

AGENDA ITEM NO 4

REPORT NO 23/24

ANGUS COUNCIL**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 25 JANUARY 2024****1 BROCHIE COTTAGES, MONIKIE****REPORT BY THE DIRECTOR OF LEGAL, GOVERNANCE & CHANGE****1. ABSTRACT:**

The Committee is asked to consider an application for a review in relation to the non-determination of application No. 23/00400/PPPL for the erection of dwellinghouse at 1 Brochie Cottages, Monikie.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

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

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

3. RECOMMENDATIONS

It is recommended that the Committee:-

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

4. CURRENT POSITION

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

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the recommendations of this Report.

6. RISK MANAGEMENT

There are no direct risks arising from the recommendations of this Report.

7. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of this Report.

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

An equality impact assessment is not required.

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

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1 – Submission by Planning Authority
Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON NON DETERMINATION

APPLICATION NUMBER – 23/00400/PPPL

APPLICANT – Mrs Rosemary Watson

PROPOSAL & ADDRESS – Erection of Dwellinghouse at 1 Brochie Cottages,
Monikie, Dundee, DD5 3QN

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From: [Bruce Mann](#) on behalf of [Archaeology](#)
To: [PLNProcessing](#)
Cc: [James Wright](#)
Subject: For Action - Consultation for 23/00400/PPPL - Archaeology Service Response
Date: 19 July 2023 16:01:32

Dear James,

Consultation for 23/00400/PPPL - Archaeology Service Response

Thank you for your consultation email of the 17th July regarding the above proposal for the erection of a dwellinghouse at 1 Brochie Cottages, Monikie. Having reviewed the application which occurs within part of the former Village of Craigton (HER Ref No NO53NW0102) I can confirm that, in this particular instance, Archaeology has no comment to make.

Should either yourself or the Applicant have any queries then please do not hesitate to contact me,

Best wishes
Bruce

Bruce Mann MA MCifA FSA Scot FRSA
Archaeologist

Aberdeenshire Council Archaeology Service
Historic Environment Team
Planning & Economy, Environment and Infrastructure Services, Aberdeenshire Council

Tel: 01467 534 912
Email: bruce.mann@aberdeenshire.gov.uk
Website: <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology/>

Archaeology Service for Aberdeenshire, Moray, Angus, and Aberdeen City Councils

Search the online Historic Environment Record for NE Scotland:
<https://online.aberdeenshire.gov.uk/smrpub>

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a

thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

ANGUS COUNCIL

PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

23/00400/PPPL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

20	07	23
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Memorandum

Infrastructure & Environment
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 01 AUGUST 2023

SUBJECT: **PLANNING APPLICATION REF. NO. 23/00400/PPPL – PROPOSED ERECTION OF ADDITIONAL ACCOMMODATION IN GROUNDS OF 1 BROCHIE COTTAGES, MONIKIE**

I refer to the above planning application.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

The site is located on the north side of B961 Dundee to Friockheim Road, at 1 Brochie Cottages. The application is for house plot within the garden grounds of the existing cottage. Access is to be taken from the existing access on the B961 Dundee to Friockheim Road.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application but would recommend that any consent granted shall be subject to the following conditions:

- 1 That, the minimum number of parking spaces for cars shall be provided in accordance with the National Roads Development Guide (SCOTS) within the plot curtilages of the existing cottage and the proposed new house.
Reason: to ensure that suitable parking arrangements are provided for the existing and proposed houses.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 2036.



Memorandum

Infrastructure & Environment
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

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I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 2036.

Monday, 24 July 2023



Local Planner
Planning Service
Angus Council
Forfar
DD8 1AN

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

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



Dear Customer,

1 Brochie Cottages, Monikie, Dundee, DD5 3QN
Planning Ref: 23/00400/PPPL
Our Ref: DSCAS-0091085-548
Proposal: Erection of Dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

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

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

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

General notes:

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

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

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non-Domestic Property:

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

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

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

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

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

From:Paul R Clark
Sent:27 Jul 2023 16:02:01 +0100
To:James Wright
Subject:Consultation response - 23/00400/pppl - 1 Brochie Cottages, Monikie.

James

The adjacent core path is within the boundary of Monikie Country Park, on the reservoir embankment.

The proposed development will not directly affect public access over the core path. The site is however very prominent from the path due to the elevated position of the path. A dwelling in that location will affect the setting of the path and the country park. It may also be difficult to provide a reasonable level of privacy for occupants. There don't appear to be any existing locations where dwellings are that closely overlooked from the embankment.

I note that there are mature trees at the southern edge of the site. It isn't clear whether any of these are growing within the plot or if they are overhanging from the country park. Removal of these trees or cutting back of branches to the site boundary, which is a likely scenario due to the affect they will have on availability of sunlight, will further open up visibility of the plot from the path.

There is recent Google imagery taken from the path at <https://goo.gl/maps/LnzsxP1YsxPkSNn36>.

Best regards

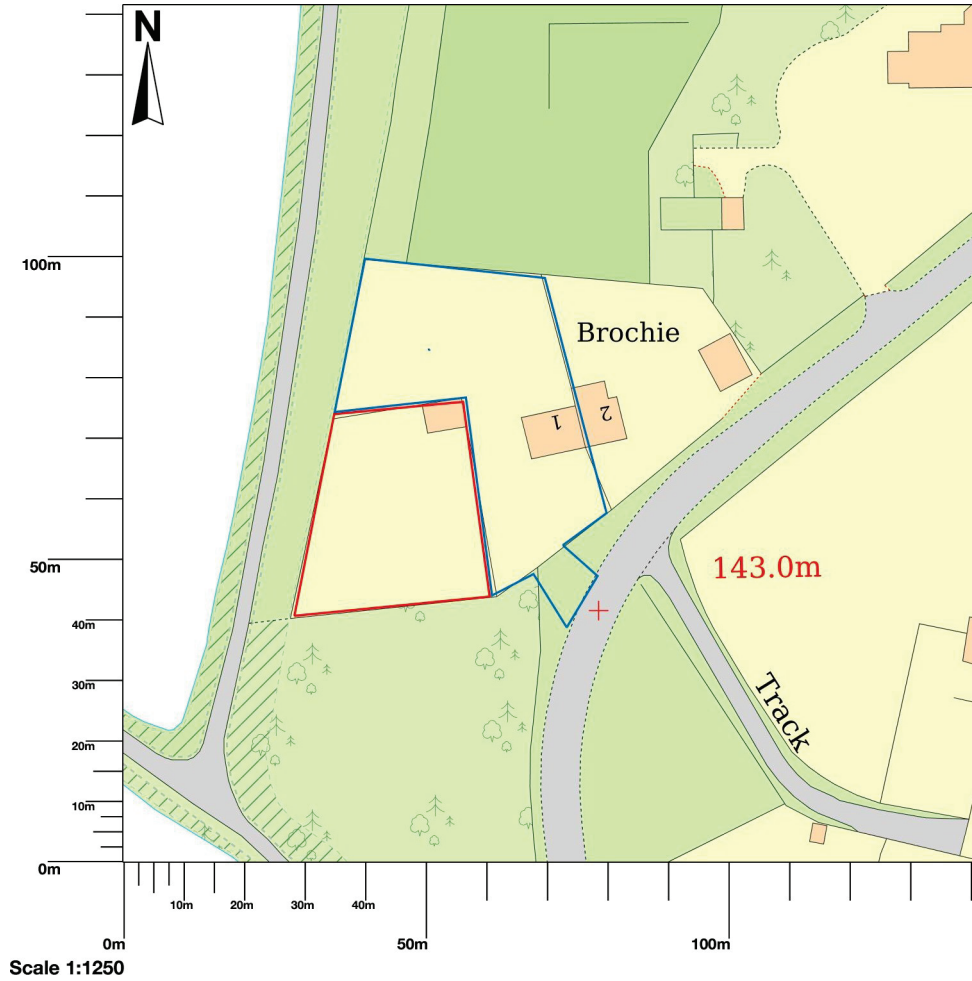
Paul Clark | Countryside Access Officer | Angus Council | 01307 491863 | clarkpr@angus.gov.uk | www.angus.gov.uk

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1 Brockie Cottage, Broughty Ferry, Dundee, DD5 3QN



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From:ken@blebo.org
Sent:6 Sep 2023 23:33:04 +0100
To:James Wright
Subject:RE: 23/00400/PPPL

Dear Mr Wright,

Thank you for your phone call of this afternoon and your follow-up email (below).

I have had the opportunity to discuss the matter this evening with my sister, the applicant, and we are agreed that the application should proceed to determination.

We hope the site's existing merits of aesthetic location in an already existing walled enclosure, low amenity and environmental impact, precedent set by nearby development, acceptability to the community and statutory consultees etc. may ultimately be persuasive.

Thank you for your communications and careful and professional consideration of the application.

Kind regards,

Ken Cochran

on behalf of

Rosemary Watson

From: James Wright <WrightJ@angus.gov.uk>
Sent: Wednesday, September 6, 2023 2:41 PM
To: ken@blebo.org
Subject: RE: 23/00400/PPPL

Mr Cochran,

I refer to your e-mail below and our recent telephone conversation.

We discussed the points below but in summary it is up to the applicant if they want to withdraw the application. The fees paid would not be returned unfortunately.

Yes the application at Rowan bank was refused planning permission but allowed on review. This however would not materially change the policy position in terms of considering the current application you have submitted. Unfortunately my view would still be that the proposal would not comply with Policy TC2 in terms of the principle of the development.

As discussed if you could let me know if you want the application determined on the basis of the information submitted to date as soon as possible that would be appreciated. The determination date is the 16/09/23. As discussed if you want to submit additional information please also let me know and I am happy to agree a small extension until the 29/09/23.

Regards

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

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From: ken@blebo.org <ken@blebo.org>
Sent: 04 September 2023 12:21
To: James Wright <WrightJ@angus.gov.uk>
Subject: RE: 23/00400/PPPL

Dear Mr. Wright,

With reference to your email of August 24th and my reply of August 30th I have the following question and observations

1. Is there any advantage to my sister, Mrs Rosemary Watson, in withdrawing the application (e.g. refund of application fee) as opposed to allowing the application to go on to determination?
2. In regard to settlement/development boundary. We note that there is precedence for allowing development outwith the settlement boundary of Craigton of Monikie. The development at Rowanbank was initially refused (20/00636/PPPL) but later granted permission on review. The ALDP boundary was very tightly drawn and did not include the contiguous existing housing on the opposite side of the road. We would contend that the existing houses on the north side of the B965 are clearly part of the settlement of Craigton of Monikie.
3. In regard to curtilage. Curtilage is defined by the Oxford English Dictionary as an area of land attached to a house and forming one enclosure with it. (emphasis mine). The site is separately enclosed by a stone wall which separately delineates it from the curtilage of 1 Brochie Cottages. We were perhaps a little too casual in our use of the word curtilage in the initial supporting statement.
4. From 2. and 3. above we would propose that the site is both within a more intuitive and reasonable settlement boundary for Craigton, and could be considered a gap site, outside the properly defined curtilage of Brochie 1.
5. We note that there have been no objections to the application from statutory consultees or neighbours.
6. If the above is not persuasive to you, and you are minded to refuse permission, and there is no benefit to withdrawing, then we should proceed to determination with a view to continuing to review.

Kind regards,

Sincerely,

Ken Cochran

on behalf of

Mrs Rosemary Watson.

From: ken@blebo.org <ken@blebo.org>
Sent: Wednesday, August 30, 2023 3:52 PM
To: 'James Wright' <WrightJ@angus.gov.uk>
Subject: RE: 23/00400/PPPL

Dear Mr. Wright,

Thank you for your email below. I have had an opportunity to discuss its content with my sister the applicant.

I have a quick question about the process for withdrawing or continuing to determination.

Is there any advantage to our withdrawing the application vs continuing to determination ?

e.g. return of fees ?

Thank you,

Ken Cochran

From: James Wright <WrightJ@angus.gov.uk>

Sent: Thursday, August 24, 2023 7:59 AM

To: ken@blebo.org

Subject: 23/00400/PPPL

Erection of Dwellinghouse at 1 Brochie Cottages, Monikie, Dundee

Mr Cochran,

I refer to the above application and would comment as follows.

Unfortunately there are a number of policy concerns with this proposal and I have indicated these below.

Policy TC2:

The site is located outwith the development boundary and located within the open countryside as defined in the Angus Local Development Plan (ALDP).

In the ALDP, policy TC2 relates to residential development including new dwellings in the countryside and would be the main policy for consideration. In general terms it indicates that in countryside locations that Angus Council will support proposals for the development of houses which fall into at least one of a number of categories. These categories include retention, renovation or acceptable replacement of existing houses and also conversion of non residential buildings. They also include regeneration or redevelopment of a brownfield site that would deliver significant visual environmental improvements through the removal of derelict buildings. They also include proposals for single dwellings where development would round off an established building group, meet an essential worker requirement or fill a gap site.

In terms of the site identified in red on the plans, the site is not for retention, conversion or replacement of existing houses or conversion of non residential buildings. The site is also not located within a Category RSU 2 area. The site appears to be part of the existing curtilage / garden ground of the property and this seems to be confirmed in your supporting documents. As it is within the curtilage it cannot be classed as rounding off an established building group and I do not consider that the proposal meets the requirements of a gap site and it would not meet the policy requirements for a rural brownfield site. No information has been submitted to demonstrate that the proposal would meet an essential worker requirement.

The countryside housing supplementary guidance provides further information on the above (weblink https://www.angus.gov.uk/media/countryside_housing_supplementary_guidance).

Overall, unfortunately I do not consider that proposals for housing on this site would comply with Policy TC2 in terms of the principle of the development.

Given these policy concerns you may wish to consider withdrawing the current application on this basis. If you do intend to withdraw this application please let me know by 04/09/23 at the latest. If I have not received correspondence on how you intend to proceed by 04/09/22, I will progress the application to determination based on the information submitted at that time and the consultee responses received at that time.

If you have any queries please let me know.

Regards

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

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KY15 5UG

5/6/2023

**Supporting Statement for
Application for Planning Permission in Principle
At Brochie Cottage 1, Craigton of Monikie, DD5 3QN**

Background Information

This letter, submitted as a supporting statement, accompanies the planning application form and the attached drawings, which together form the submitted application for Planning Permission in Principle (PPP) to develop **a single new house plot** on land at Brochie Cottage 1, Craigton of Monikie, DD5 3QN.

The existing cottage is severely limited in its amenity, particularly for the elderly. It has only one bathroom at the top of a steep and narrow staircase. A more modern house in the grounds, designed to modern building standards, could provide the necessary ancillary accommodation for the care of an elderly relative.

The proposed development site, as shown on the submitted plans, lies adjacent to the west of said cottage, within its existing curtilage and will use the existing access point off the B961.

The existing semi-detached dwelling at Brochie Cottage 1, is set within substantial external grounds.

The current principal access into the existing house is via an access opening with good visual splays in both directions on the B961. A stone wall and hedges form the boundary on the south and west sides of the existing property.

It is Mrs Watson's wish to secure planning permission in principle to construct **a single or one and a half storey house** within a suitably sized plot in the west-most portion of the garden grounds. The submitted proposed location plan illustrates the proposed sub-division of the existing garden and the proposed location for the new house. The approximate area of the proposed house site is 957m². The plot area is already demarcated with drystone walls. That area is currently vacant, growing grass/weeds and has not been cultivated for at least in excess of 30 years. There is a stone-built garage at the North-West corner of the proposed site. The existing cottage, Brochie Cottage 1, would still retain significant grounds of approximately 1200m²

Further the plot area is completely invisible from the road and surrounding properties; the only exception being that it is overlooked by a short section of the elevated path around the reservoirs at Monikie Country Park. Development on this land would not adversely impact the visual amenity of the park. In fact, it might be said that the visual amenity of the path would be slightly improved by the land no longer being covered in weeds. (See photos below)

Development Plan Assessment

The relevant Development Plan is the Angus Local Development Plan, Adopted in 2016 as augmented by Countryside Housing Supplementary Guidance and the Design and Placemaking Supplementary Guidance. The proposal is assessed, below, in relation to the relevant policies, with policy references in parentheses.

The site lies on the opposite side of the B961 from the defined settlement boundary of Craighton of Monikie and is an infill site between existing dwellings on the north side of the B961 and the community facility of Monikie Country Park. Further, the proposal rounds off the development of the three existing dwellings¹ (TC2). The proposal is also compatible with other stipulations of TC2 in particular it is compatible with other adjacent land uses and does not detract in any way from their amenity as further specified in for Householder/Domestic Development (TC4).

The settlement boundary of Craighton of Monikie as defined in the Development Plan has effectively been extended by the development of houses as permitted by 20/00636/FULL at Rowan Bank. The proposed location is now better served by paved footpaths and has easy access to bus services to Monifieth and Dundee. (DS-2)

Craighton of Monikie is in a Category 1 Rural Settlement Unit area. The proposed plot size of 957m² exceeds the requirements of this category of RSU for a single dwelling.

The proposal complies with policy TC4. In terms of that policy the proposal is for a single use. The proposal:

- Will not prejudice the land supply strategy
- Is compatible with neighbouring uses – primarily established and new residential development
- Will not affect the privacy of neighbours
- Will not result in the loss of amenity or public open space
- Will, through design control, respect the character and appearance of adjacent dwellings
- Will not lead to the unjustified loss of mature or semi-mature trees
- Will not be prominently visible from either adjacent properties or the majority of Monikie Country Park due to surrounding trees and the elevated nature of the reservoir and its peripheral pathway. (PV6)

This application is an application for planning permission in principle and many of the criteria listed in policies are more appropriate for the detailed design stage. However, the scale of the proposed house plot, using an existing access, combined with the availability of design related conditions to be included in any permission, is such that detailed conditions for this site can be met at the detailed design stage.

In terms of Policy PV7, there are no trees on the proposed site.

In terms of Policy PV12, the proposed site is not in an area of current or future flood risk as assessed by SEPA.

Future Detailed Design

Given that this is an application for planning permission in principle the final design, construction form and dimensions of the proposed dwelling are not detailed at this time. In general, it is anticipated that the approximate scale and form of the proposed dwelling house would be similar to that of nearby residential accommodation, particularly to those located to the east and south of the subject property. However, the dwelling would incorporate energy saving features, including building orientation, to comply with the latest planning policy requirements and the applicable Building Standards at the time of construction.

It is anticipated that, as would be the case with all applications for planning permission in principle, the detailed design can be controlled through the setting of conditions on the initial grant of planning permission. My brother, Kenneth Cochran, would be happy to discuss any particular design considerations with the Council Planning Officers during the processing of this application.

¹ Brochie Cottage 1, Brochie Cottage 2 and Fairlands.

However, at this stage I trust the attached drawings clearly illustrate the key features of the proposed house plot, its location and its relation to the surrounding properties in this area of Monikie.

Application Fee and Contact Details

I will, arrange payment of the sum of £600 being the balance due for this Planning Permission in Principle application.

Please note that I am the brother of Mrs Watson, assisting her with her application and I am not a professional in the field of residential planning.

Yours faithfully,

Kenneth Cochran
on behalf of
Rosemary J. Watson

Enc: Photos of proposed plot



Ground level view of proposed site looking South-West (weeds uncut)



Ground level view of proposed site looking South-West (weeds cut)



View of proposed site looking North-East from elevated reservoir path



View of proposed site looking South-East from elevated reservoir path.

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

**APPLICATION FOR REVIEW – ERECTION OF DWELLINGHOUSE AT 1
BROCHIE COTTAGES, CRAIGTON OF MONIKIE (NON-
DETERMINATION)**

APPLICATION NO 23/00400/PPPL

APPLICANT'S SUBMISSION

Page No

ITEM 1 Notice of Review

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mrs	Ref No.	
Forename	Rosemary	Forename	Kenneth
Surname	Watson	Surname	Cochran
Company Name		Company Name	
Building No./Name	62	Building No./Name	The Lea Rig
Address Line 1	Silverknowes Terrace	Address Line 1	Blebo Craigs
Address Line 2		Address Line 2	
Town/City	Edinburgh	Town/City	Cupar
Postcode	EH4 5HJ	Postcode	KY15 5UG
Telephone	[REDACTED]	Telephone	[REDACTED]
Mobile		Mobile	[REDACTED]
Fax		Fax	
Email		Email	[REDACTED]
3. Application Details			
Planning authority	Angus Council		
Planning authority's application reference number	23/00400/PPPL		
Site address	1 Brochie Cottages Craigton of Monikie DD5 3QN		
Description of proposed development	Erection of Dwelling House		

Date of application

17/7/2023

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Site may also be accessed via Brochie Cottage 1 and entering the site through gap in wall to the west of the cottage. A site visit may be conducted at any time and unaccompanied.

8. Statement

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. **Note:** 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

1. Review is requested as the planning authority has failed to determine the application. Initial determination date was set for 16 September, 2023.
2. The site in question fills a gap between Brochie Cottage 1, Brochie Cottage 2, Fairlands and the public/community facility of Monikie Country Park
3. While outside the LDP defined settlement boundary for Craighton of Monikie. There is precedence for such development outside the said boundary in the significant development of seven dwelling houses on the opposite side of the same stretch of road as permitted in application 20/00636/PPPL
4. Unlike the development of these seven houses, this proposal results in little to no visual amenity impact on the community being essentially invisible from other residences and the road. It is only publicly visible from a short section of the elevated path around the nearby reservoir.
5. Following publication of the proposal by newspaper advertising, neighbour and consultee notification, there have been no objections to the proposed development from any neighbours or statutory consultees.

In summary, the very low visual amenity impact, acceptance by statutory consultees and neighbours, the site being a gap site, and precedence for nearby development outside Craighton of Monikie's settlement boundary; should all be considered in approving the application.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

For transparency it should be noted that there was some discussion with the planning officer as to whether the curtilage of Brochie Cottage 1 included the proposed development site and thus affected the claim of a 'gap site'. In the initial supporting statement, we referred to the site as being within the curtilage of Brochie 1. However this was a rather casual use of the word 'curtilage' Curtilage is an important legal concept when it comes to property and land. It refers to an area of land attached to a house, which forms one enclosure with that house. The proposed site is separately enclosed by a drystone wall which is evident in planning maps and delineated in red in the proposal's location plan. Front and back gardens (curtilage) of Brochie 1 (delineated in blue on the location plan) are retained and not part of the separately enclosed proposed development site.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

All other necessary supporting documents have been provided with the initial application and are available on the Angus Council planning portal.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.