

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 3 DECEMBER 2024**

**8 RUSSELL STREET, MONTROSE**

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

**1. ABSTRACT**

- 1.1 The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for erection of dwelling house on footprint of former building, application No 23/00433/FULL, at 8 Russell Street, Montrose.

**2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES**

- 2.1 This Report contributes to the following local outcomes contained within the Angus Council Plan 2023-2028:
- Caring for our people
  - Caring for our place

**3. RECOMMENDATIONS**

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

**4. CURRENT POSITION**

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

**5. FINANCIAL IMPLICATIONS**

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

**6. RISK MANAGEMENT**

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

**7. ENVIRONMENTAL IMPLICATIONS**

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

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

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

**9. CHILDRENS RIGHTS AND WELLBEING IMPACT ASSESSMENT**

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

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

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

**APPLICATION NUMBER – 23/00433/FULL**

**APPLICANT- MR G MARTIN**

**PROPOSAL & ADDRESS – PROPOSED ERECTION OF DWELLING HOUSE AT 8  
RUSSELL STREET MONTROSE**

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**Angus Council**

<b>Application Number:</b>	23/00433/FULL
<b>Description of Development:</b>	Proposed Erection of Dwelling House
<b>Site Address:</b>	8 Russell Street Montrose DD10 8HS
<b>Grid Ref:</b>	371710 : 757552
<b>Applicant Name:</b>	Mr G Martin

**Report of Handling****Site Description**

The site, which measures around 140sqm, is located adjacent to Russell Street and comprises land enclosed by walls on four sides, sitting to the rear of garden ground serving property on Palmerston Street. There is evidence that the site previously contained a small building, which was demolished sometime since 2009. Russel Street is located to the north where access to the site is taken, and there is garden ground serving property on Palmerston Street to the east and south. A lane serving the rear of the properties on Palmerston Street and Melville Gardens is located to the west, with residential property beyond. Montrose Academy is located north of Russell Street.

**Proposal**

The application proposes the erection of a detached, single storey L-shaped two-bedroom dwelling with a ridged roof. The new house would occupy a footprint of approximately 76sqm, leaving around 42sqm of garden ground to provide two car parking spaces, bin storage and private amenity space. An air source heat pump would be located sited on the east elevation of the proposed house. Vehicular access into the site would continue to be provided via the existing access onto Russell Street. The house would connect to the public water supply and to the public drainage network for foul drainage. The proposed surface water drainage arrangements are unspecified, but the application form indicates that sustainable drainage would not be utilised.

**Amendments**

The proposal was amended to redefine the site boundaries and amend the position of the proposed air source heat pump. The following plans amend and supersede previous versions of these plans.

- Crawford Architecture 'Proposed Site Plans' Drawing Ref: JDC - 1881 - A300 - PL Revision B dated 02.08.24
- Crawford Architecture 'Proposed Ground Floor Plan & Elevations' Drawing Ref: JDC - 1881 - A100 - PL Revision B dated 02.08.24

**Publicity**

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 14 July 2023 for the following reasons:

- Conservation Area

A site notice was posted for Conservation Area Development on 7 December 2023.

**Planning History**

08/01366/FUL for Erection of Workshop/Garage was determined as "approved subject to conditions" on 5 January 2009. The permission was subject to planning conditions which (amongst other things) restricted the use of the garage to prevent commercial/business use.

### **Applicant's Case**

The following documents were submitted in support of the proposal and are summarized as follows: -

#### Design & Access Supporting Statement

- Indicates the site has a history of structures dating back to the early 1900s and notes the previous application (08/01366/FUL) for a garage on the site.
- It indicates that there is a mixed development pattern on Russell Street with some properties facing the street and others with gable ends.
- Proposed house will be set behind the existing stone wall, which it suggests would maintain the existing development pattern.
- It opines that the development aligns with Scottish Government and Angus Council policy for brownfield land reuse and supports NPF4's emphasis on compact urban growth and higher density development.
- It notes no objections from local residents and support from the community council.
- It suggest that there is justification for deviating from the 400m plot size requirement based on NPF4's focus on compact urban growth.
- It suggests that there is precedent for similar small-scale redevelopments in central Montrose.
- It concludes that the site is small and located in a desirable conservation area within Montrose, notes that vacant land is scarce in the area, there is evidence of previous buildings on the site, the proposed development would remove dereliction, the proposed property is a 2-bedroom house, similar buildings have been approved in the area and the proposal aligns with local policies.

### **Consultations**

**Montrose Community Council** - Offers support for the proposal indicating that 'although on the small side there is other examples of small redevelopments of similar sites in Montrose. There appears to be no adverse impacts on neighbouring properties and no objections from locals.'

**Roads (Traffic)** – Object unless two car spaces are provided to serve the proposed dwelling. Response: the plans have been amended to provide two car parking spaces.

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

**Environmental Health (Arbroath)** – Has indicated that noise information would be required in relation to the proposed air source heat pump (ASHP) to ensure that any noise impacts on neighbouring amenity can be fully considered before any decision to allow an ASHP can be made.

### **Representations**

No letters of representation were received.

### **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 7 Historic assets and places
- Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 12 Zero waste  
 Policy 13 Sustainable transport  
 Policy 14 Design, quality and place  
 Policy 15 Local living and 20 minute neighbourhoods  
 Policy 16 Quality homes  
 Policy 18 Infrastructure first

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

Policy DS1 : Development Boundaries and Priorities  
 Policy DS2 : Accessible Development  
 Policy DS3 : Design Quality and Placemaking  
 Policy DS4 : Amenity  
 Policy TC2 : Residential Development  
 Policy PV8 : Built and Cultural Heritage  
 Policy PV15 : Drainage Infrastructure  
 Policy PV18 : Waste Management in New Development

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

### **Assessment**

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in determining this application.

In this case the development plan comprises: -  
 - National Planning Framework 4 (NPF4) (Adopted 2023)  
 - Angus Local Development Plan (ALDP) (Adopted 2016)

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

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

The site is located in the development boundary and is not allocated or otherwise identified for development in the ALDP. ALDP Policy DS1 states that proposals on sites not allocated or otherwise identified for development but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. It indicates that development proposals for new homes on land not allocated for housing in the local development plan will only be supported in limited circumstances, including where the proposal is supported by an agreed timescale for build-out; the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; and where (amongst other things) the proposal is for smaller scale opportunities within an existing settlement boundary. NPF4 Policy 9 indicates that 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. NPF4 Policy 14 relates to design, quality and place and indicates that development proposals will be designed to improve the quality of an area. It supports proposals which are consistent with the six qualities of successful places; and indicates that 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. NPF4 Policy 7 indicates that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. It indicates that relevant considerations include the architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials.

ALDP Policy TC2 supports proposals for new residential development within development boundaries where the site is not allocated or protected for another use; and the proposal is consistent with the character and pattern of development in the surrounding area. It provides detailed policy tests relating to amenity, provision of a satisfactory residential environment, impacts on the natural and built environment, access and infrastructure. ALDP Policy DS3 indicates 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. It seeks to create buildings and places 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. ALDP Policy PV8 indicates that development proposals which affect local historic sites (including conservation areas) will only be permitted where supporting information demonstrates that the integrity of the historic environment value of the site will not be compromised; or the economic and social benefits significantly outweigh the historic environment value of the site.

The Design and Placemaking Supplementary Guidance (2018) produced in support of ALDP Policy DS3 provides further guidance on Angus Council's approach to design and placemaking. Amongst other things, it indicates that:

- development proposals will be expected to.... ensure principal elevations of buildings face onto streets and public spaces to provide active frontages and natural surveillance;
- new houses should have plot areas that reflect the size of those in the surrounding area, but generally a minimum private garden area of 100sqm per house will be required;
- for infill sites, development proposals should integrate with the surrounding development pattern. Backland or tandem development will only be acceptable where it is characteristic of the area and where it does not disrupt the established development pattern or detract from the established quality of an area;
- for infill sites, development proposals should respect the shape and size of plots, building lines, building types and heights, materials and boundary treatment of the surrounding area.

Angus Council Advice Note 14 Small Housing Sites indicates:-

- the plot area of a proposal must bear some affinity with the surrounding plots, the Council will be reluctant to permit developments that do not respect the character of the area.
- as a general guide only, a minimum plot area of 400sqm is suggested. In areas of especially high density and where small plots are a characteristic or for some semi-detached houses, a lower minimum of 350sqm may be acceptable.
- the Council will require a minimum area of 100sqm to be allocated for private amenity space.

The key issues in this case are whether the form of development proposed in the application is consistent with the character and pattern of development in the surrounding area, which is of particular sensitivity because it is a conservation area; whether the development proposed would create a satisfactory residential environment for the would-be householder; and whether the proposal represents a form of housing development that it would be desirable to see replicated elsewhere.

#### The character and pattern of development in the area

The site of the proposed house is located within a 140sqm area of ground that sits to the rear of



residential property on Palmerston Place. It is separated from the garden ground serving property on Palmerston Place by a wall, and appears to have previously contained a domestic scale garage in its southwestern corner, which has been removed from the site sometime after November 2009.

The site is located within a historic part of Montrose which is designated a conservation area, reflecting the importance and high quality of the urban environment in this location. Palmerston Street sits to the east of the site. The west side of Palmerston Street mainly contains two and a half storey residential buildings which are located hard on the heel of the footway and have principal elevations facing east onto the street. Property on Palmerston Street has garden areas at their rear/west which are largely open, but some contain small scale domestic outbuildings such as garages and sheds. None of the rear gardens serving property of Palmerston Street have been developed for new housing, and the plot coverage of building to garden is typically in the region of 30-40%.

Melville Gardens is located to the west of the site and it has a similar character to Palmerston Street insofar as the dwellings located on that street are sited close to the footway, have active principal elevations overlooking the street, and have relatively open rear garden areas containing small domestic scale buildings such as garages and sheds. None of the rear gardens serving property on Melville Place have been developed for new housing, and the plot coverage of building to garden is typically in the region of 30%.

Property on Palmerston Street, Melville Gardens and elsewhere on nearby streets in the conservation area is largely dominated by buildings following a perimeter block structure, with housing designed to front onto and provide overlooking of the street. Property is also set within reasonably spacious plots allowing for open garden areas to the rear and with development in those gardens limited to small domestic scale structures such as garages and sheds. Residential buildings in the area do not typically occupy more of their plots than their associated garden areas.

In contrast to the established character and pattern of development in the area, the proposed house seeks to develop a 140sqm parcel of land which previously accommodated a domestic scale garage, with a new two-bedroom bungalow. The proposed house has not been designed to front onto the street like other houses in the surrounding area, and it would be contained within a small 140sqm walled area with no overlooking of the public realm. The building would occupy well in excess of 50% of the plot, with the house floor area measuring around 76sqm leaving around 42sqm open ground following development. The proposed house gives the impression of a new house squeezed into the rear garden area of property serving Palmerston Street. The form of development proposed in the application is not compatible with the character and pattern of development in this part of the conservation area, and it proposes a form of housing development that it would not be desirable to see replicated elsewhere in the garden areas to the rear of housing on Palmerston Street or Melville Gardens. The application proposes a form of development which would erode rather than preserve or enhance the conservation area.

The application proposes a form of development which is not consistent with the character and pattern of development in the surrounding area and the development has not been designed to improve the quality of the area. Accordingly, the proposal is contrary to NPF4 policies 7 and 14, and ALDP policies TC2, DS3 and PV8 and the associated Design and Placemaking Supplementary Guidance.

#### The provision of a satisfactory residential environment

ALDP Policy TC2 requires all proposals for new residential development to provide a satisfactory residential environment. The Design and Placemaking Supplementary Guidance (2018) produced in support of ALDP Policy DS3 and Angus Council Advice Note 14 provide further advice on what constitutes a satisfactory residential environment, and they require (amongst other things) that new houses should provide a minimum of 100sqm private amenity space, and ensure adequate spacing between buildings.

The proposed house would have a footprint of around 76sqm leaving an area of around only 42sqm of garden ground. The proposed floor plan shows that the two car parking spaces required to meet the parking standard would consume almost all of the useable garden ground for the proposed house, leaving very little useable space for outdoor activities when cars are parked. The lack of garden ground is a symptom of the plot size being too small to serve a new two-bedroom house.

The house is also designed such that the windows serving the living space face the boundary walls which contain the site. Those walls measure around 2.4m high according to the applicant's drawings. The main living space would face the stone boundary wall to the north at a distance of less than 7m. The bedrooms would face the stone boundary wall to the east at a distance of less than 6.5m. Such a limited aspect for the proposed new house would not create a good residential environment.

As a consequence of the above, it cannot be concluded that the proposal would provide adequate garden ground and the proposed house would not create a satisfactory residential environment, contrary to the provisions of ALDP Policy TC2 and associated council guidance.

#### Other development plan considerations

The site is located in a predominantly residential area and there are no land uses in the surrounding area which are incompatible with the proposed residential use of the site. The proposed house would not result in an unacceptable amenity impact on neighbouring amenity. Windows in the proposed bedrooms would be around 16/17m from windows in the property to the east which is adequate. The boundary wall between the existing property and proposed house would provide some relief from overlooking of garden ground. Environmental Health has identified potential concerns in relation to noise from the proposed air source heat pump, but that matter could be regulated by planning condition were the proposal otherwise acceptable.

The parking, access and waste storage arrangements are acceptable, notwithstanding the quantity of garden ground the parking would occupy and the issues that creates in providing adequate amenity space as identified above. The site is reasonably well located in terms of access to sustainable travel opportunities. It is within 20 minutes of the services necessary to support a dwelling, and there are nearby bus and rail services and good access to existing pedestrian and cycle connections.

The proposal water supply and foul drainage arrangements are acceptable and Scottish Water has no objection to the proposal. It is unclear if surface water could be managed in a sustainable way within the site given its limited size, but that matter could be addressed by planning condition. Appropriate external finishes for the house could be secured by planning condition.

The site is not subject of any natural heritage designation but the proposal is unlikely to impact on protected sites, species or biodiversity.

In respect of NPF4 policy 9, it is acknowledged that the proposal would involve the redevelopment of brownfield land and that attracts some support from NPF4. However, NPF4 is also clear that it seeks to promote the right development in the right place, and issues are identified above which indicates that this is not the right development in the right place.

While the proposal accords with some policies in the development plan, it fails to comply with policies aimed at creating a satisfactory residential environment, and ensuring development fits with the character and pattern of development in the surrounding area, which is acutely important in conservation areas. The proposal is not of a scale and nature appropriate to its location, and is also contrary to ALDP Policy DS1. The proposal is contrary to the development plan.

In relation to material considerations, both the applicant and community council make reference to what they consider to be comparable development being granted planning permission elsewhere in Montrose.

The applicant refers to planning application 13/01177/PPPL at Wellington Park which proposed a new house on a 372sqm plot, which is more than double the plot size than is proposed in the current application. The applicant also makes reference a proposal to refurbish an existing building to form a dwellinghouse in Upper Hall Street. That proposal related to repurposing an existing building, and not a new build bungalow. It is therefore not comparable. It is acknowledged that planning permission has been granted for residential development on smaller sites in locations generally in or adjacent to the town centre in Montrose where the proposals have involved reuse of an existing building. The current proposal does not involve reusing an existing building. It involves erecting a new two bedroom bungalow. The site previously contained a building which has been removed from the site, but available evidence suggests

that the building on the site in 2009 had a significantly smaller footprint than the house proposed in the application, and that smaller building was cleared a significant period of time past. The examples provided by the applicant are not comparable to the circumstances of this case, and they lend no support departing from the development plan. Council guidance is clear that where proposals involving the erection of new dwellings, development must be compatible with the character and pattern of development of the area and must create a satisfactory residential environment. This proposal seeks to squeeze a house in a site which is too small to accommodate a new house and the identified issues are largely a symptom of the inadequate plot size.

The proposal is contrary to the development plan. There are no material considerations which justify approval of planning permission contrary to the provisions of the development plan.

### **Human Rights Implications**

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

### **Decision**

The application is Refused

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

1. The application proposes a form of development which is not consistent with the character and pattern of development in the surrounding area and the development has not been designed to improve the quality of the area. Accordingly, the proposal is contrary to National Planning Framework 4 (2023) policies 7 and 14, and Angus Local Development Plan (2016) policies DS1, TC2, DS3 and PV8 and the associated Design and Placemaking Supplementary Guidance.
2. The proposal would not create a satisfactory residential environment, contrary to the provisions of Angus Local Development Plan (2016) Policy TC2 and associated council guidance.

### **Notes:**

Case Officer: Damian Brennan  
Date: 16 September 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 7 Historic assets and places

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

i. building is no longer of special interest;

ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;

iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or

iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

i. architectural and historic character of the area;

ii. existing density, built form and layout; and

iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary

walls, railings, trees and hedges, are retained.

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
- i. reasonable efforts have been made to retain, repair and reuse the building;
  - ii. the building is of little townscape value;
  - iii. the structural condition of the building prevents its retention at a reasonable cost; or
  - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
- i. direct impacts on the scheduled monument are avoided;
  - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided;
- or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
  - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

#### 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 12 Zero waste

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
  - i. reuse existing buildings and infrastructure;
  - ii. minimise demolition and salvage materials for reuse;
  - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
  - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
  - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
  - i. provision to maximise waste reduction and waste separation at source, and
  - ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
  - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
  - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
  - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
  - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
  - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
  - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
  - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
  - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water

treatment plant will be supported.

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

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

#### Policy 13 Sustainable transport

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

- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
- ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
- iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. Will be accessible by public transport, ideally supporting the use of existing services;
- iii. Integrate transport modes;
- iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans



should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

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

Policy 14 Design, quality and place

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

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

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

Pleasant: Supporting attractive natural and built spaces.

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

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

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

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

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

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

Policy 15 Local living and 20 minute neighbourhoods

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

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

## Policy 16 Quality homes

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
  - i. meeting local housing requirements, including affordable homes;
  - ii. providing or enhancing local infrastructure, facilities and services; and
  - iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
  - i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
  - i. a higher contribution is justified by evidence of need, or
  - ii. a lower contribution is justified, for example, by evidence of impact on viability,
 where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
  - i. the proposal is supported by an agreed timescale for build-out; and
  - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
  - iii. and either:
    - o delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
    - o the proposal is consistent with policy on rural homes; or
    - o the proposal is for smaller scale opportunities within an existing settlement boundary; or
    - o the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
  - i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 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

### **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 DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

#### 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 PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

#### National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

#### Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

Policy PV18 : Waste Management in New Development

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

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

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

**ANGUS COUNCIL**

**PLANNING**

**CONSULTATION SHEET**

PLANNING APPLICATION NO

**23/00433/FULL**

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

11	07	23
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**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES WILL BE PROVIDED ON REQUEST**

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**





# Memorandum

Infrastructure & Environment  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 27 JULY 2023

SUBJECT: **PLANNING APPLICATION REF. NO. 23/00433/FULL – PROPOSED ERECTION OF DWELLING HOUSE ON FOOTPRINT OF FORMER BUILDING AT 8 RUSSELL STREET, MONTROSE**

---

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 land which sits within the Montrose conservation area.

The application proposes to develop the site into a small 2-bedroom house with an open courtyard for vehicle parking and amenity space.

The submitted application form indicates that there will be a reduction in the number of off-street car parking spaces from two to one. The submitted drawing no. JDC-1881-A100-PL shows that the proposed dwelling will have two bedrooms.

To maintain the free flow of traffic on the existing public road, car parking should be provided within the site in accordance with the council's parking standards. This equates to a requirement for two parking spaces. Since, only one car parking spaces is proposed, the development fails to meet the council's requirements.

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 object to the application due to its failure to meet the council's car parking standards.

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

A handwritten signature in blue ink, appearing to be 'AG', located below the text.

# Comments for Planning Application 23/00433/FULL

## Application Summary

Application Number: 23/00433/FULL

Address: 8 Russell Street Montrose DD10 8HS

Proposal: Proposed Erection of Dwelling House on Footprint of Former Building

Case Officer: Damian Brennan

## Customer Details

Name: Mx Montrose Community Council

Address: The Mall Montrose

## Comment Details

Commenter Type: Community Council

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having reviewed this application, we would like to add our support for this use of a redundant building / area of ground in the town centre area.

Although on the small side there is other examples of small redevelopments of similar sites in Montrose. There appears to be no adverse affects on neighbouring properties and no objections from locals.

We would hope the planning department look to recommend this application for approval.

Kind Regards, Montrose Community Council

**Veronica Caney**

---

**From:** Louise Akroyd  
**Sent:** 20 September 2023 11:49  
**To:** Damian G Brennan  
**Subject:** Planning Application Consultation 23/00433/FULL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Damian,

**23/00433/FULL****Proposed Erection of Dwelling House on Footprint of Former Building  
8 Russell Street Montrose DD10 8HS**

I refer to the above application for the erection of a dwelling house and can advise that I have seen the submitted information.

I note that the layout plans that this will include an Air Source Heat Pump (ASHP) which will be located between the stone boundary wall and house and no additional information has been supplied to indicate the make, model or manufacturer's noise data for the ASHP. In terms of the location, it appears that there will be very little air movement due to the confined space between to stone/brick walls and it is not clear if any advise has been sought from a ASHP installer as to if it would be feasible to install one in this position. I am also concerned that this would be located approximately 12 metres from the nearest residential properties are accommodated over two and three floors and will therefore be above the boundary wall.

In light of the above, I would ask if further information can be provided from the applicant on the ASHP to clarify if this location has been approved by an engineer as suitable and if so if the make and model for the ASHP can be provided, together with manufacturer's noise data.


If you have any queries about the above, please let me know.

Kind Regards

**Louise Akroyd**

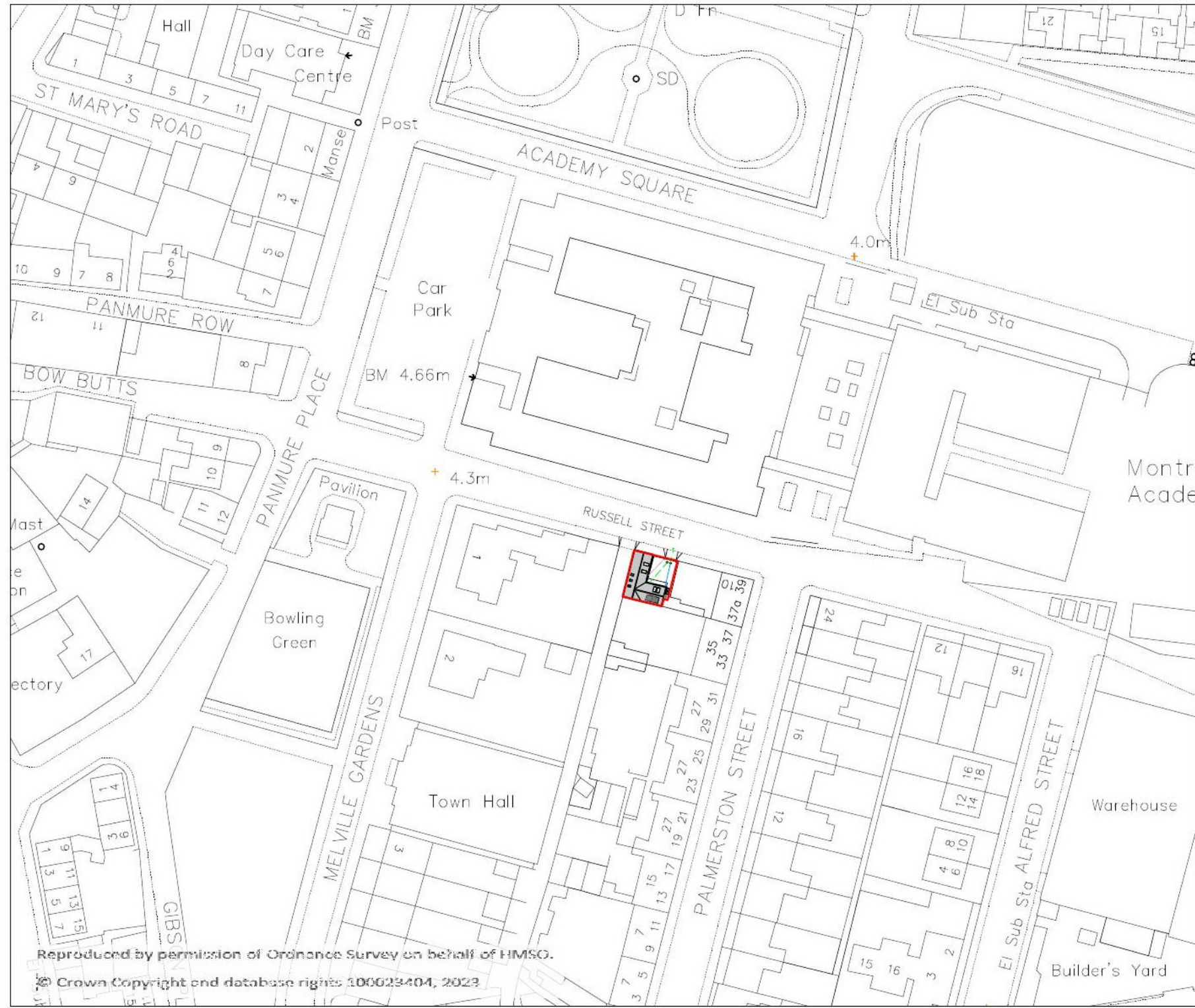
**Environmental Health Officer | Angus Council | Communities | Environmental & Consumer Protection | Angus House, Orchardbank Business Park, Forfar DD8 1AN | 01307 491827 |**

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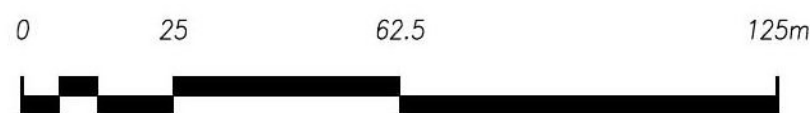
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Think green – please do not print this email

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Location Plan  
 1:1250



SCALE 1:1250



A3	REV		Date of Issue	Day >	Drawn By DP
				Month >	
				Year >	
Client;	Mr GMartin				
Project;	Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS				
Title;	Location Plan				
Drawing Ref;	JDC - 1881 - A301 - PL				



Office Address:  
 72 New Wynd Montrose, Angus, DD10 8RF

Tel: 01674 672064  
 Email: info@crawfordarchitecture.co.uk  
 Web: www.crawfordarchitecture.co.uk

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Planning Application Legend

- Red Boundary Line - Application Site
- Blue Ownership Line - Land in applicants ownership
- Existing Car Parking Space
- Proposed Car Parking Space - 2.5 x 5m each

Drainage Legend

- Downpipe
- Soil Vent Pipe
- Rodding Access

Drainage Legend (To Public Drainage)

- Disconnecting Chamber - Surface
- Disconnecting Chamber - Foul

Drainage Legend (To Public Drainage)

- Foul Drainage
- Rainwater Drainage

Waste Management & Recycling - Solid waste storage point

- Standard Wheeled Bin Provision -
- Wheeled Bins 720x550 - Grey Recycling Bin
- Wheeled Bins 480x550 - Purple General Waste Bin
- Handle Bin 300x300 - Brown Food Waste Bin
- Wheeled Bins 720x550 - Green Garden Waste Bin (OPTIONAL)
- Include for 150mm around each waste unit for access etc.

Include for laying paving slabs or concrete to accommodate hard standing for bin storage.

RUSSELL STREET

All Boundaries to remain Existing Stone Boundary Walls with entrance Piers. All stone work to be cleaned and re-pointed where required

Foul water to public Sewer

Site Area - 137m<sup>2</sup>

Courtyard + Amenity Ground 50m<sup>2</sup>

Rainwater to Rainwater Harvesting Tank and then to public Combined Sewer

Bin Store ASHP

4kw Solar Panel Array

37a 39

35 37



Proposed Site Plan 1:100



SCALE 1:100

Contains Ordnance Survey data.

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Date of Issue	Day >	14	02	Drawn By
	Month >	08	08	
	Year >	23	24	

Client: Mr G Martin

Project: Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS

Title: Proposed Site Plans

Drawing Ref: JDC - 1881 - A300 - PL



Office Address: 72 New Wynd Montrose, Angus, DD10 8RF

Tel: 01674 672064  
Email: info@crawfordarchitecture.co.uk  
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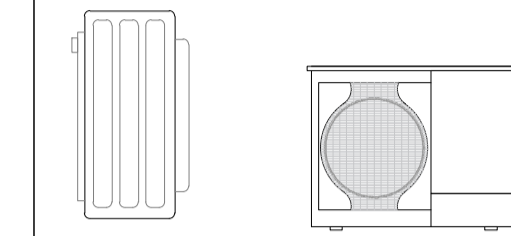
This drawing is solely for the purpose of obtaining Planning Approval.

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Do NOT scale this drawing for construction purposes.

Location	Hatch Type	Material	Colour / RAL
Roof		Slate	
External Walls		Render	
External Walls		Stone	
External Walls		Horizontal Timber Cladding	
Windows & Doors			
Rainwater Goods			

Drawing Legend

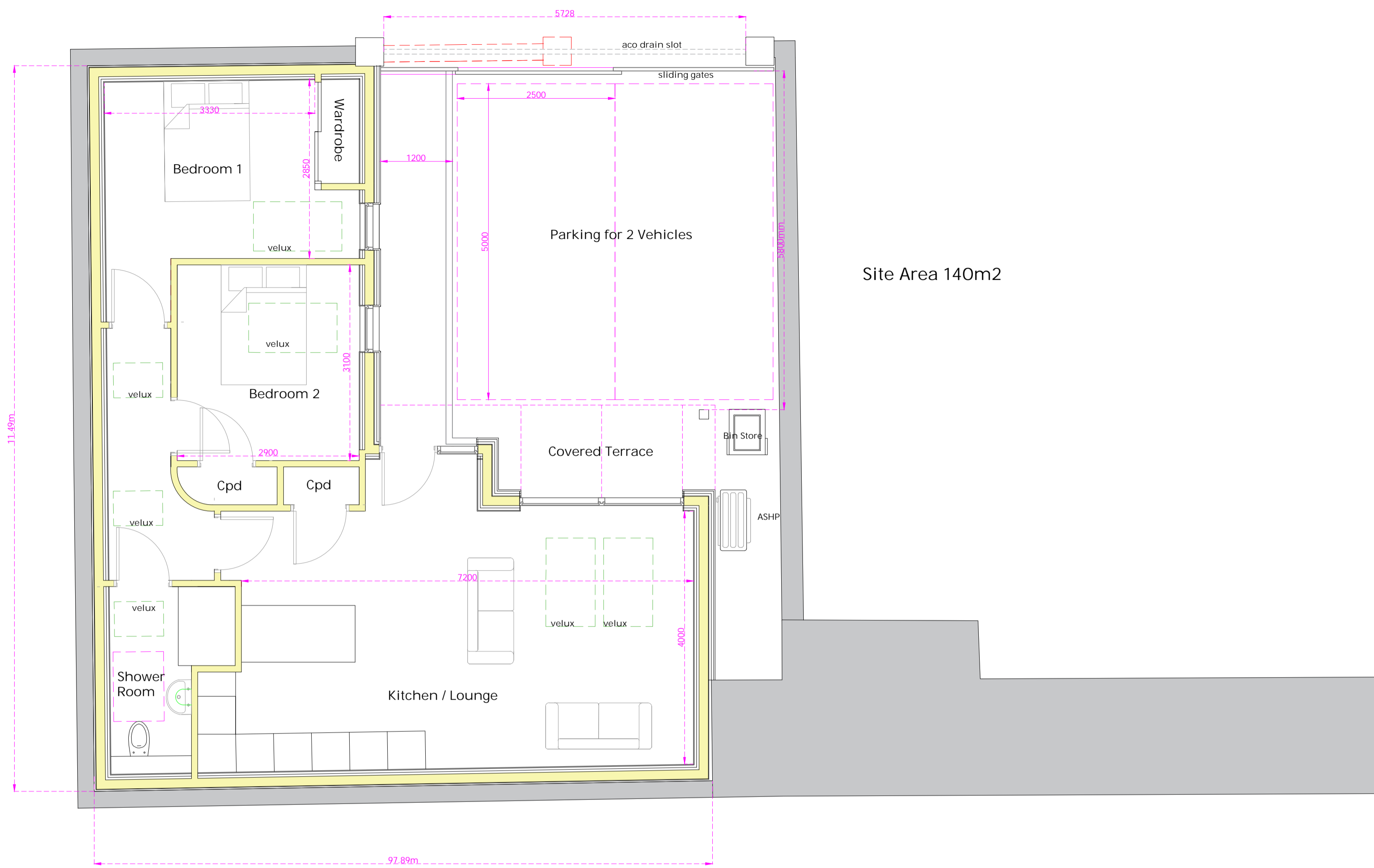
- Existing Walls
- Blockwork
- Timber Frame with Insulation
- Stone
- Internal Partitions
- Clad / Framed Walls
- Robust Internal Partitions
- 60min Fire Rated Partition



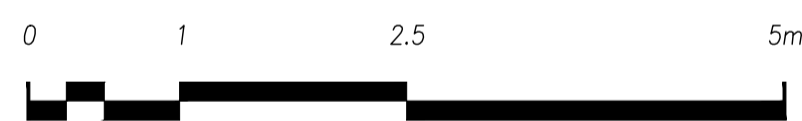
Mitsubishi Ecoadan w50  
Air Source Heat Pump

Planning Application Legend

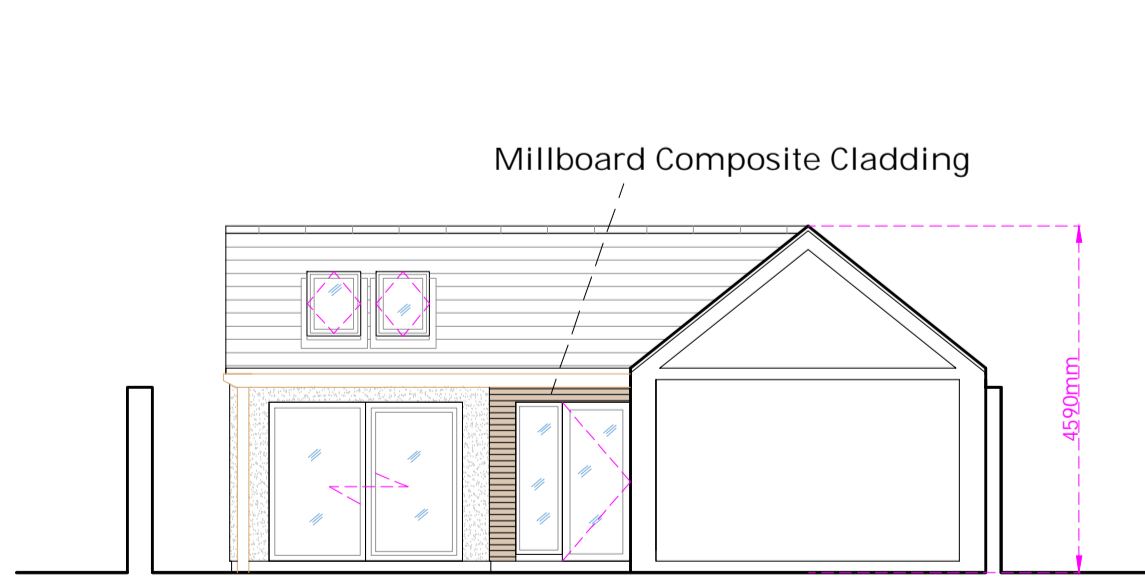
- Existing Ground Line
- Finished Floor / Ceiling Levels
- Existing Ground
- Proposed Ground Build Up



Proposed Ground Floor Plan  
1:50



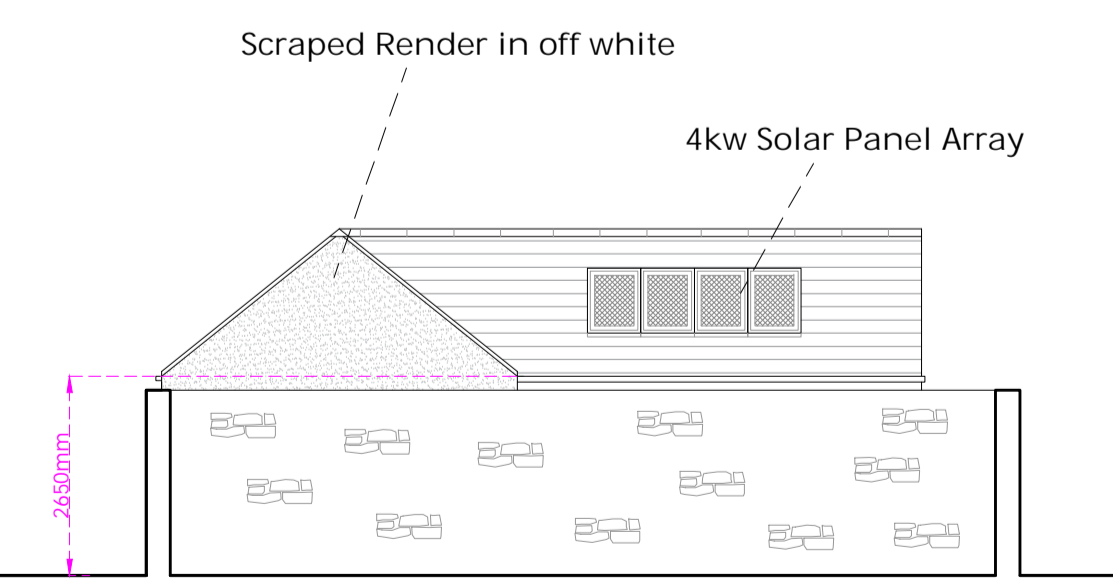
SCALE 1:50



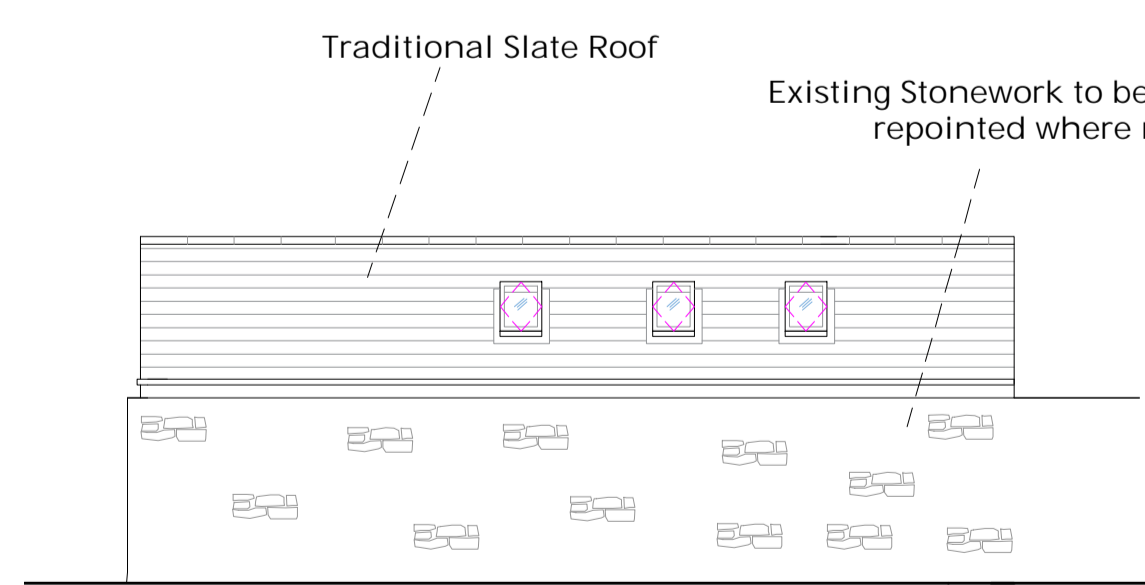
Proposed North Sectional Elevation  
1:100



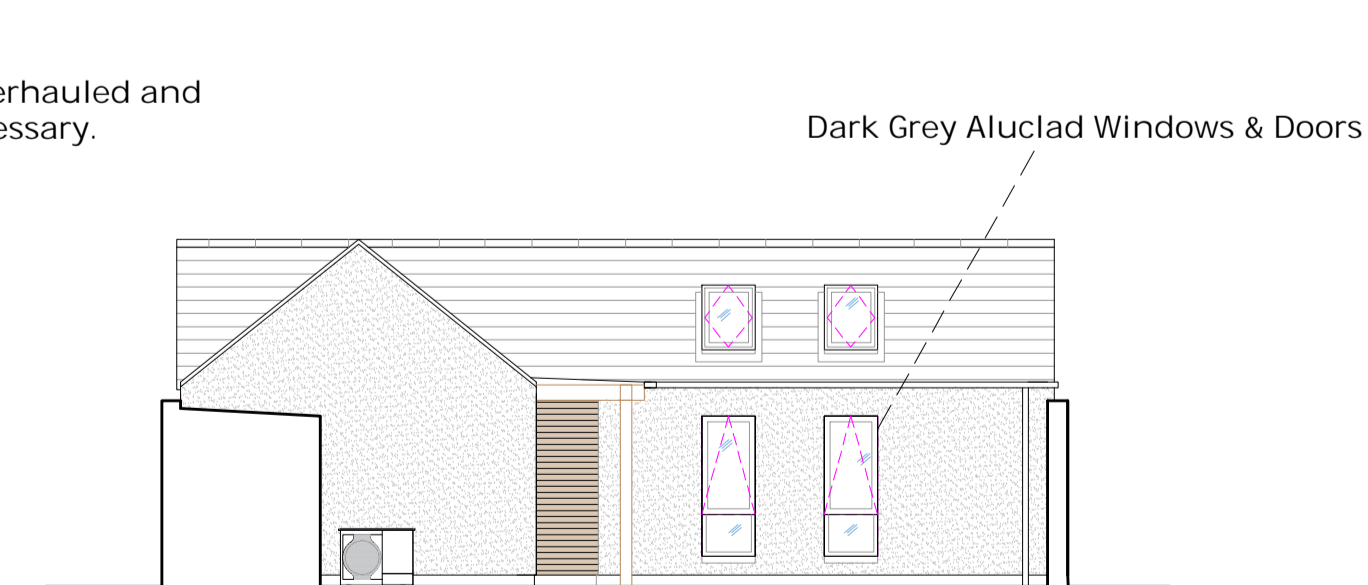
SCALE 1:100



Proposed South Elevation  
1:100



Proposed West Elevation  
1:100



Proposed East Elevation  
1:100

Date of Issue	Day > 14 02 Month > 08 08 Year > 23 24	REV	Drawn By
		A   B	DP

Client: Mr G Martin

Project: Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS

Title: Proposed Ground Floor Plan & Elevations

Drawing Ref: JDC - 1881 - A100 - PL



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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 : 23/00433/FULL**

To **Mr G Martin**  
**c/o John Crawford**  
**72 New Wynd**  
**Montrose**  
**Scotland**  
**DD10 8RF**

With reference to your application dated 15 June 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Proposed Erection of Dwelling House on Footprint of Former Building at 8 Russell Street Montrose DD10 8HS for Mr G Martin**

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 docketed 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 proposes a form of development which is not consistent with the character and pattern of development in the surrounding area and the development has not been designed to improve the quality of the area. Accordingly, the proposal is contrary to National Planning Framework 4 (2023) policies 7 and 14, and Angus Local Development Plan (2016) policies DS1, TC2, DS3 and PV8 and the associated Design and Placemaking Supplementary Guidance.
2. The proposal would not create a satisfactory residential environment, contrary to the provisions of Angus Local Development Plan (2016) Policy TC2 and associated council guidance.

**Amendments:**

1. The proposal was amended to redefine the site boundaries and amend the position of an air source heat pump proposed. The following plans amend and supersede previous versions of these plans. Crawford Architecture 'Proposed Site Plans' Drawing Ref: JDC - 1881 - A300 - PL Revision B dated 02.08.24 Crawford Architecture 'Proposed Ground Floor Plan & Elevations' Drawing Ref: JDC - 1881 - A100 - PL Revision B dated 02.08.24

Dated this **17 September 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
<b>Development Standards Committee/Full Council</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>
<b>Delegated Decision</b>	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.	<b>Local Review Body –</b> <b>See details on attached Form 2</b>
<b>Other Decision</b>	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.	<b>DPEA (appeal to Scottish Ministers)</b> – <b>See details on attached Form 1</b>

**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](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)



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

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

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

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

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

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



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

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

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

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

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

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

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



## DESIGN & ACCESS SUPPORTING STATEMENT

### Project Title

*Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS*

### Applicant

Mr G Martin

### JDC Reference

JDC/1881/DS/RevB 23.08.23

## 1.0 Introduction –

Crawford Architecture on behalf of the Mr G Martin have prepared this supporting statement in support of an application lodged to Angus Council for full planning permission for a Proposed erection of one dwelling.

The purpose of this Design Statement is to illustrate the concept behind the detailed planning application for the dwellings and how these fits in with national policy and guidelines for design.

### **Brief**

Our client came to us with a view to redevelop a brownfield site in central Montrose. Disused and derelict the site has been empty for some decades and sits in a predominantly residential area of the town adjacent to Montrose Academy. The site has evidence of a previous building or buildings on it and as such you can still see foundations, gables and footings in and around the site.

## 2.0 Design

### **Location & Description**

The proposal which sits within Montrose Conservation area is to develop this former site into a small 2-bedroom house with an open courtyard for vehicle parking and amenity space. The site would be designed so that all windows are facing into the private courtyard with some velux windows and solar panels on the roof.

The area around the site features various traditional residential buildings of various sizes including a 12-bedroom Georgian Mansion to the West on Melville Gardens, and Sandstone built Georgian flats and maisonettes to the East on Palmerston Street. The south of the site is Gardens to properties on Palmerston Street and Montrose Academy sits to the North of the site.

### **Design**

The design of the property has been kept simple and respectful of the location and character of the area. The roof will be a pitched slate roof which is likely what the former building / buildings would have had previously. The new walls will be timber

framed and finished in a modern scraped render and composite cladding which will be located within the courtyard. The remaining external walls will remain existing stone which will be overhauled and repointed. The window openings have been designed with a vertical proportion to again fit in with similar adjacent residential properties.

## **Road Access**

The large existing vehicle access to the site is off Russell Street which has large areas of off-street parking from Panmure Place to Alfred Street. The existing stone boundary walls will be retained for privacy.

## **Sun Path**

The former dwelling sits in a North and East facing direction which limits solar gain. However, the new solar panels will be on the south facing roof and will not be overshadowed by any buildings near by.

## **Drainage**

All foul drainage will be taken to the public mains on Russell Street. Rainwater will be dealt with via a rainwater harvesting tank in the roof space which will be used for grey water and overflow will discharge into the public system.

## **Trees & Landscaping**

There are no trees on the site but there are some self-seeded trees which run along the boundary to the private pend in between Palmerston Street and Melville Gardens. The courtyard for the proposals will be laid with modern permeable pavers to the most part, with a small area of raised planting beds to allow for planting in this private amenity area.

## **History**

Dating back to early 1900's the site always had some sort of structure within it. Its unclear if this was independent or linked to the properties on Palmerston Street as they were built in the late 1800's. Its likely it could have been wash or outhouses for these properties but was of a scale that is larger than typical in this area. The site appears to have always been bounded independently as it is today since the late 1800's.



1901 Map



2009 Photo showing existing historic building on site prior to demolition



## 3.0 PLANNING

### Planning History

There has been one application on the site previously was for the erection of a workshop garage - 08/01366/FUL - although there is no evidence this was implemented, some of the dereliction on site does show evidence of repair pits in the ground which presumably would be for working on cars.

### Planning Policies and Guidelines

The following policies and guidelines will be adhered to during the design process.

- TC2 Residential Development
- TC4 Householder / Domestic Development
- PV9 Renewable and Low Carbon Energy Development
- 6 Angus Council Householder development planning advice notes.

### Development pattern

It is evident that the development pattern on Russell Street is mixed with some properties to the east end of the street (12-16) facing the street, however the properties on Panmure Street, Melville Gardens and Palmerston Street and the Pavilion Cafe all present a gable end to Russell Street. The site itself currently includes a stone wall with existing access gate to Russell Street, this will remain unchanged with the proposed house set behind the existing wall with both the wall and gate opening retained.

We have attached an historic photo from 2009 above, which demonstrates the site originally accommodated a building of similar scale to that currently proposed. I have also provided a 3D image of the proposed development which provides a clear view of the proposed development from Russell Street. This demonstrates that the proposed house will sit successfully behind the existing wall with the gable facing the street, similar to the gables ends, walls and outbuildings in the immediately surrounding properties which, along with the retained access gate, will in fact continue the existing and historic development pattern in the area.



### Proposed Conceptual Image of Site

#### Brownfield sites

All Scottish Government and Angus Council policy supports the reuse of brownfield land. NPF 4, provides the most up to date policy advice with transitional advice from the Chief Planner confirming that, if there is any incompatibility between a provision of NPF and a provision of an LDP, NPF4 policy prevails.

NPF4 is clear in its support for compact urban growth, higher density development is supported which will help to sustain public transport and support local living.

This is confirmed by Policy 9 Brownfield which states that:

“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.”

The background to the policy recognise that the reuse of brownfield land ensures that development is directed to the right locations, it maximises the use of existing assets and minimises additional land take with derelict spaces are regenerated to improve wellbeing and transform places all of which in turn contributes to compact urban growth and local living, a fundamental policy goal of NPF4.

This is all of relevance in the consideration of the current proposal. The application site is a small pocket of brownfield land within an existing primarily residential area close to

all local amenities and public transport links. The site has no current use and has become overgrown and unsightly, as such the proposed redevelopment will result in the reuse of vacant land resulting in a net environmental and visual improvement to the area while contributing to compact urban growth and local living.

It is worth noting that there have been no representations from local residents and indeed there is support from the local community council which recognise the benefits of the reuse of this small area of land.

### **Plot Size**

The proposed layout provides a modest 2 bed house with associated space which will be used for parking and amenity space. The site is close to local services and facilities with a range of parks and open space including Montrose Links all within a short walk.

Therefore, We would submit that, given the background of the site, which accommodated built development, the existing condition of the site, the fact that the proposed development will result in a net environmental and visual improvement and that the development will contribute to compact urban growth and local living a key aim of NPF4, there is sufficient justification to set aside strict conformity to the arbitrary 400 m plot size as provided by Planning Advice Note 14 Small House Sites and PAN 6 Backland Housing Development. Both these advice notes, while not dated, certainly provide out of date advice which is not in line with current Scottish Government advice contained in NPF4 in relation to compact urban growth and local living. As NPF4 is the most recent advice, this takes precedence over the advice on the PANs.

### **Precedent**

There are similar examples of small-scale redevelopment in central Montrose which was carried out by Crawford Architecture in the past. Under **05/01414/FUL** – Renovation of derelict shed to form dwellinghouse, a derelict bothy style building in the garden of a flatted property in Upper Hall Street was granted permission for redevelopment into a 2-bedroom property with private courtyard for amenity ground. The site was 95m<sup>2</sup> in total with an amenity ground of 15m<sup>2</sup>. Application **13/01177/PPPL** – Erection of house on land at 12a Wellington Place Montrose saw the removal of a former builder's yard which was 360m<sup>2</sup> and permitted the erection of a small 2-bedroom single storey dwelling with 85m<sup>2</sup> of private amenity ground and one car park space.

## Existing Photos







## Summary

This is a small-scale site in central Montrose and within a conservation area to which vacant land is at a premium and not often available. There is also clear evidence that there were previous structures on the site in the past and approval of this application would allow removal of dereliction in what is a very sought after location in Montrose.

Although the site is only 140m<sup>2</sup> in area, the proposed plans show it can suitably accommodate a 2-bedroom residential property with open plan living and private courtyard. Evidence around central 'Montrose also exists of similar buildings that have been approved and built and are more than suitable for modern town centre living. We therefore would suggest that this proposal is in line with the various local policies and would ask Angus Council to consider approval of this application.

Prepared by

David R Paton **M.Arch BSc (Hons)**

Crawford Architecture | 72 New Wynd Montrose DD10 8RF | 01674 672064

On behalf of the Mr G Martin

Crawford Architecture trust that this document along with the planning application and other supporting documentation attached shall be sufficient in order to progress our proposed development application. Crawford Architecture have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**

**APPLICATION FOR REVIEW**

**8 RUSSELL STREET, MONTROSE**

**APPLICATION NO 23/00433/FULL**

**APPLICANT'S SUBMISSION**

**PAGE NO.**

**ITEM 1** Notice of Review

**ITEM 2** Design and Access Supporting Statement

**ITEM 3** Site Plan, Location Plan etc,



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100632344-003

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

### Applicant or Agent Details

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

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Crawford Architecture"/>		
Ref. Number:	<input type="text" value="JDC/1881"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="John"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Crawford"/>	Building Number:	<input type="text" value="72"/>
Telephone Number: *	<input type="text" value="01674672064"/>	Address 1 (Street): *	<input type="text" value="72 New Wynd"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Montrose"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Montrose"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="DD10 8RF"/>
Email Address: *	<input type="text" value="info@crawfordarchitecture.co.uk"/>		

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Grant"/>	Building Number:	<input type="text" value="72"/>
Last Name: *	<input type="text" value="Martiin"/>	Address 1 (Street): *	<input type="text" value="New Wynd"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Montrose"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD10 8RF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@crawfordarchitecture.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Angus Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="8 RUSSELL STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="MONTROSE"/>
Post Code:	<input type="text" value="DD10 8HS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="757550"/>	Easting	<input type="text" value="371707"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

Proposed Erection of Dwelling House on Footprint of Former Building

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See Design & Access Supporting Statement Attached

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Design & Access Supporting Statement Site Plan Plans & Elevations Location Plan

## Application Details

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

23/00433/FULL

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

15/06/2023

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

17/09/2024

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr John Crawford

Declaration Date: 25/09/2024



## DESIGN & ACCESS SUPPORTING STATEMENT

### Project Title

*Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS*

### Applicant

Mr G Martin

### JDC Reference

JDC/1881/DS/RevB 23.08.23

## **1.0 Introduction –**

Crawford Architecture on behalf of the Mr G Martin have prepared this supporting statement in support of an application lodged to Angus Council for full planning permission for a Proposed erection of one dwelling.

The purpose of this Design Statement is to illustrate the concept behind the detailed planning application for the dwellings and how these fits in with national policy and guidelines for design.

### **Brief**

Our client came to us with a view to redevelop a brownfield site in central Montrose. Disused and derelict the site has been empty for some decades and sits in a predominantly residential area of the town adjacent to Montrose Academy. The site has evidence of a previous building or buildings on it and as such you can still see foundations, gables and footings in and around the site.

## **2.0 Design**

### **Location & Description**

The proposal which sits within Montrose Conservation area is to develop this former site into a small 2-bedroom house with an open courtyard for vehicle parking and amenity space. The site would be designed so that all windows are facing into the private courtyard with some velux windows and solar panels on the roof.

The area around the site features various traditional residential buildings of various sizes including a 12-bedroom Georgian Mansion to the West on Melville Gardens, and Sandstone built Georgian flats and maisonettes to the East on Palmerston Street. The south of the site is Gardens to properties on Palmerston Street and Montrose Academy sits to the North of the site.

### **Design**

The design of the property has been kept simple and respectful of the location and character of the area. The roof will be a pitched slate roof which is likely what the former building / buildings would have had previously. The new walls will be timber

framed and finished in a modern scraped render and composite cladding which will be located within the courtyard. The remaining external walls will remain existing stone which will be overhauled and repointed. The window openings have been designed with a vertical proportion to again fit in with similar adjacent residential properties.

## **Road Access**

The large existing vehicle access to the site is off Russell Street which has large areas of off-street parking from Panmure Place to Alfred Street. The existing stone boundary walls will be retained for privacy.

## **Sun Path**

The former dwelling sits in a North and East facing direction which limits solar gain. However, the new solar panels will be on the south facing roof and will not be overshadowed by any buildings near by.

## **Drainage**

All foul drainage will be taken to the public mains on Russell Street. Rainwater will be dealt with via a rainwater harvesting tank in the roof space which will be used for grey water and overflow will discharge into the public system.

## **Trees & Landscaping**

There are no trees on the site but there are some self-seeded trees which run along the boundary to the private pond in between Palmerston Street and Melville Gardens. The courtyard for the proposals will be laid with modern permeable pavers to the most part, with a small area of raised planting beds to allow for planting in this private amenity area.

## **History**

Dating back to early 1900's the site always had some sort of structure within it. Its unclear if this was independent or linked to the properties on Palmerston Street as they were built in the late 1800's. Its likely it could have been wash or outhouses for these properties but was of a scale that is larger than typical in this area. The site appears to have always been bounded independently as it is today since the late 1800's.



1901 Map



2009 Photo showing existing historic building on site prior to demolition



## 3.0 PLANNING

### Planning History

There has been one application on the site previously was for the erection of a workshop garage - 08/01366/FUL - although there is no evidence this was implemented, some of the dereliction on site does show evidence of repair pits in the ground which presumably would be for working on cars.

### Planning Policies and Guidelines

The following policies and guidelines will be adhered to during the design process.

- TC2 Residential Development
- TC4 Householder / Domestic Development
- PV9 Renewable and Low Carbon Energy Development
- & Angus Council Householder development planning advice notes.

### Development pattern

It is evident that the development pattern on Russell Street is mixed with some properties to the east end of the street (12-16) facing the street, however the properties on Panmure Street, Melville Gardens and Palmerston Street and the Pavilion Cafe all present a gable end to Russell Street. The site itself currently includes a stone wall with existing access gate to Russell Street, this will remain unchanged with the proposed house set behind the existing wall with both the wall and gate opening retained.

We have attached an historic photo from 2009 above, which demonstrates the site originally accommodated a building of similar scale to that currently proposed. I have also provided a 3D image of the proposed development which provides a clear view of the proposed development from Russell Street. This demonstrates that the proposed house will sit successfully behind the existing wall with the gable facing the street, similar to the gables ends, walls and outbuildings in the immediately surrounding properties which, along with the retained access gate, will in fact continue the existing and historic development pattern in the area.



## Proposed Conceptual Image of Site

### Brownfield sites

All Scottish Government and Angus Council policy supports the reuse of brownfield land. NPF 4, provides the most up to date policy advice with transitional advice from the Chief Planner confirming that, if there is any incompatibility between a provision of NPF and a provision of an LDP, NPF4 policy prevails.

NPF4 is clear in its support for compact urban growth, higher density development is supported which will help to sustain public transport and support local living.

This is confirmed by Policy 9 Brownfield which states that:

“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.”

The background to the policy recognise that the reuse of brownfield land ensures that development is directed to the right locations, it maximises the use of existing assets and minimises additional land take with derelict spaces are regenerated to improve wellbeing and transform places all of which in turn contributes to compact urban growth and local living, a fundamental policy goal of NPF4.

This is all of relevance in the consideration of the current proposal. The application site is a small pocket of brownfield land within an existing primarily residential area close to

all local amenities and public transport links. The site has no current use and has become overgrown and unsightly, as such the proposed redevelopment will result in the reuse of vacant land resulting in a net environmental and visual improvement to the area while contributing to compact urban growth and local living.

It is worth noting that there have been no representations from local residents and indeed there is support from the local community council which recognise the benefits of the reuse of this small area of land.

### **Plot Size**

The proposed layout provides a modest 2 bed house with associated space which will be used for parking and amenity space. The site is close to local services and facilities with a range of parks and open space including Montrose Links all within a short walk.

Therefore, We would submit that, given the background of the site, which accommodated built development, the existing condition of the site, the fact that the proposed development will result in a net environmental and visual improvement and that the development will contribute to compact urban growth and local living a key aim of NPF4, there is sufficient justification to set aside strict conformity to the arbitrary 400 m plot size as provided by Planning Advice Note 14 Small House Sites and PAN 6 Backland Housing Development. Both these advice notes, while not dated, certainly provide out of date advice which is not in line with current Scottish Government advice contained in NPF4 in relation to compact urban growth and local living. As NPF4 is the most recent advice, this takes precedence over the advice on the PANs.

### **Precedent**

There are similar examples of small-scale redevelopment in central Montrose which was carried out by Crawford Architecture in the past. Under **05/01414/FUL** – Renovation of derelict shed to form dwellinghouse, a derelict bothy style building in the garden of a flatted property in Upper Hall Street was granted permission for redevelopment into a 2-bedroom property with private courtyard for amenity ground. The site was 95m<sup>2</sup> in total with an amenity ground of 15m<sup>2</sup>. Application **13/01177/PPPL** – Erection of house on land at 12a Wellington Place Montrose saw the removal of a former builder's yard which was 360m<sup>2</sup> and permitted the erection of a small 2-bedroom single storey dwelling with 85m<sup>2</sup> of private amenity ground and one car park space.

## Existing Photos







## Summary

This is a small-scale site in central Montrose and within a conservation area to which vacant land is at a premium and not often available. There is also clear evidence that there were previous structures on the site in the past and approval of this application would allow removal of dereliction in what is a very sought after location in Montrose.

Although the site is only 140m<sup>2</sup> in area, the proposed plans show it can suitably accommodate a 2-bedroom residential property with open plan living and private courtyard. Evidence around central Montrose also exists of similar buildings that have been approved and built and are more than suitable for modern town centre living. We therefore would suggest that this proposal is in line with the various local policies and would ask Angus Council to consider approval of this application.

Prepared by

David R Paton **M.Arch BSc (Hons)**

Crawford Architecture | 72 New Wynd Montrose DD10 8RF | 01674 672064

On behalf of the Mr G Martin

Crawford Architecture trust that this document along with the planning application and other supporting documentation attached shall be sufficient in order to progress our proposed development application. Crawford Architecture have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.

**ITEM 3a**

This drawing is solely for the purpose of obtaining Planning Approval.

This drawing is NOT suitable for construction.

Do NOT scale this drawing for construction purposes.

**Planning Application Legend**

- Red Boundary Line - Application Site
- Blue Ownership Line - Land in applicants ownership
- Existing Car Parking Space
- Proposed Car Parking Space - 2.5 x 5m each

**Drainage Legend**

- Downpipe
- Soil Vent Pipe
- Rodding Access

**Drainage Legend (To Public Drainage)**

- Disconnecting Chamber - Surface
- Disconnecting Chamber - Foul

**Drainage Legend (To Public Drainage)**

- Foul Drainage
- Rainwater Drainage

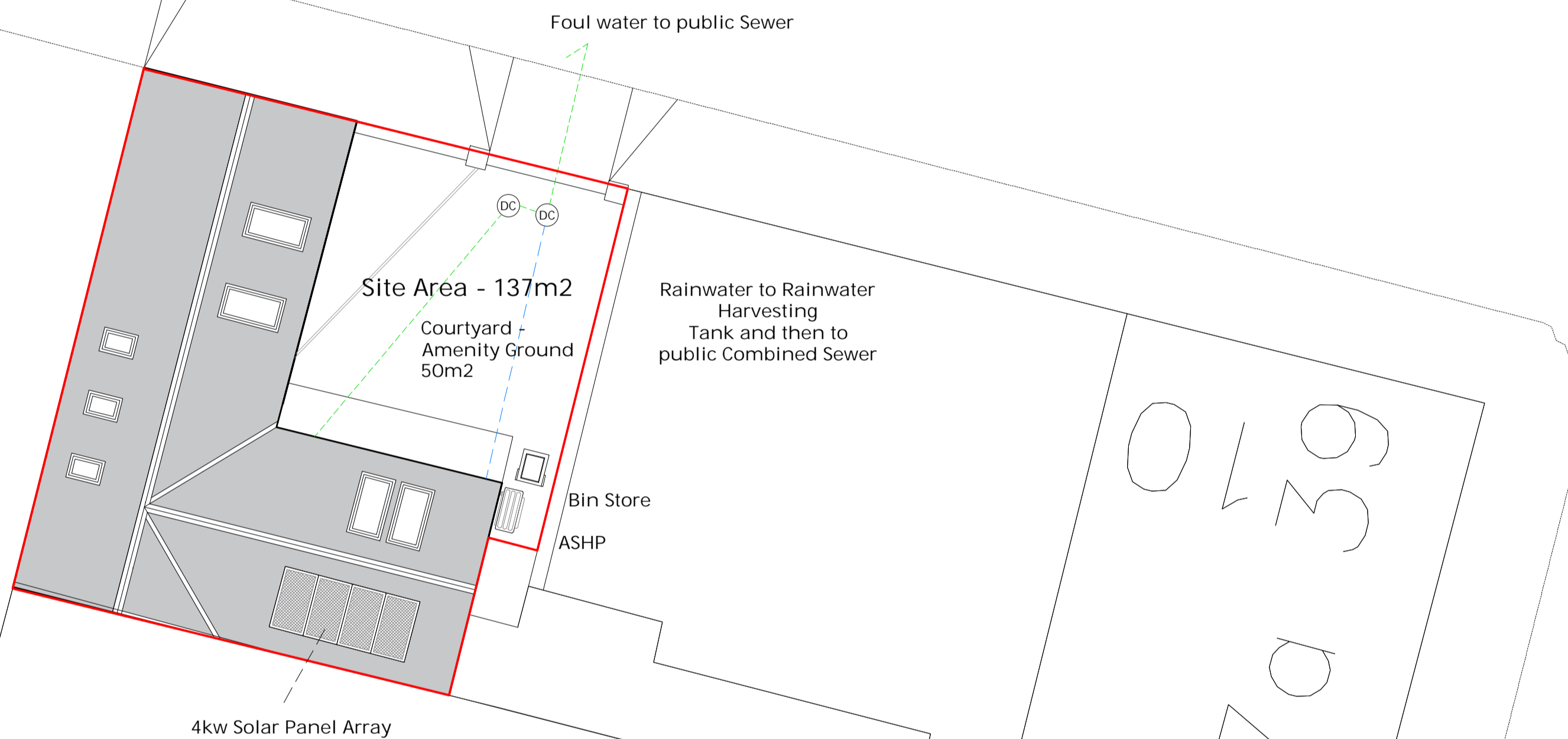
**Waste Management & Recycling - Solid waste storage point**

- Standard Wheeled Bin Provision -
- Wheeled Bins 720x550 - Grey Recycling Bin
- Wheeled Bins 480x550 - Purple General Waste Bin
- Handle Bin 300x300 - Brown Food Waste Bin
- Wheeled Bins 720x550 - Green Garden Waste Bin (OPTIONAL)
- Include for 150mm around each waste unit for access etc.

Include for laying paving slabs or concrete to accommodate hard standing for bin storage.

RUSSELL STREET

All Boundaries to remain Existing Stone Boundary Walls with entrance Piers. All stone work to be cleaned and re-pointed where required



37a 39

35 37



Proposed Site Plan  
1:100



SCALE 1:100

<b>A1</b>	REV		Date of Issue	Day > Month > Year >	Drawn By
	A	B			
	14	02			DP
	08	08			
	23	24			

Client: Mr G Martin

Project: Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS

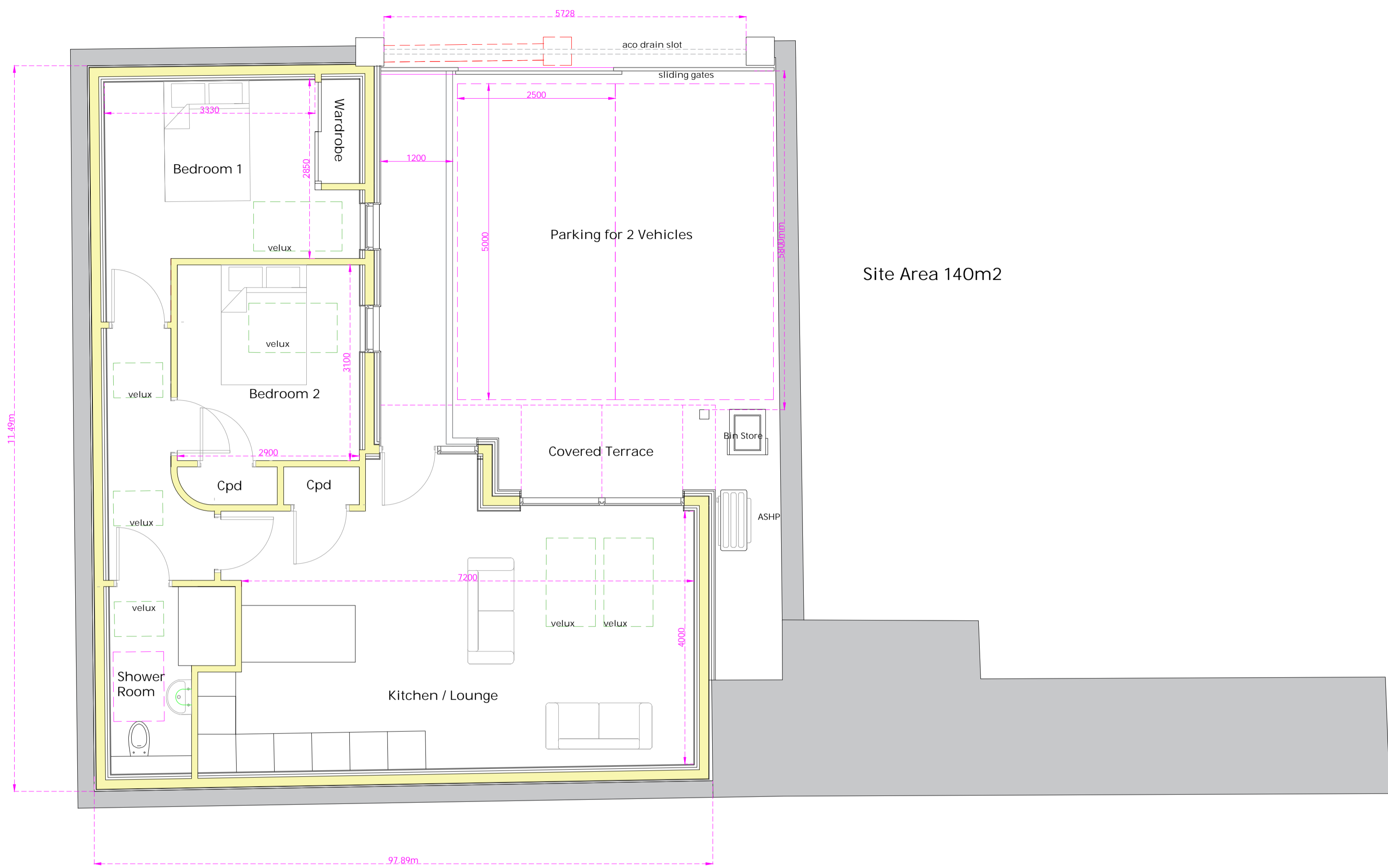
Title: Proposed Site Plans

Drawing Ref: JDC - 1881 - A300 - PL



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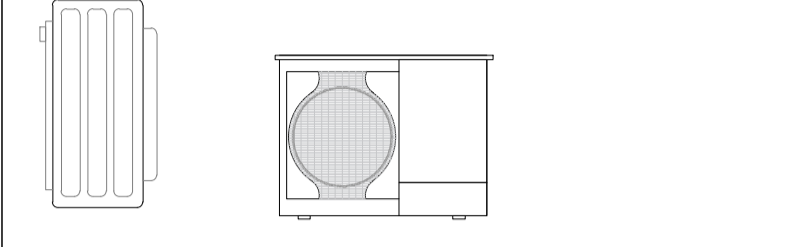
Location	Hatch Type	Material	Colour / RAL
Roof		Slate	
External Walls		Render	
External Walls		Stone	
External Walls		Horizontal Timber Cladding	
Windows & Doors			
Rainwater Goods			

### ITEM 3b

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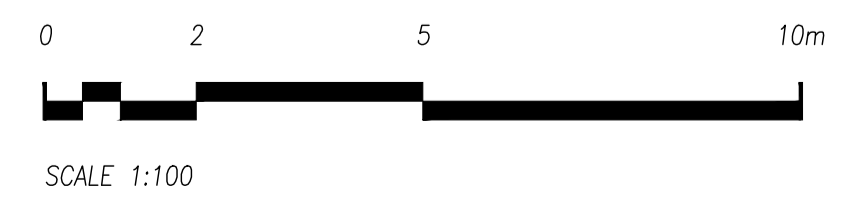
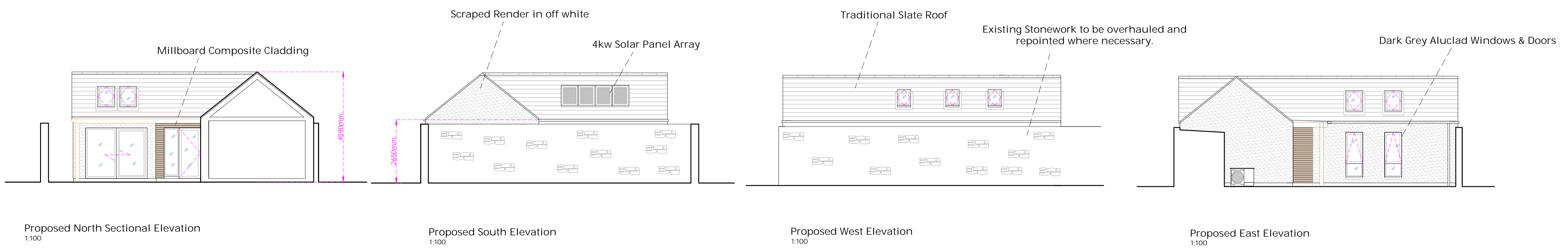
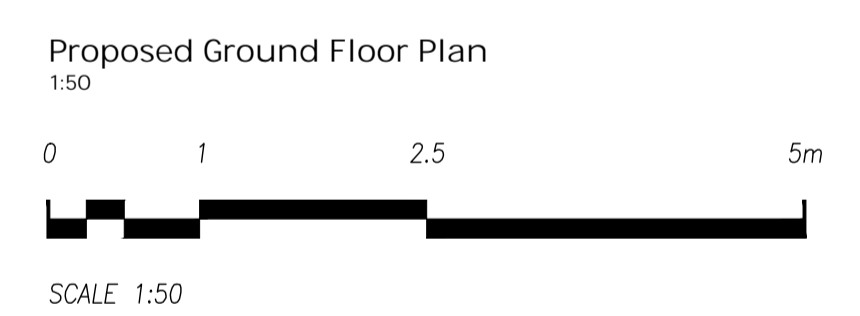
Drawing Legend

	Existing Walls
	Blockwork
	Timber Frame with Insulation
	Stone
	Internal Partitions
	Clad / Framed Walls
	Robust Internal Partitions
	60min Fire Rated Partition



Planning Application Legend

	Existing Ground Line
	Finished Floor / Ceiling Levels
	Existing Ground
	Proposed Ground Build Up



Date of Issue	REV	A1		Drawn By
		A	B	
Day > 14 02	Month > 08 08			DP
Year > 23 24				

Client: Mr G Martin

Project: Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS

Title: Proposed Ground Floor Plan & Elevations

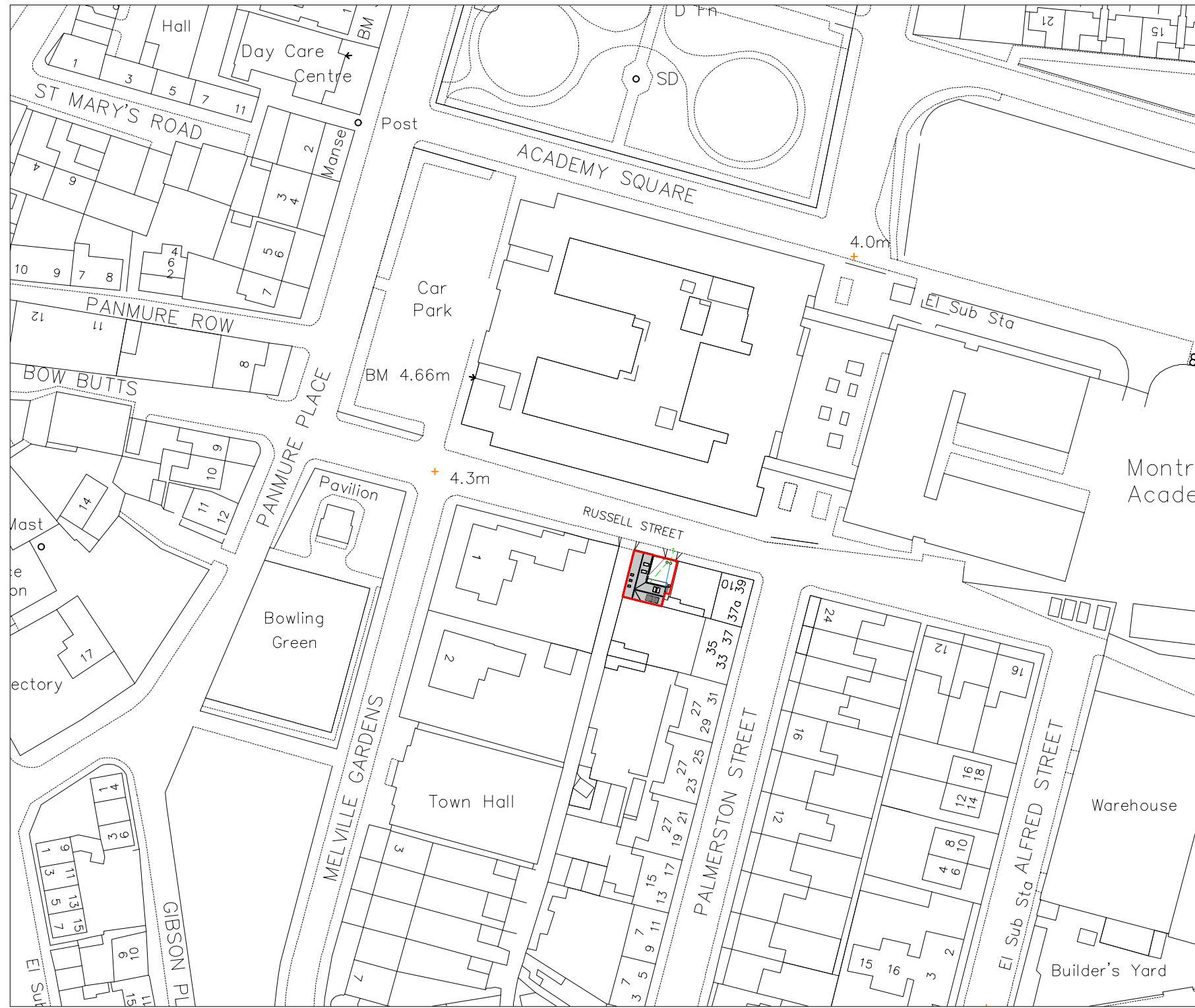
Drawing Ref: JDC - 1881 - A100 - PL

**CRAWFORD**  
architecture

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### ITEM 3c

A3	REV		Date of Issue	Day > 14 02 Month > 08 08 Year > 23 24	Drawn By DP
	A	B			

Client; Mr G Martin

Project; *Proposed Erection of Dwelling on footprint on former building at 8 Russell Street, Montrose, DD10 8HS*

Title; Location Plan

Drawing Ref; JDC - 1881 - A301 - PL

Location Plan  
1:1250



SCALE 1:1250



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