

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 23/00763/FULL

APPLICANT- MR MARCO MACARI

PROPOSAL & ADDRESS – ERECTION OF TWO DWELLING HOUSES WITHIN EXISTING GARDEN GROUNDS AT FALLADY COTTAGE IDVIES LETHAM FORFAR

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Angus Council

Application Number:	23/00763/FULL
Description of Development:	Erection of two dwelling houses within existing garden grounds.
Site Address:	Fallady Cottage Idvies Letham Forfar DD8 2SP
Grid Ref:	356007 : 748788
Applicant Name:	Mr Marco Macari

Report of Handling**Proposal**

Planning permission is sought for the erection of two dwelling houses within the garden ground of the existing house known as Fallady Cottage. Fallady Cottage is detached rural house in the countryside with a curtilage measuring around 6300sqm. The application proposes a new either side of the existing cottage.

Site 1 measures 1914sqm is located to the north of Fallady Cottage. It proposes a house within the garden ground/curtilage of the existing house in the space between the house and the C53 road to the north. The proposed house would contain accommodation over two levels, and is proposed to be finished in white render, dark stained timber and a natural slate roof.

Site 2 measures around 1593sqm and is located to the south of Fallady Cottage. It proposes a house within the garden ground/curtilage of the existing house in the space between the house and agricultural land to the south of the curtilage. The proposed house would contain accommodation over two levels, and is proposed to be finished in white render, dark stained timber and a natural slate roof.

Access to the plots would utilise to existing house access onto the C53 public road. The proposed plots would accommodate parking and turning space. The submitted information indicates the houses would connect to the public water supply; with foul drainage would be directed to a private system discharging to soakaway. Surface water would be dealt with via sustainable urban drainage systems. A bin storage area is identified being provided adjacent to the access with the public road.

The site contains a number of trees, some of which would be felled to accommodate the new houses. Supporting information indicates that trees which are lost would be replanted elsewhere with the site.

The application has not been subject of variation.

Publicity

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 10 November 2023 for the following reasons:

- Neighbouring Land with No Premises

The nature of the proposal did not require a site notice to be posted.

Planning History

None.

Applicant's Case

Design statement

- The site is occupied by one existing property, which sits within a large tract of land, accessed from an existing private road;
- The existing house has an excess of garden ground at present which is well in excess of other examples in the local area. The size of the garden at present is unmanageable for the owner, requiring a garden maintenance on a commercial scale.
- This application aims to provide much needed housing within the area, each house with significant garden grounds and private aspect.
- The proposal comprises two different self-build homes, each at one and a half storeys, which is an appropriate scale for the site.
- The positioning of each has been carefully considered so as to be reflective of the existing context, deliver an enhanced level of privacy between the properties, maximise natural daylighting to key areas and minimise the loss of existing trees.
- The site is accessed via private road with an established vehicle access that has excellent visibility, this already serves the existing property.
- Both new house types will incorporate a biodisc sewage treatment system to remove wastewater, this treated wastewater will then be discharged to a soakaway. In addition, soakaways will be installed to treat discharge surface water on the site.
- It is proposed that a small number of small existing trees are removed. Replanting proposals are on a minimum of a like-for-like basis, with at least one new tree planted for every tree removed.
- The proposals also include for high quality soft landscaped areas which also assist in providing additional privacy and site demarcation.

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 but has advised that there is no public waste water infrastructure within the vicinity of the development site and foul drainage would have to be managed by a private treatment arrangement.

Representations

There were no letters of representation.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 5 Soils

Policy 6 Forestry, woodland and trees

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 13 Sustainable transport

Policy 14 Design, quality and place

Policy 17 Rural homes

Policy 18 Infrastructure first

Policy 22 Flood risk and water management

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
 Policy DS3 : Design Quality and Placemaking
 Policy DS4 : Amenity
 Policy TC2 : Residential Development
 Policy PV7 : Woodland, Trees and Hedges
 Policy PV15 : Drainage Infrastructure
 Policy PV18 : Waste Management in New Development
 Policy PV20 : Soils and Geodiversity

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan comprises: -

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

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

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

The application site is located in the countryside, outside of a development boundary and is not allocated for any specific use within the ALDP. ALDP Policy DS1 indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. It supports proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and in a number of specified circumstances. Those circumstances include (amongst other things) where a site is allocated for housing in the LDP; where a proposal reuses a redundant building; where a proposal reuses brownfield land where a return to a natural state has not or will not happen without intervention; where a proposal relates to an essential worker; or where a proposal subdivides an existing dwelling or replaces an existing dwelling.

The site is within a category 1 rural settlement unit (RSU), which the ALDP describes as areas which are generally non-remote with stable or increasing populations, or where there are no services or facilities in need of support. The ALDP indicates that in Category 1 area new housing development outwith settlements should be restricted.

ALDP Policy TC2 and the associated Countryside Housing Supplementary Guidance (2016) provide the main LDP test relevant to the assessment of a proposal for new housing in the countryside. The key provisions of Policy TC2 and the associated supplementary guidance relevant to the principle of housing on this site are:

- In countryside locations Angus Council will support proposals for single new houses where they would round off a group of 3 or more existing dwellings; or are for an essential worker; or are located on a gap site between the curtilage of a house and a road, or between the curtilage of a house and another house; or between the curtilage of a house and a substantial building. The policy does not

make provision for new build housing in the countryside within the curtilage of an existing house.

- In countryside locations, proposals involving more than one new build house are only permitted where they relate to the regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal or derelict buildings, contaminated land or an incompatible land use; and in limited circumstances in Category 2 areas. This is a Category 1 area.
- The supplementary guidance indicates that *a site will not constitute a gap site if it lies within the curtilage of an existing house, or on land that is not clearly defined as being outwith the curtilage of a house.*
- Criterion (a) of the Appendix 3 Detailed Countryside Housing Criteria indicates that *the subdivision of existing residential curtilages to artificially create new build plots will not be supported.*

The principle of erecting two new houses within the curtilage of an existing house in the countryside is not consistent with any of the circumstances where new houses are permitted in NPF4, or any of the of the circumstances where new houses are permitted in the ALDP and associated supplementary guidance. ALDP policy offers more flexibility for new build housing in non-remote rural areas than NPF4, but neither of the two proposed houses qualify as a gap site because they are located within the curtilage of an existing house, and the ALDP is explicit that the subdivision of existing curtilages to create house plots will not be supported. ALDP policy only supports houses on gap sites between existing residential curtilages, not within them.

The principle of the housing proposed in the application is contrary to the rural homes approach set out in NPF4 and the countryside housing approach set out in the ALDP. That conclusion is equally applicable to both sites singularly and in combination. The proposal is accordingly contrary to the development plan.

For completeness, an assessment against other relevant policy tests is provided. NPF4 and ALDP policy requires consideration of several topics including soils; compatibility of land use; the provision of satisfactory residential environment; amenity impacts; impact on the built and natural environment; design quality; accessibility; infrastructure (including flooding and drainage); developer contributions and affordable housing; waste; and climate.

In terms of the residential environment to be provided, the plots sizes for the proposed houses and that which would remain available to the existing house would be within acceptable limits. The plots would generally provide adequate private amenity space and adequate space for provision of refuse collection/storage and recycling, and vehicle parking and turning. There would be adequate separation between the proposed dwellings and the existing dwellings when assessed against council guidance. There would be no unacceptable impacts on surrounding amenity resulting from the proposal.

The house designs are acceptable for housing in the countryside when considered against the Design and Placemaking and the Countryside Housing Supplementary Guidance. The vehicular access to the site would be adequate, and while there is no public transport serving the site, the proposal is not in itself a particularly significant travel generating use. The location of the site would provide access to the natural environment and the proposal would provide vehicular access, parking and turning arrangements in the site which are in accordance with the council's standards. The council's roads service has confirmed no objection based on road traffic and pedestrian safety.

The site is not designated for any for natural heritage reasons. It is considered that the development is not likely to impact on any populations of protected species. The site is located in an area of prime agricultural land (Grade 2), but the land is not in agricultural use. The proposal would not conflict with the main aims of Policy PV20 in the ALDP or Policy 5 in NPF4. The submitted information indicates that some of the ornamental trees within the site would be removed to facilitate the development and replacement planting would be undertaken. Measures to secure compensatory planting and measures to protect existing planting could be secured by planning condition were the proposal otherwise acceptable.

The proposed drainage arrangements are satisfactory for a dwelling outside of an area served by public drainage infrastructure, and precise details of the arrangements could be secured by planning condition. The scale, nature and location of the development does not require the provision of affordable housing or other form of developer contribution having regard to the Affordable Housing and Developer Contributions Supplementary Guidance (2023). The proposal does not give rise to significant issues in terms of other

development plan policies.

In conclusion, the proposal to erect two new build dwellings within the garden ground of the existing house does not comply with the rural homes provisions of NPF4 or the countryside housing approach set out in the ALDP and the associated supplementary guidance for the reasons set out above. The desire of the applicant to erect housing in their garden to reduce the maintenance burden of that garden is not a valid planning reason to set aside the well-established countryside housing approach set out in the development plan, and it is not a form of development that it would be desirable to see replicated elsewhere in rural Angus. The proposal is contrary to NPF4 Policy 17 and ALDP Policy TC2 and accordingly fails the test provide by Policy DS1 as it is not consistent with other policies of the ALDP.

Planning decisions require to be made in accordance with the development plan unless material considerations indicate otherwise. The proposal is contrary to the development plan and there are no material considerations which justify approval of planning permission.

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 NPF4 Policy 17 and ALDP Policy TC2 and the associated Countryside Housing Supplementary Guidance (2016) because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural areas.
2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with other relevant policies of the ALDP, namely policy TC2 and the associated Countryside Housing Supplementary Guidance.

Notes:

Case Officer: Damian Brennan
Date: 26 March 2024

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

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

Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

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

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

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

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

Policy 4 Natural places

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

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

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

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

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

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

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

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

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

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i) will support meeting renewable energy targets; or,

ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

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

Policy 5 Soils

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
 - i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including
 - iv. the time period for extraction is the minimum necessary; and
 - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy 6 Forestry, woodland and trees

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in:
 - i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
 - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy 9 Brownfield, vacant and derelict land and empty buildings

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

Policy 13 Sustainable transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

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

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

Policy 14 Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

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

Pleasant: Supporting attractive natural and built spaces.

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

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

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

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

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

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

Policy 17 Rural homes

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

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

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

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

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

d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:

- i. is in an area identified in the LDP as suitable for resettlement;
- ii. is designed to a high standard;
- iii. responds to its rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 18 Infrastructure first

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

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

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

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

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

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

Policy 22 Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

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

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

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

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

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

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

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

c) Development proposals will:

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

- iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

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

Policy DS4 : Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

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

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

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible

land use;

- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

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

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

Policy PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- o protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- o be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- o ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- o ensure new woodland is established in advance of major developments;
- o undertake a Tree Survey where appropriate; and
- o identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV15 : Drainage Infrastructure

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

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

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means

towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

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

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

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

Policy PV18 : Waste Management in New Development

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

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

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

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

Thursday, 09 November 2023



Local Planner
Planning Service
Angus Council
Forfar
DD8 1AN

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

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



Dear Customer,

Fallady Cottage, Idvies Letham, Forfar, DD8 2SP
Planning Ref: 23/00763/FULL
Our Ref: DSCAS-0098024-TTH
Proposal: Erection of two dwelling houses within existing garden grounds

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 Whitehillocks 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."

Veronica Caney

From: Adrian G Gwynne
Sent: 10 November 2023 10:12
To: PLNProcessing
Subject: FW: Planning Application Consultation 23/00763/FULL
Attachments: ufm16_E-mail_-_Standard_Consultation.pdf

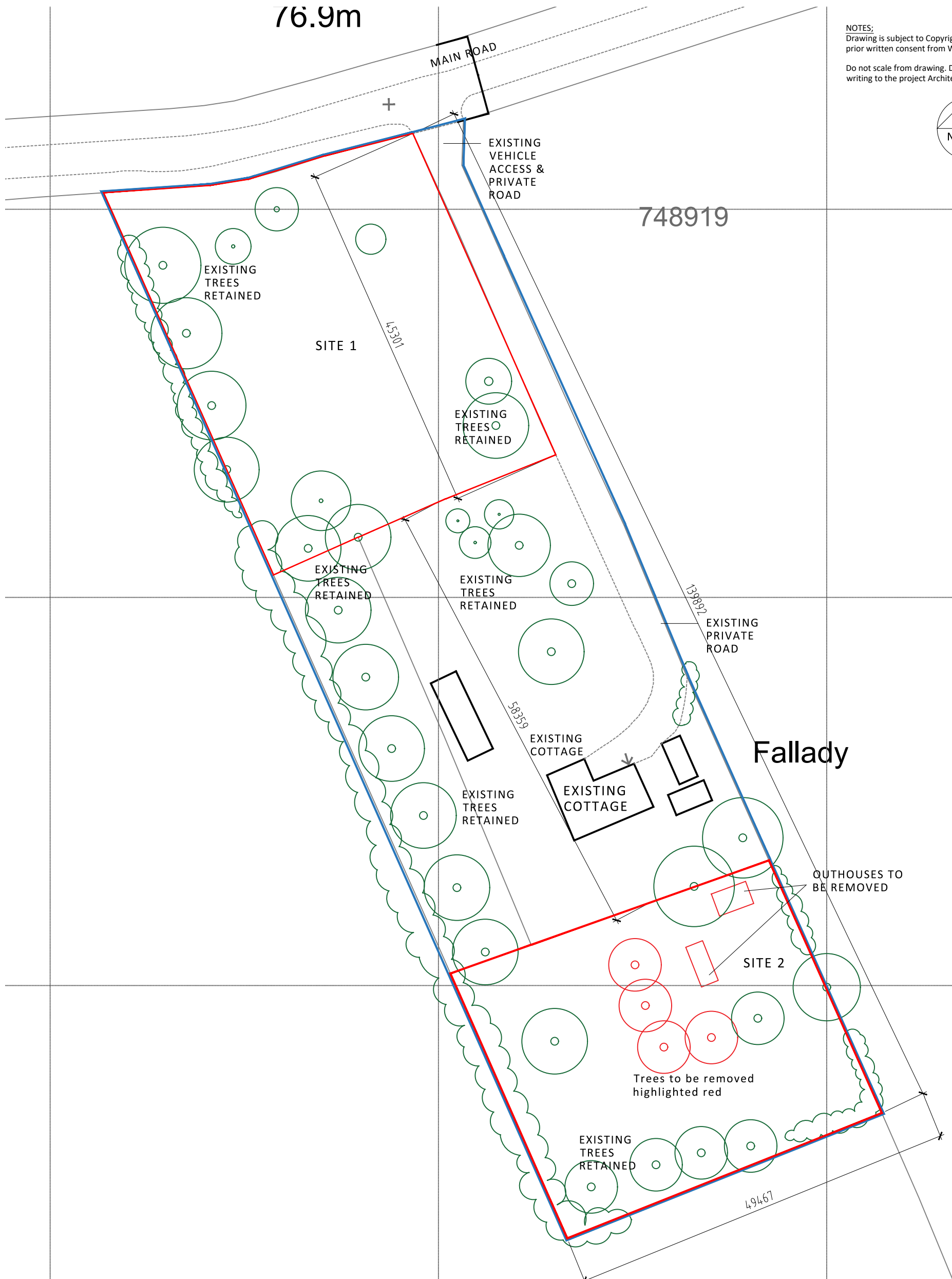
No objections

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: 07 November 2023 14:09
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 23/00763/FULL

Please see a1ached document.

76.9m



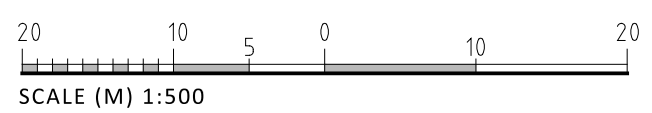
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Fallady

OUTHOUSES TO BE REMOVED

Trees to be removed highlighted red



ALL NEW PAVING MATERIALS TO BE POROUS.

TREE PLANTING WILL BE ON A LIKE FOR LIKE BASIS, EACH TREE REMOVED WILL BE REPLANTED.

ALL BOUNDARY TREATMENTS TO BE 1.6M HIGH TIMBER FENCE

Project Title : **NEW BUILD HOUSES FALLADAY COTTAGE**

MACARI FAMILY

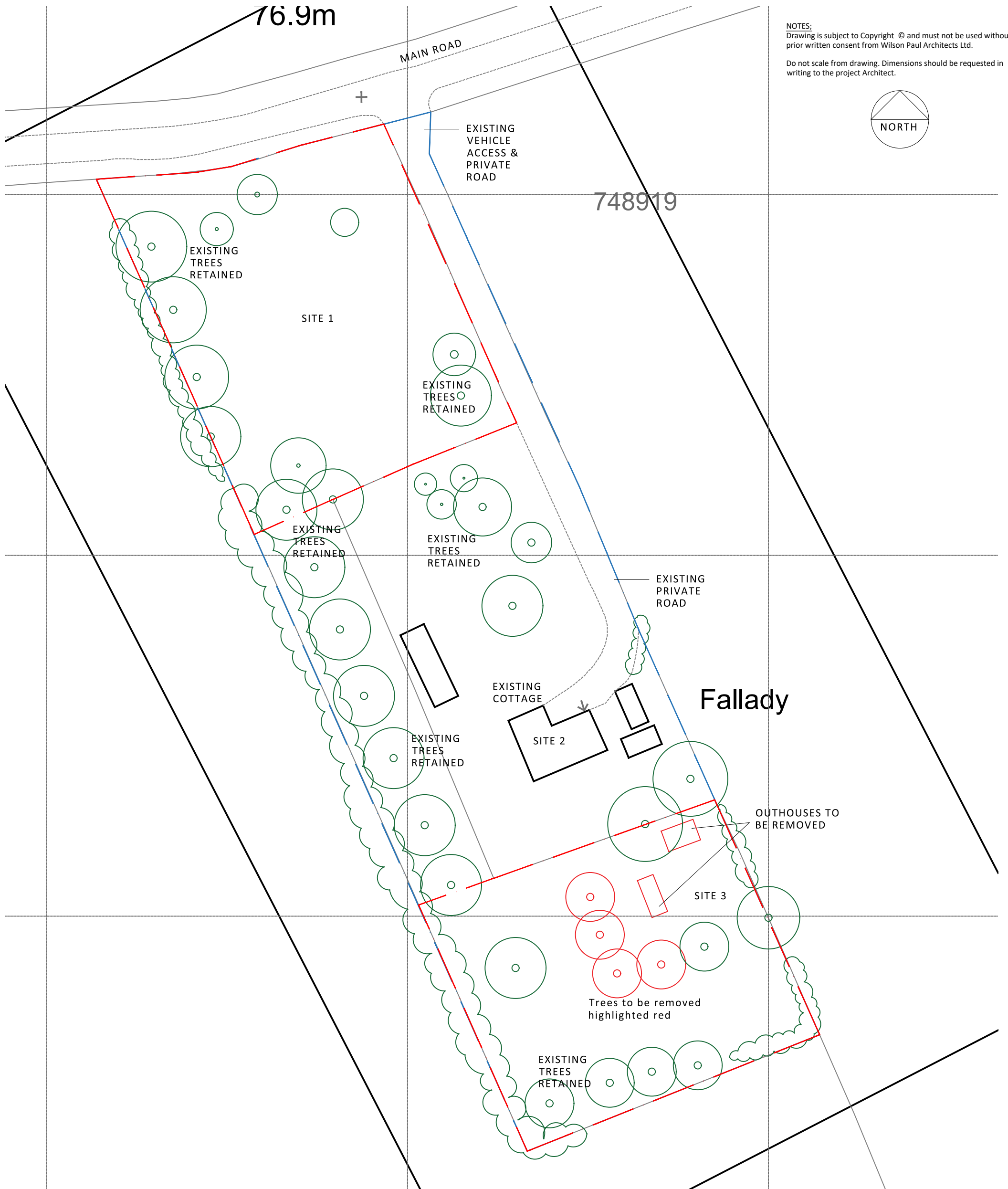
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Drawn by :		Date :		110623
Date :	110623	Scale :		1:500 @ A3
		Revision :	B	

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 Dundee
 DD5 1DP

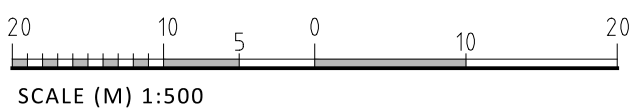
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TREE PLANTING WILL BE ON A LIKE FOR LIKE BASIS, EACH TREE REMOVED WILL BE REPLANTED.

ALL BOUNDARY TREATMENTS TO BE 1.6M HIGH TIMBER FENCE

Project Title : **NEW BUILD HOUSES FALLADAY COTTAGE**

MACARI FAMILY

Sheet Contents : **EXISTING SITE PLAN**

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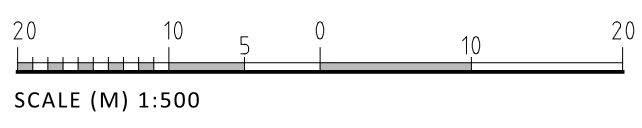
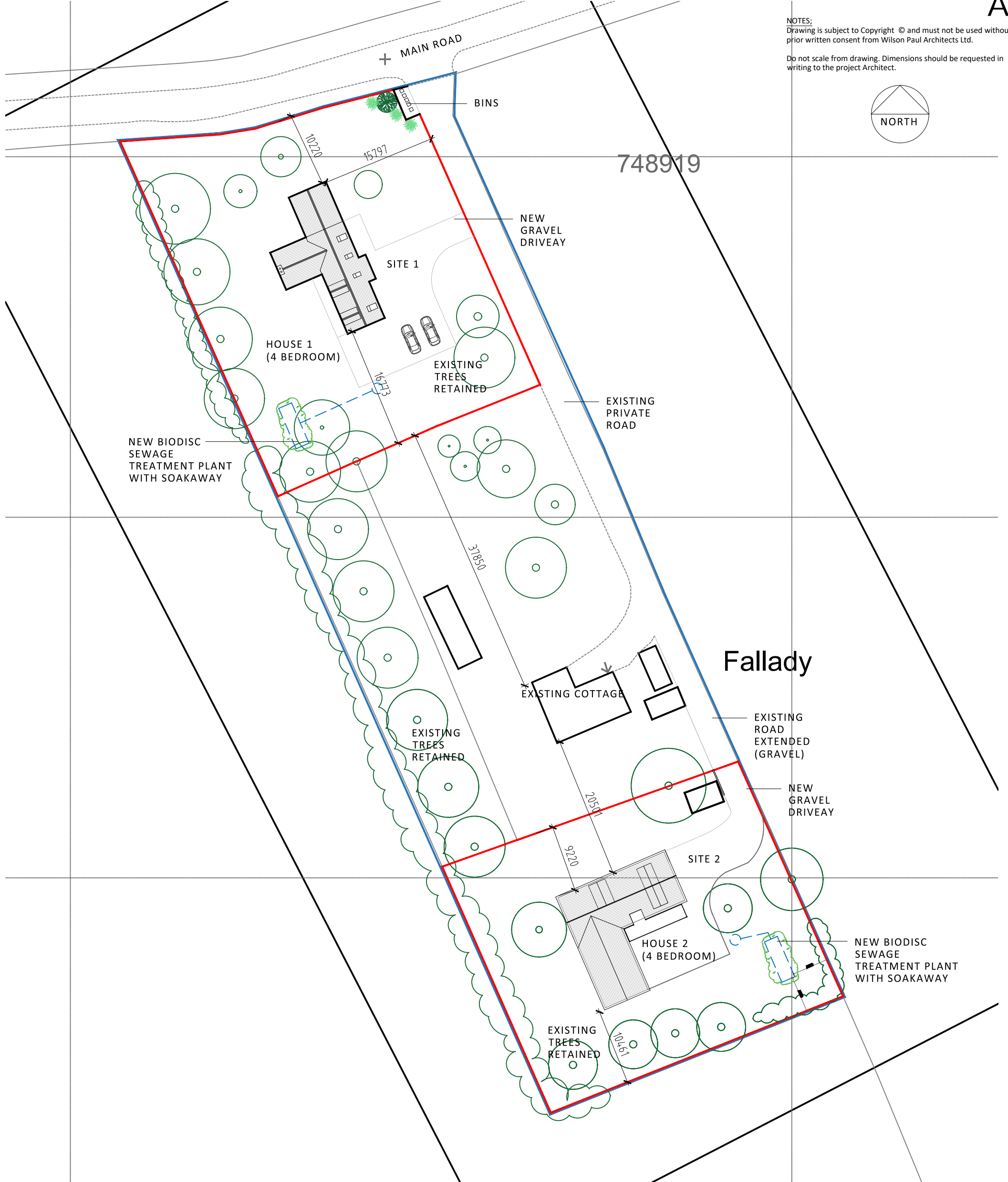
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ALL NEW PAVING MATERIALS TO BE POROUS.

TREE PLANTING WILL BE ON A LIKE FOR LIKE BASIS, EACH TREE REMOVED WILL BE REPLANTED.

ALL BOUNDARY TREATMENTS TO BE 1.6M HIGH TIMBER FENCE

Fallady

Project Title : **NEW BUILD HOUSES FALLADAY COTTAGE**

MACARI FAMILY

Sheet Contents : **PROPOSED SITE PLAN**

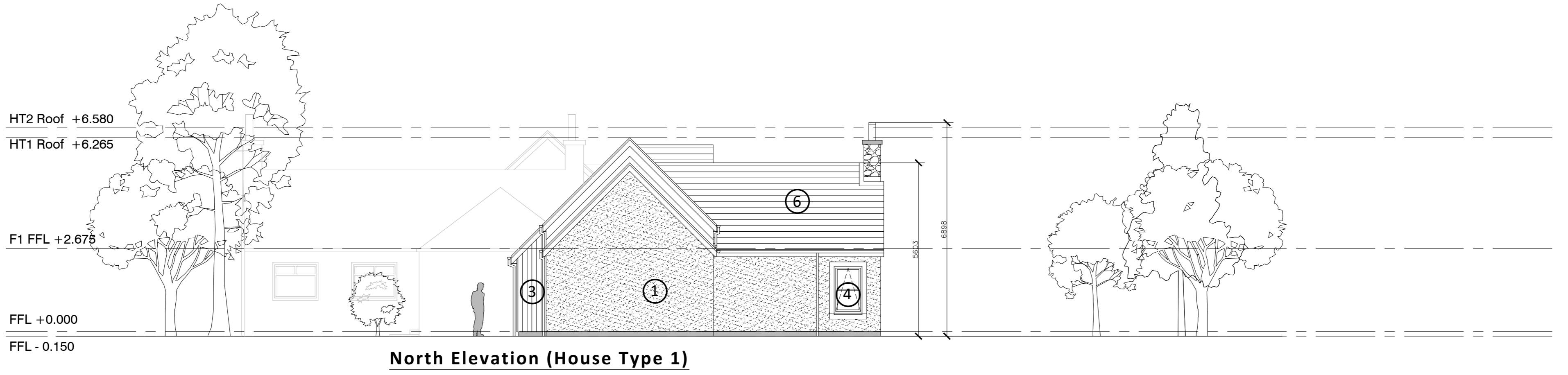
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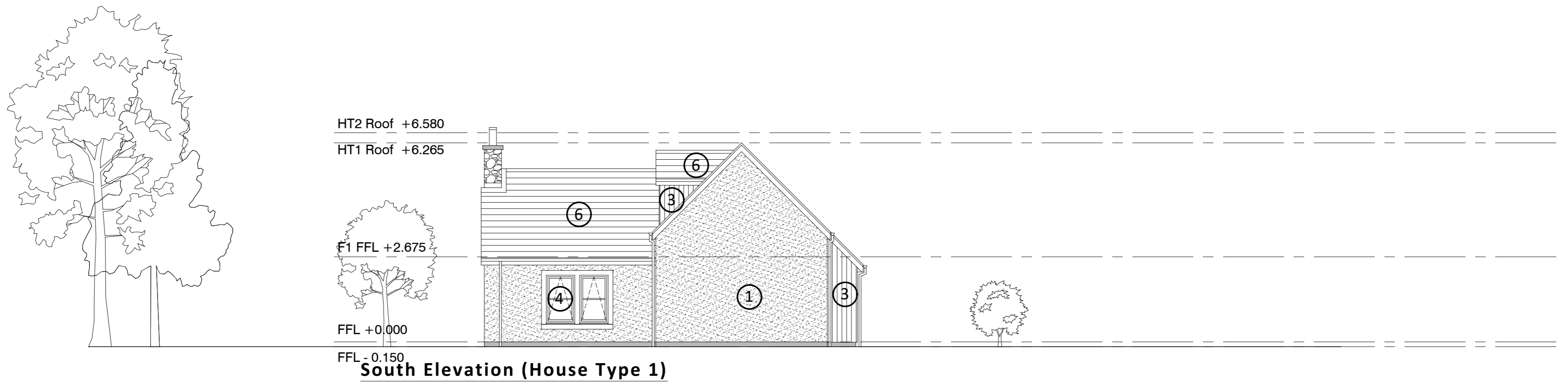
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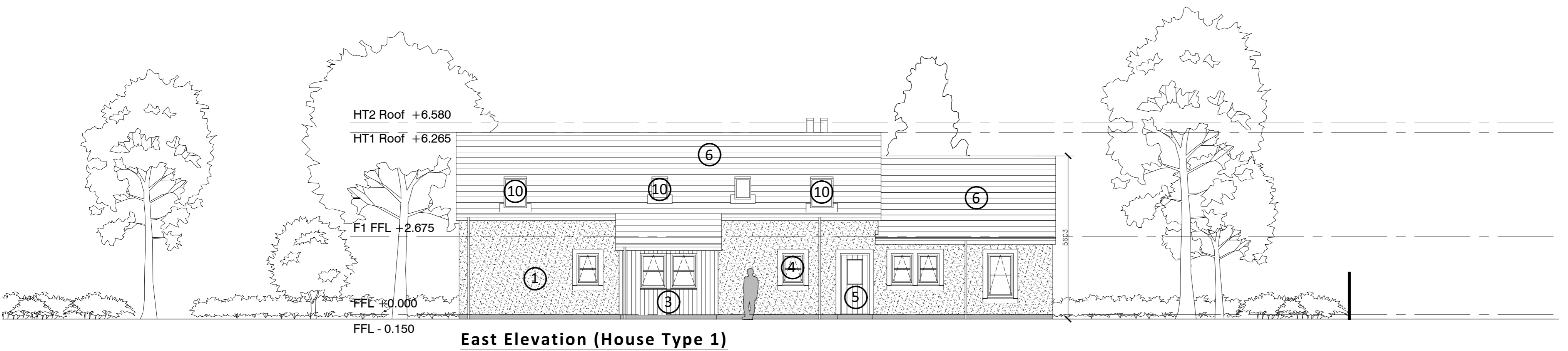
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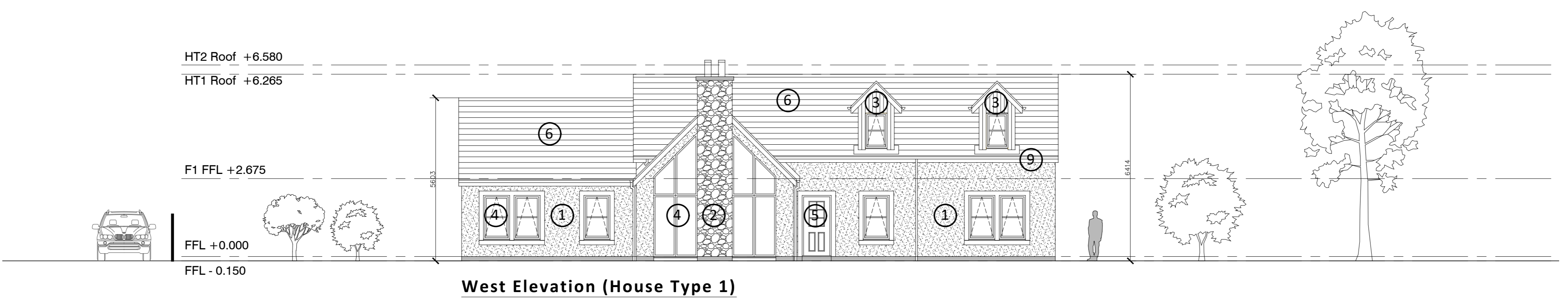
North Elevation (House Type 1)



South Elevation (House Type 1)



East Elevation (House Type 1)



West Elevation (House Type 1)

Proposed Elevations (2088)

SCALE 1:100@A1
1 0.5 1 2 3 4

- ① High quality silicone render - off white
- ② Natural stone cladding
- ③ Anthracite grey cedar composite cladding
- ④ Anthracite grey uPVC double glazed windows
- ⑤ Oak entrance door, clear coated
- ⑥ High quality natural slate roofing
- ⑦ Toughened glass balustrade with integrated handrail
- ⑧ Anthracite grey uPVC glazed double doors
- ⑨ Anthracite grey painted timber fascia
- ⑩ Anthracite grey rooflights

STOVE: Ecosy+ Hampton 5
Double Sided TALL Defra
Approved Ecodesign Wood
Burning Stove. DEFRA Approved
for smokeless zones. 5Kw.

Project Title : **NEW BUILD HOUSES
FALLADAY COTTAGE**

MACARI FAMILY

Sheet Contents : **HOUSE TYPE 1
ELEVATIONS**

Designed by: **SW** Drawing Number:

Drawn by: **SB** **2088 PA 007**

Date : **240723** Revision :

Scale : **1:100 @ A1**

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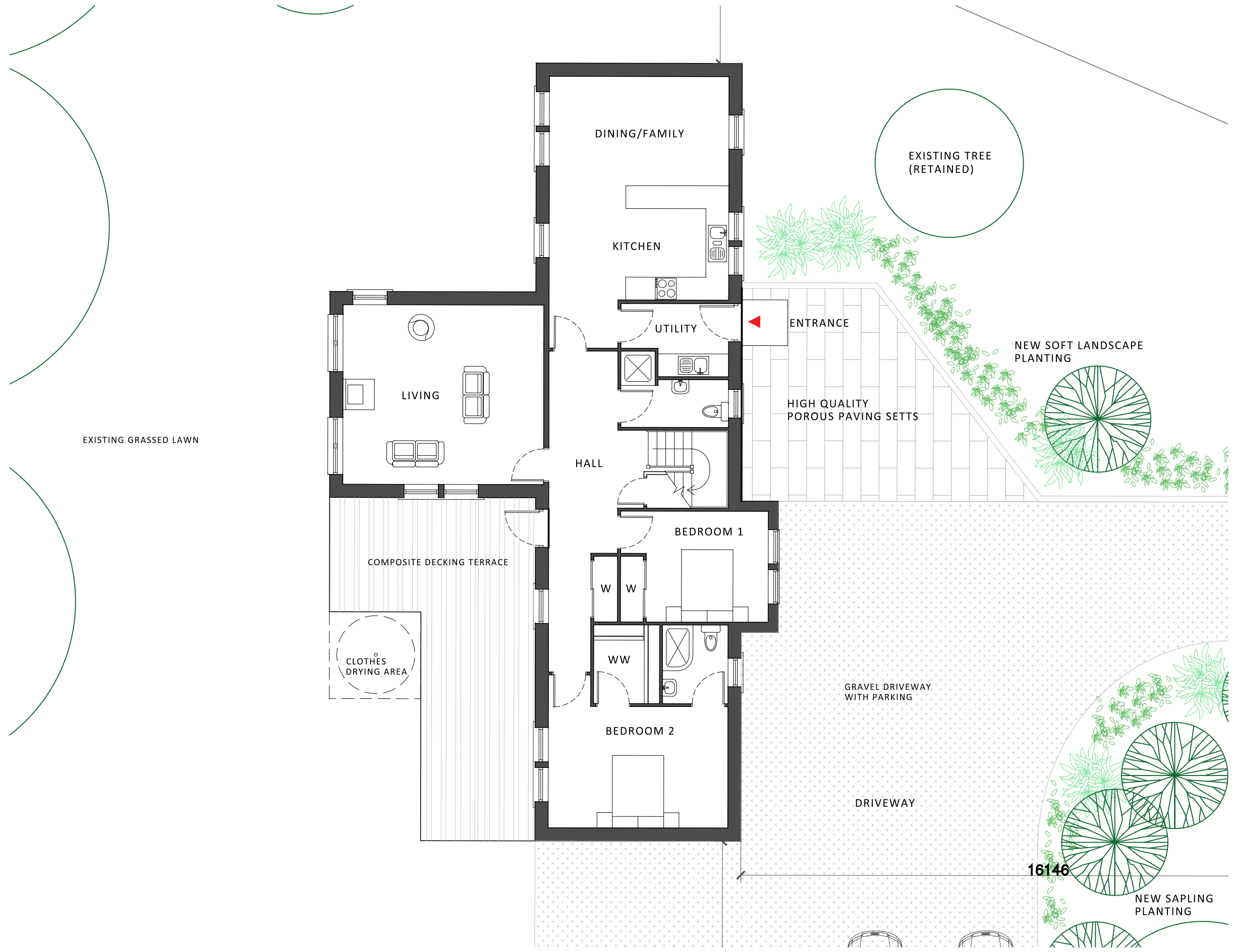
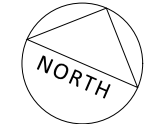
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EXISTING GRASSED LAWN

EXISTING TREE (RETAINED)

NEW SOFT LANDSCAPE PLANTING

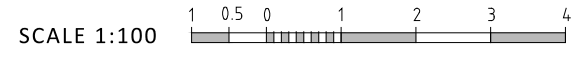
HIGH QUALITY POROUS PAVING SETTS

GRAVEL DRIVEWAY WITH PARKING

DRIVEWAY

NEW SAPLING PLANTING

16146



Project Title : **NEW BUILD HOUSES FALLADAY COTTAGE**

MACARI FAMILY

Sheet Contents : **HOUSE TYPE 1 GROUND FLOOR PLAN**

Designed by : SW	Drawing Number :
Drawn by : SB	2088 PA 003
Date : 120723	Revision : A
Scale : 1:100 @ A3	

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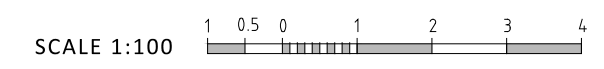
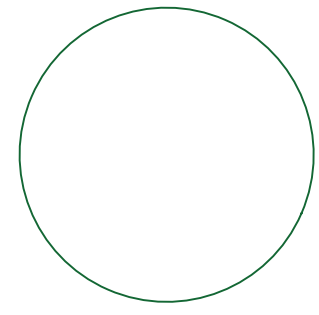
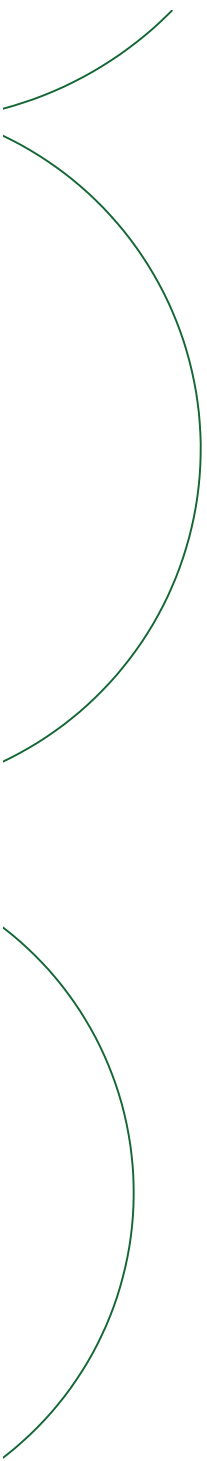
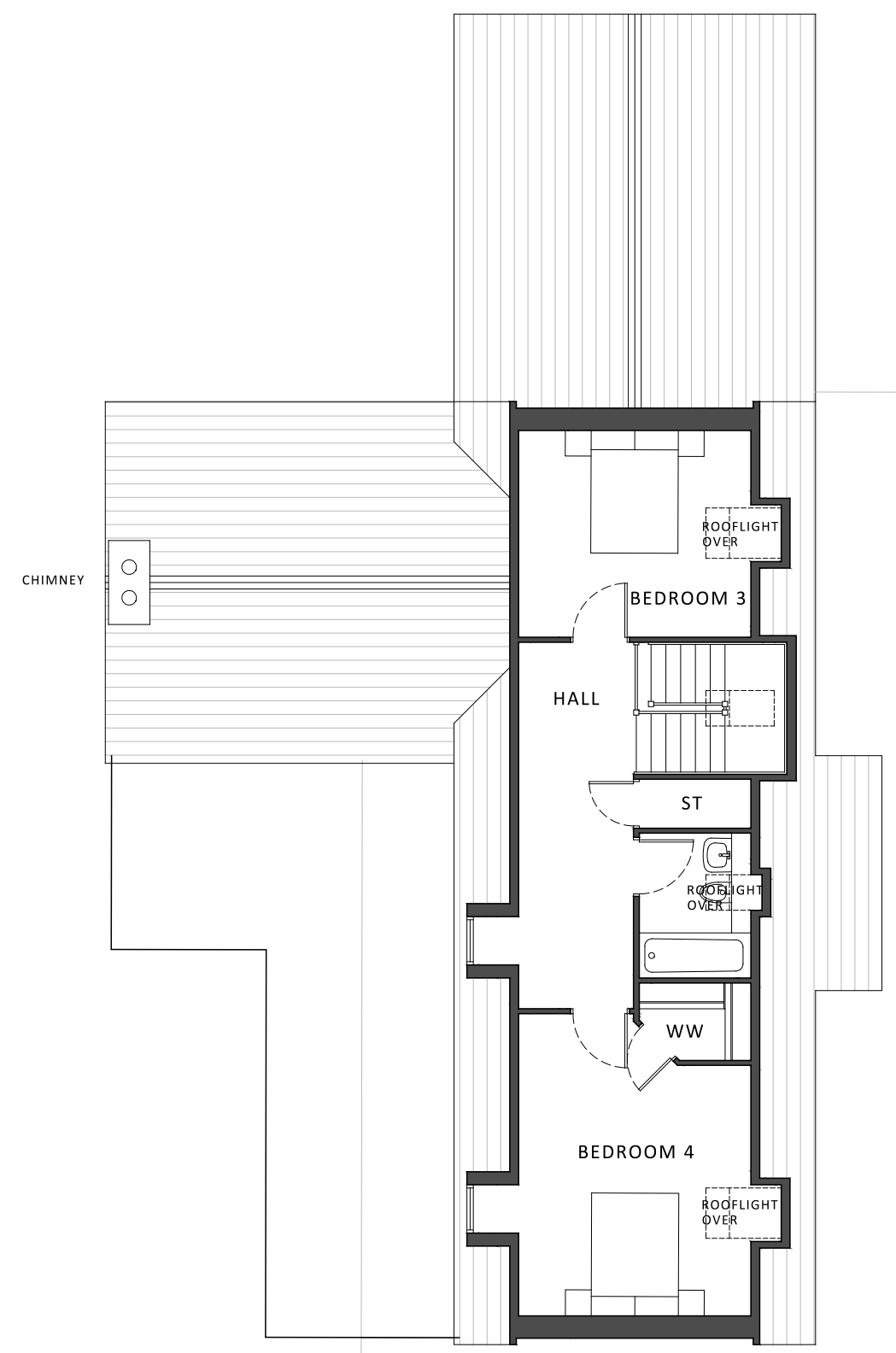
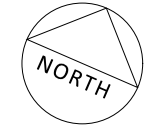
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Project Title : **NEW BUILD HOUSES
FALLADAY COTTAGE**

MACARI FAMILY

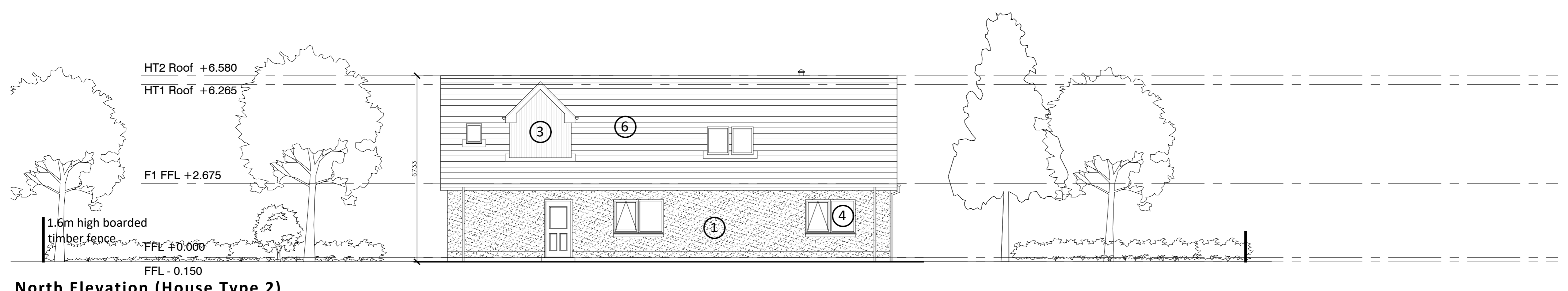
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Drawn by :	SB			
Date :	120723			
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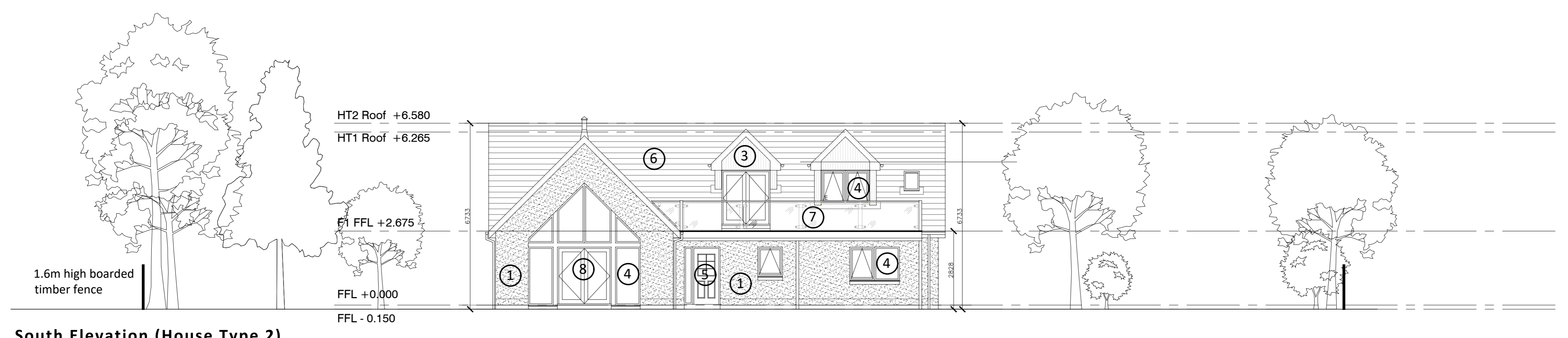
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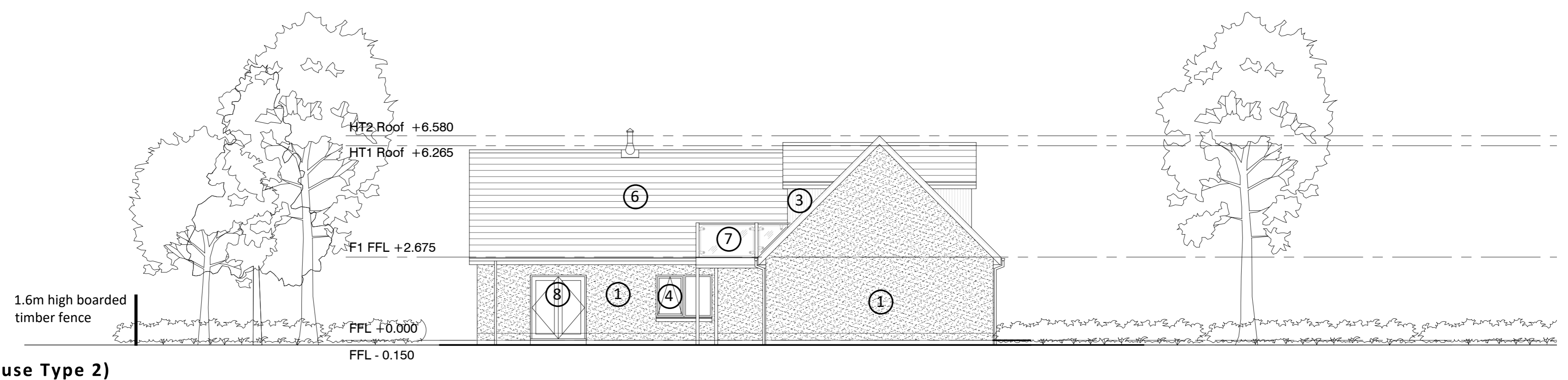
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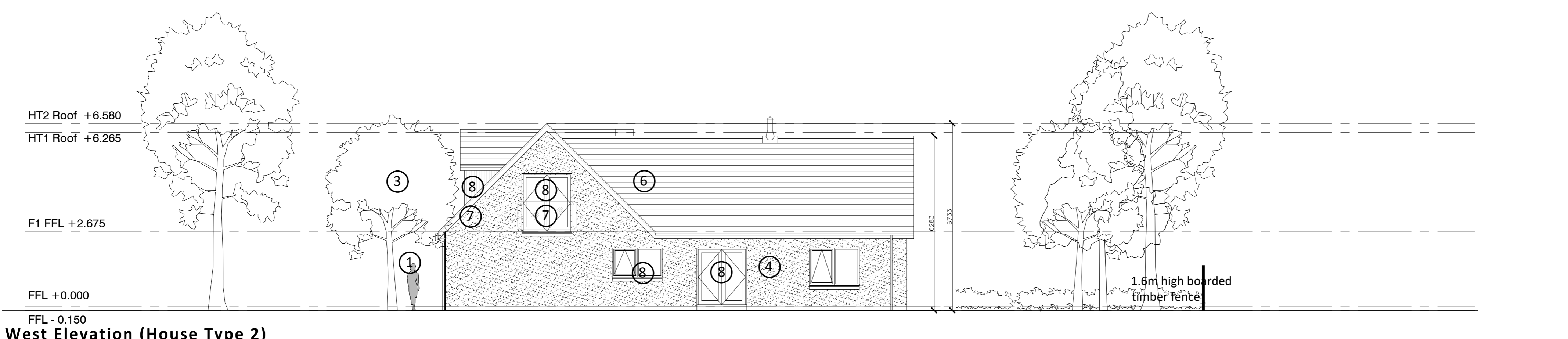
North Elevation (House Type 2)



South Elevation (House Type 2)



East Elevation (House Type 2)



West Elevation (House Type 2)

Proposed Elevations (2088)

SCALE 1:100@A1
1 0.5 1 2 3 4

STOVE: Ecosy+ Hampton 5
Double Sided TALL Defra
Approved Ecodesign Wood
Burning Stove. DEFRA Approved
for smokeless zones. 5kw.

- ① High quality silicone render - off white
- ② Natural stone cladding
- ③ Anthracite grey cedar composite cladding
- ④ Anthracite grey uPVC double glazed windows
- ⑤ Oak entrance door, clear coated
- ⑥ High quality natural slate roofing
- ⑦ Toughened glass balustrade with integrated handrail
- ⑧ Anthracite grey uPVC glazed double doors
- ⑨ Anthracite grey painted timber fascia
- ⑩ Anthracite grey rooflights

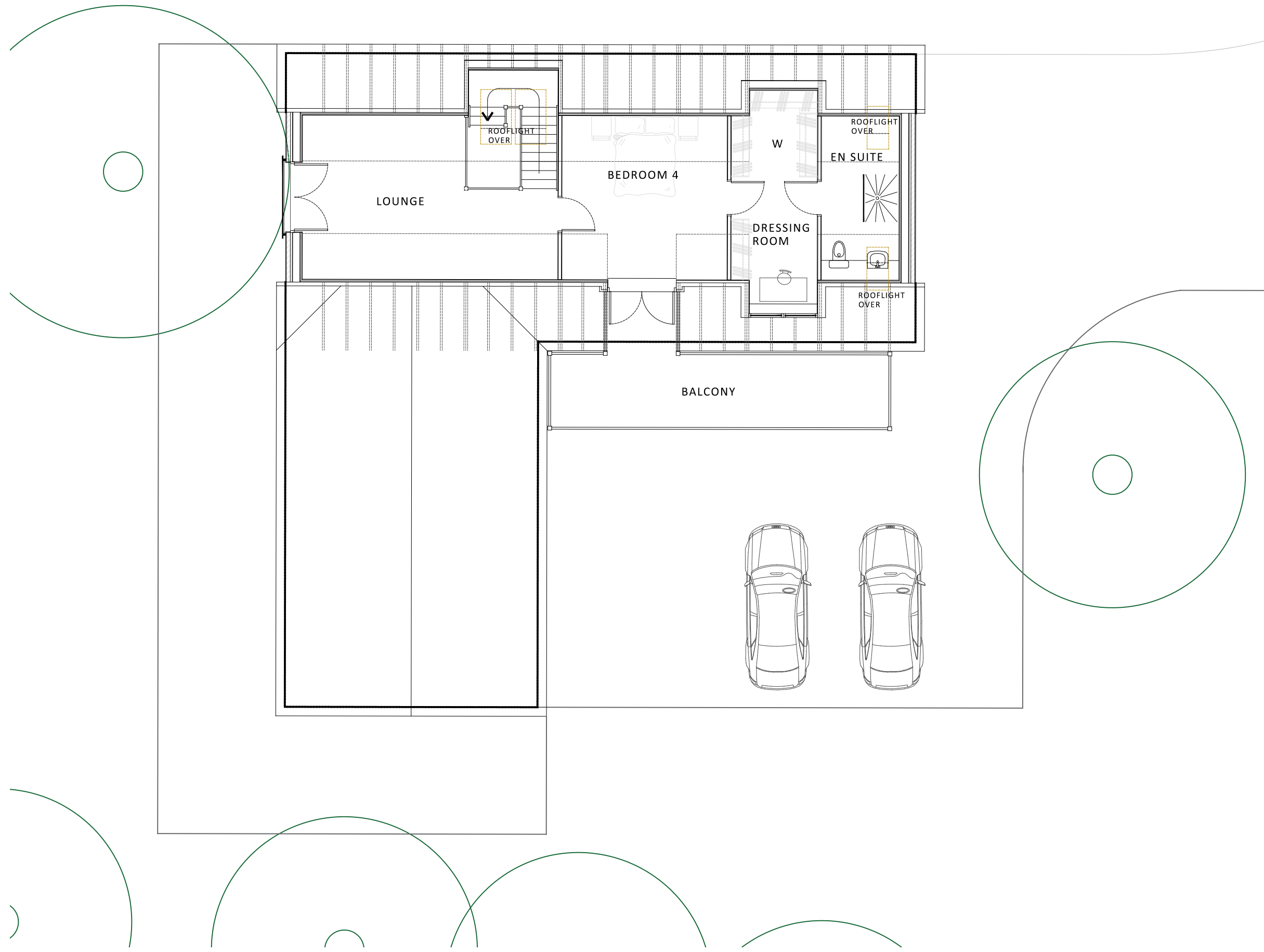
Project Title :	NEW BUILD HOUSES FALLADAY COTTAGE		
	MACARI FAMILY		
Sheet Contents :	HOUSE TYPE 2 ELEVATIONS		
Designed by :	SW	Drawing Number :	2088 PA 008
Drawn by :	SB	Date :	240723
Scale :	1:100 @ A1	Revision :	

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Project Title : **NEW BUILD HOUSES
FALLADAY COTTAGE**

MACARI FAMILY

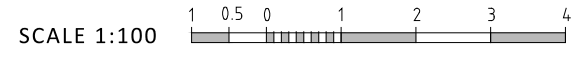
Sheet : **HOUSE TYPE 2**
Contents : **FIRST FLOOR PLAN**

Designed by : SW	Drawing Number :
Drawn by : SB	2088 PA 006
Date : 120723	Revision : A
Scale : 1:100 @ A3	

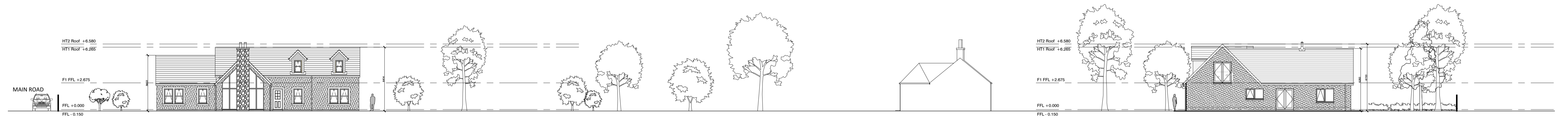
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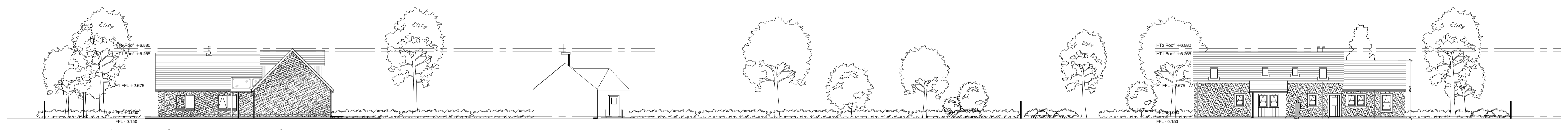
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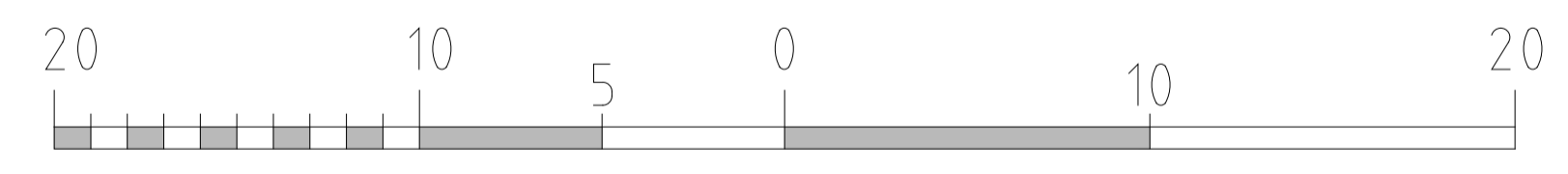
West Elevation (House Type 1 + 2)



East Elevation (House Type 1 + 2)

Proposed Site Section (2088)

SCALE 1:200@A1



Project Title: **NEW BUILD HOUSES
 FALLADAY COTTAGE**

MACARI FAMILY

Sheet Contents: **SITE SECTION**

Designed by: SW	Drawing Number:
Drawn by: SB	2088 PA 009
Date: 240723	Revision:
Scale: 1:200 @ A1	

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

PLANNING PERMISSION REFUSAL
REFERENCE : 23/00763/FULL

To Mr Marco Macari
c/o Wilson Paul Architects
4 Brook Street
Broughty Ferry
Dundee
DD5 1DP

With reference to your application dated 7 November 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

Erection of two dwelling houses within existing garden grounds at Fallady Cottage Idvies Letham Forfar DD8 2SP for Mr Marco Macari

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 NPF4 Policy 17 and ALDP Policy TC2 and the associated Countryside Housing Supplementary Guidance (2016) because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural areas.
2. The application is contrary to Policy DS1 of the Angus Local Development Plan 2016 as the proposal is not in accordance with other relevant policies of the ALDP, namely policy TC2 and the associated Countryside Housing Supplementary Guidance.

Amendments:

The application has not been subject of variation.

Dated this 28 March 2024
Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

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

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

DURATION

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

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

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

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

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

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



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

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

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

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

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

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



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

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

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

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

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

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

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



October 2023

Erection of 2 new build dwellings,

Fallady Cottage, Idvies, Forfar, Scotland

Design Statement



Location:

The site is situated within Idvies, an area comprised of smallholdings, steadings and agricultural farmland. Positioned nearby is the town of Letham, the largest village in Angus, with a population of just over two thousand residents. Letham contains a small range of shops, bakers and retail. The village also contains a primary school. The area provides good amenity with an extensive pattern of green paths which is regularly maintained by village volunteers. Further West of Letham, located five miles away, is the Town of Forfar. The town provides a greater offering of facilities, amenity and recreation. The closest city is Dundee, located south, eighteen and a half miles away from Letham.

Key Aim:

The aim of the project is to provide a small holding comprised of three houses. Presently the site is occupied by one existing property, which sits within a large tract of land, accessed from an existing private road. Our client is seeking to introduce two new low massing house types supplied by regional supplier Scotframe. The existing house has an excess of garden ground at present which is well in excess of other examples in the local area. The size of the garden at present is unmanageable for the owner, requiring a garden maintenance on a commercial scale. This application aims to provide much needed housing within the area, each house with significant garden grounds and private aspect.

Scotframe specialises in self-build timber frame kit homes for rural settings, many of which are seen in the local area. The client has selected two different self-build homes, each at one and a half storeys, which we believe is an appropriate scale for the site. The positioning of each has been carefully considered so as to be reflective of the existing context, deliver an enhanced level of privacy between the properties, maximise natural daylighting to key areas and minimise the loss of existing trees.

Positioned on site 1 is the Ptarmigan house type (house type 1) (Further details of the house types can be found at the following address <https://scotframe.co.uk/house-style/ptarmigan/> if required). At one and half storeys, with a total floor area of 177.68m². The property includes 4 bedrooms, with master bedroom containing ensuite and dressing room. South-west facing lounge, north-east positioned kitchen/family space and utility. Along with a shower room and bathroom. The exterior is formed of white render finish with areas of dark stained timber and a stone chimney to the lounge. Triple glazed windows and rooflights.

Site 2 has a slightly different house type, a bespoke form of house (developed from the 'Spey' house type). Also, at one and half storeys, with a total floor area of 192m². The property includes 4 bedrooms, with two including ensuites. South-west facing lounge/kitchen/dining space with attached utility. Along with bathroom. Similarly, the exterior is finished with white render with areas of anthracite grey cedar cladding board. It also sees anthracite grey uPVC windows and rooflights.



Aerial view – looking South

The site is accessed via private road with an established vehicle access that has excellent visibility, this already serves the existing property. With the site's remote location, there is no current overlooking onto any neighbouring properties. The site offers scenic views out onto the local farming fields and rolling hills. The approximate total area of the overall site is 6206.46m². Site 1 has a residual footprint of 1736.93m² and offers 1670.14m² of amenity space. Site 2 has a residual footprint of 1460.72m² and offers 1328.32m² of amenity space.

Both new house types will incorporate a BioDisc sewage treatment system to remove wastewater, this treated wastewater will then be discharged to a soakaway. In addition, soakaways will be installed to

treat discharge surface water on the site. Both systems provide an efficient, low-environmental impact solution to drainage.



Aerial view – looking North

New porous gravel driveways for each of the house types have also been included, with areas of high-quality porous paving setts demarcating the entrance areas.

It is proposed that a small number of small existing trees are removed. Replanting proposals are on a minimum of a like-for-like basis, with at least one new tree planted for every tree removed. The proposals also include for high quality soft landscaped areas which also assist in providing additional privacy and site demarcation.

There are no windows in the proposed homes that are within 18m of an adjacent property. Living areas and key habitable spaces have been orientated South, South-West in order maximize sunlight and views across the landscape. Both houses include external terraced areas for amenity.

This proposal aims to provide modest scaled affordable homes for the area of Idvies, with massing and materials reflective of the local area. Each offers a substantial garden, parking and amenity spaces, positioned off the county road accessible via private road and situated with magnificent views across the agricultural landscape.

WILSON PAUL ARCHITECTS

16.10.2023



House Type 1 – East elevation



House Type 1 – West elevation



House Type 2 – South elevation



House Type 2 – North elevation