SG. Although Rosie Road is an asset in terms of pedestrian or cycle connectivity I find, because it cannot be altered, it places a constraint on the layout of development. Primarily because it divides the appeal site into two development areas, prevents vehicular links through the site other than the main access road and dictates the ground levels through the centre of the site. On that basis I find it is reasonable that, in retaining Rosie Road, it is necessary to accept the creation of two self-contained development areas that would have limited vehicular connections across Rosie Road.

16. Notwithstanding the above I find it is still important that the design of the two separate areas should respond positively to the qualities of the core path. I find these to be

derived from its purpose as a recreational route linking the town with other countryside access paths, its predominantly open character, the way it follows the prevailing ground levels of the undulating land and, the unsurfaced and varying width of the path itself.

17. The appellant's designs have evolved to incorporate a landscaped corridor alongside Rosie Road and to increase the extent that the proposed open space areas would adjoin the existing Rosie Road corridor. Even with the introduction of these changes I find the stretch of Rosie Road enclosed by the rear or side garden boundaries of the proposed development would undermine the qualities of the route.

18. I do not consider the proposed landscape planting and the single storey house types to the south east would offset these negative impacts. In particular the need to introduce a steep embankment on the southern side would exacerbate the adverse effects of the enclosed corridor. I also find the rear gardens facing Rosie Road to offer little benefit in terms of natural surveillance. The addition of decorative trellises to the rear garden fences or their replacement with hedges would not alter this as, in my opinion, any resident here, for privacy and security reasons, would prefer a robust boundary marker next to the path.

19. Furthermore the crossing point of the new access road with Rosie Road makes no attempt to highlight the importance of the core path in the design of the crossing other than to ensure the levels of Rosie Road are aligned with the new footways.

Undulating land form

20. I accept that any housing development at this site will impact on the character of the undulating grassland but maintaining some variety in ground levels would be beneficial. The appellant has been able to retain some sense of the previous landform through the use of development platforms and the placing of open space and landscaped areas on the steeper ground albeit with the addition, in places, of new engineered embankments.

21. Nevertheless I find there are some negative effects arising from the way that the new housing would relate to the landscaped areas, open spaces and the turning areas at the end of the two cul-de-sacs on the western boundary. I consider there to be distinct visual amenity and safety benefits in providing natural surveillance of informal and formal open space including the turning areas therefore I consider it is important to follow this element of the council's design guidance.

22. Although two 'residential greens' have been created where the housing is arranged to provide natural surveillance and to offer an attractive setting for the housing this approach is not achieved throughout the development. I find the houses mainly present a rear elevation to the larger landscaped areas and open spaces (north of plots 72 to 77, north of plots 12 to 14, north of plots 50 to 54, west of plots 61, 62, 77 and 78 and the turning areas adjacent to plots 61, 62, 77 and 78). This layout reflects a limited use of the perimeter block approach: where housing generally presents a main frontage towards a public place and where rear boundaries abut one another. This approach is advocated by the council's guidance which in turn reflects national guidance (which I return to below).

23. I therefore find the proposals have not accommodated the changing levels across the site in a way that ensures the landscaped areas, open spaces and turning areas would contribute positively to the overall form and visual amenity of the development.

Railway embankment

24. Although a manmade feature, the railway embankment offers a strong sense of enclosure for the site and assists with noise attenuation from the adjacent industrial site. However additional acoustic barriers on part of this boundary are required and the council has some concerns regarding the longevity of the timber fence element. I do not doubt the technical capabilities of this device as an acoustic barrier but I find the fence in combination with the bund or other retaining structures to adversely impact on the positive contribution the railway embankment makes to the setting of the appeal site and individual gardens.

25. The barrier north of plot 12 consists of a bund and fence and would be open to view across the open space at a point where the embankment forms a strong landscape feature. It is not clear from the levels layout (19-126-SK31) how this bund will interact with the slope of the railway embankment. I also find the acoustic barrier at plots 7 to 12, extending to four metres height and consisting of a retaining wall, embankment and fence would have an overbearing effect on the adjacent houses. It is similarly unclear how this part of the acoustic barrier would interact with the railway embankment.

26. Drawing all these design concerns together I find the proposed development would not provide and/or enhance safe and pleasant paths for walking and therefore it would compromise the amenity of an existing recreational access contrary to the requirements of LDP policies DS2 and PV3. The proposals would not achieve two of the five design requirements of Policy DS3: in particular it would not fully meet the expectations of the parts referred to as 'distinct in character and identity' and 'safe and pleasant'. It also fails to respect (or respond positively to) the various landscape features of the site contrary to LDP policy DS3 and TAYplan policy 2. A significant proportion of the proposed development would also fail to follow the perimeter block approach or provide natural surveillance of open spaces as expected by the council's Supplementary Guidance.

Private drainage systems

27. It is not disputed by the appellant that the existing soakaways from neighbouring septic tanks discharge into the appeal site but there is uncertainty over the precise location or extent of these features. Due to the proposed engineering operations close to, or over, the general location of the soakaways the appellant acknowledges that changes may need to be made if an existing soakaway is disturbed. Two solutions are presented:-

- a) the construction of new soakaways within the reserved service strips or
- b) the connection of the existing septic tank outfalls to a new public drain or sewer.

28. It would have been reassuring to both the residents and the council had these arrangements been agreed in advance of the planning application submission. The residents have now been canvassed as to their preference but unfortunately not all have responded.

29. Due to the uncertainty over the preferred arrangements the council believes the amenity of the existing and future residents may be affected. The amenity affects are not described in any detail but I consider there to be three main impacts. Firstly, if an existing soakaway is damaged the septic tank may cease to operate efficiently. Secondly, if a soakaway is retained it may discharge into the garden of a new house. Thirdly, the reserved service strip may not offer appropriate ground/soil conditions for any new soakaway to function.

30. I find these effects in isolation or in combination would impact adversely on residential amenity but, in my opinion, the risk of this occurring arises only if no attempt is

made to mitigate any damage to the soakaways. In this case the appellant intends to address this issue and I find the proposed solutions would, in general terms, be capable of protecting the amenity of both existing and future residents bearing in mind the existing soakaways already lie immediately adjacent to private gardens.

31. As part of the appeal submissions the council presents a condition that would suspend the commencement of development until the final arrangements for the soakaways or sewer/drain connections were approved. I consider this approach to be a reasonable one bearing in mind the current lack of accurate survey information or full agreement with all the affected residents. It would also allow the appellant to demonstrate that the proposed drainage infrastructure was able to meet any technical or environmental standards. The appellant is agreeable to this general approach.

32. The council and the appellant however are unable to agree the exact wording of the condition but drawing from both parties' proposed versions I consider it would be possible to draft a condition capable of addressing this issue. If the condition a) requires the council's approval of the final foul drainage arrangements for the affected properties (including engineering designs) before any work starts on site; b) ensures no soakaway is located within the curtilage of any new house; and c) compels the appellant to complete the work as approved, I am satisfied the amenity of both existing and future residents would be protected. On that basis, I do not find any conflict with the parts of LDP policies DS4 Amenity and TC2 Residential Development that seek to protect the amenity of existing and future residents.

Other development plan matters

33. Due to the separation distances between of the new and existing housing I do not consider the amenity of the neighbouring housing would be directly affected by the loss of privacy. However the demolition of the house on Arbroath Road to form the new access would result in vehicular and pedestrian movements along the side boundaries of the two neighbouring houses. The main private garden space of these houses is located to the rear rather than the side and would be partially screened by established boundary walls and outbuildings. In these circumstances I do not consider the changes arising from the new access road would result in a significant loss of amenity for these houses. Consequently in this respect I find the development would comply with policy DS4, Amenity.

34. Setting aside the concerns relating to Rosie Road, the other proposed pedestrian and vehicular access arrangements would, subject to the provision of bus infrastructure, be able to comply with policy DS2 Accessible Development. It is also clear from the appellant's specialist reports and consultation responses that surface water drainage or flooding concerns can be addressed in accordance with LDP policy PV12, Managing Flood Risk. Affordable housing is also proposed at a rate that accords with LDP policy TC3, Affordable Housing, and the expectations of LDP policy PV1, Energy Efficiency can be met.

Overall compliance with the development plan

35. While I am satisfied the layout of the development has addressed the broad requirements of the LDP housing allocation F2 it has done so in a way that conflicts with other policies of the development plan. Especially those policies that seek to achieve a good quality development that at the same time protects and enhances key landscape features and important access routes at the site. Consequently I find the proposed development would be contrary to the development plan overall.

Material considerations

36. The representations in so far as they refer to design, the treatment of Rosie Road and the private drainage systems have been considered in my findings above. Any concerns regarding the construction process I consider could be addressed by planning conditions. I do not find the loss of on-street parking arising from the creation of the new access on Arbroath Road to be significant as there are no parking restrictions on this route, the existing houses on Arbroath Road have off-street parking and opportunities for visitor parking will remain in the vicinity. I note that the initial concerns expressed relating to the storey heights of the proposed houses have been largely addressed by amendments to the house types so that single storey dwellings lie adjacent to the houses to the south.

37. For the reasons set out above I find there is some tension with the six qualities of a successful place set out in Designing Streets and the Placemaking section of Scottish Planning Policy 2014 (SPP). In particular under the 'Distinctive' quality I find the proposals have not complemented local features and under the 'Safe and Pleasant' quality I find there is insufficient natural surveillance offered to open spaces and paths.

38. Although this is an allocated housing site I have considered the SPP presumption in favour of development contributing to sustainable development. The appellant's Sustainable Development Assessment addresses the 13 criteria set out in paragraph 29 of SPP and I agree with the conclusions given in all but one aspect. The third criterion relates to "supporting good design and the six qualities of successful places" and for the above reasons I find there is conflict with two important elements of this criterion. The design and layout of the proposed development is a key consideration in this appeal and the development would not, in my opinion, meet the expectations of SPP in this regard. I do not therefore consider the SPP 'presumption' should set aside the requirements of the development plan in this case.

39. I find the advice at paragraph 28 of SPP to be pertinent here. It states "The aim is to achieve the right development in the right place; it is not to allow development at any cost". I do not doubt that this is the right place for development but I am not convinced that the proposals before me constitute the 'right development'.

Overall conclusion

40. Taking into account the particular landscape characteristics of this site and the importance of Rosie Road as a core path I consider the protection of the amenity and characteristics of the route and the landscape features of the site are important considerations. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.


Reporter