

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE - 3 DECEMBER 2024

LAND AT FLOCKLONES, INVERGOWRIE

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 in principle for the erection of two dwellinghouses, application No 24/00264/PPPL, at Land at Flocklones Invergowrie.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

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

It is recommended that the Committee:-

- (i) note that new information has been provided and determine if the statutory requirements have been met as detailed at Section 5;
- (ii) consider and determine if further procedure is required as detailed at Section 4;
- (iii) if further procedure is required, the manner in which the review is to be conducted;
- (vi) if no further procedure is required:
 - (a) review the case submitted by the Planning Authority (**Appendix 1**);
 - (b) review the case submitted by the Applicant (**Appendix 2**);
 - (c) consider the further lodged representations (**Appendix 3**); and
 - (d) consider the Applicant's response to the further lodged representations. (**Appendix 4**).

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. NEW INFORMATION

- 5.1 The applicant's submission includes an additional plan which was not raised in the first instance to the planning authority when the application was submitted, nor was it declared as new information on the Notice of Review application.
- 5.2 Clarification was sought as to whether the applicant wished for this new information to be included with their submission, with the applicant confirming thereafter that the additional plan was to be included as new information in support of their appeal. The applicant explains the reasoning for raising the new matters within their submission.

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 24/00264/PPPL

APPLICANT- MR RUSSELL & MR ANDREW BAIN/BAIN

PROPOSAL & ADDRESS – ERECTION OF TWO DWELLINGHOUSES AT LAND AT FLOCKLONES INVERGOWRIE

CONTENTS

AC1	Report of Handling	
	Policy Tests	
	<p>Angus Local Development Plan 2016</p> <p>Policy DS1, DS3, DS4, TC2, PV5, PV7, PV15, & PV20</p> <p>Angus Local Development Plan https://www.angus.gov.uk/sites/default/files/Angus%20local%20development%20plan%20adopted%20September%202016.pdf</p> <p>Angus Local Development Plan 2016</p> <p>NPF 4 - <i>Policies 1, 2, 3, 4, 5, 6, 9, 14, 16, 17, 18, 20 & 22</i> https://www.gov.scot/publications/national-planning-framework-4/documents/</p> <p>Design Quality & Placemaking Supplementary Guidance – https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance</p> <p>Angus Local Development Plan – Proposals Map https://www.angus.gov.uk/sites/default/files/2021-09/Proposals%20Map.pdf</p> <p>Countryside Housing Supplementary Guidance (2016) Countryside Housing Supplementary Guidance (2016)</p>	
	Consultation Responses	
AC2	Roads Traffic – 09.05.24 & 28.05.24	

AC3	Scottish Water – 09.05.24	
	Letters of Representations	
AC4	Mr Nicholas Pearce – 08.05.24	
AC5	Mr Gavin Main – 13.05.24	
AC6	Mrs Sarah Lynch – 16.05.24	
	Application Drawings	
AC7	Refused Drawings	
	Further Information Relevant to Assessment	
AC8	Refused Decision Notice	
	Supporting Information	
AC9	Site Aerial and Views as Existing	
AC10	Supporting Statement	

Angus Council

Application Number:	24/00264/PPPL
Description of Development:	Erection of two dwellinghouses
Site Address:	Land At Flocklones Invergowrie
Grid Ref:	331482 : 731651
Applicant Name:	Mr Russell & Mr Andrew Bain/Bain

Report of Handling**Proposal**

The application seeks planning permission in principle for the erection of 2no. dwellinghouses. The application site is located to the west of an existing grouping of residential properties (10 dwellings in total) and has an area of around 3550sqm. The proposed site plan indicates access would be taken from the public road to the north and shows the position of the internal access track and buildings within the plots. Comparison of the existing and proposed site plans shows that some trees are to be removed but no specific details (in the form of a tree survey, root protection zones or canopy spreads etc) have been submitted in this regard. The submitted application form indicates that the existing area is utilised as garden ground and that the dwellings would be connected to the public water supply network, that foul drainage would be directed to a septic tank and soakaway and surface water drainage would be dealt with by SUDS.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 10 May 2024 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

There are numerous applications relating to the wider site but the most relevant are noted below:

00/01031/FUL and 01/00004/REFUSE - Erection of Dwellinghouse at Land At, Land At Flocklones, Invergowrie, Dundee - Appeal against refusal - Dismissed.

02/00422/FUL - Erection of Seven Dwellinghouses at Site At, Flocklones, Invergowrie, Angus - Approved subject to conditions.

04/00171/FUL - Change of House Type (Plot 4) and Erection of Four Dwellinghouses at Plot 4, Flocklones, Invergowrie, Angus - Approved subject to conditions.

05/00284/OUT - Outline Erection of Dwellinghouse at Land At Flocklones, Invergowrie, Dundee, DD2 5LE - Withdrawn.

09/00554/OUT - Outline Erection of Dwellinghouse at Land At Flocklones, Invergowrie, Dundee, DD2 5LE - Withdrawn.

Applicant's Case

Document Entitled Pre Application Enquiry:

- Confirms the site and surroundings;
- Gives a policy context and states that the site is outwith a development boundary;
- Proposal would utilise an existing access point;
- Housing would be framed by the existing access road, mature planting and trees to the north and west providing a strong landscape setting to help form and contain the site;
- Proposed external materials would consist of natural stone, white render, timber cladding and natural slate roofing;
- The houses would have traditional proportions, detailing and dormer windows.

Consultations

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

Roads (Traffic) - This consultee has offered no objection to the proposal subject to conditions requiring suitable visibility splays and parking at the site.

Scottish Water - This consultee has offered no objection to the proposal and advise that according to their records there is no public Scottish Water wastewater infrastructure within the vicinity of the development and the applicant should investigate private treatment options. Also indicate there is other Scottish Water infrastructure in proximity to the development.

Representations

3 letters of representation (1 neither supporting nor objecting to the proposal and 2 objecting). The following matters have been raised and are discussed in the assessment below: -

- Roads safety concerns and pedestrian safety concerns – understood permission has never been granted for the existing access and visibility of the road is restricted due to trees;
- Drainage impacts - concern that siting would not meet rules / requirements;
- Existing road not suitable for traffic during construction;
- Land use - site is believed to be recorded as agricultural land and no record of it being used as garden ground;
- Two applications in 2005 and 2009 were withdrawn and nothing has materially change since then.
- Flooding concerns and suitability of surface water drainage proposals and impact on natural environment;
- Concerns regarding loss of trees.
- Amenity concerns - privacy, overlooking and that the lengthy building process will involve considerable inconvenience, intrusion and loss of privacy.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 5 Soils

Policy 6 Forestry, woodland and trees

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 14 Design, quality and place

Policy 16 Quality homes

Policy 17 Rural homes

Policy 18 Infrastructure first

Policy 20 Blue and green infrastructure

Policy 22 Flood risk and water management

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
 Policy DS3 : Design Quality and Placemaking
 Policy DS4 : Amenity
 Policy TC2 : Residential Development
 Policy PV5 : Protected Species
 Policy PV7 : Woodland, Trees and Hedges
 Policy PV15 : Drainage Infrastructure
 Policy PV20 : Soils and Geodiversity

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

Assessment

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

In this case the development plan comprises: -

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

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

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

Policy DS1 in the Angus Local Development Plan (ALDP) indicates that 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. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land. NPF4 Policy 9 indicates that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the local development plan.

The application site is not within a development boundary as defined by the ALDP and relates to ground at Flocklones, which is located in an RSU1 countryside location.

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

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

The proposal does not relate to the replacement of existing houses, the subdivision of an existing dwelling or the conversion of an existing building.

Therefore, in general terms, in category 1 RSU's, ALDP Policy TC2 indicates that new-build houses may be acceptable where development involves regeneration or redevelopment of a brownfield site and would

deliver significant environmental improvement, or individual new houses where the houses would round off an established building group of 3 or more existing dwellings; meet an essential worker requirement; or fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop, or a community facility.

NPF4 Policy 17 provides similar specified circumstance to those listed within ALDP Policy TC2 but also lends support to development proposals for new homes in rural areas on sites allocated for housing within the LDP; where the proposal is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; or where it is for a single home for the retirement succession of a viable farm holding.

Firstly, as the proposal seeks permission for 2 dwellings it would fail to meet any of the tests within ALDP Policy TC2 or NPF4 Policy 17 which lend support to individual new houses. Furthermore, the proposal does not relate to a site allocated for housing in the LDP; would not involve the regeneration or redevelopment of a qualifying brownfield site; does not relate to enabling development or an appropriate reuse of an historic environment assets; and does not propose essential workers dwellings. Therefore, the principle of the proposal is contrary to policy TC2 of the ALDP and policy 17 of NPF4 as it would fail to meet any of the specified criteria within the relevant local plan policies which deal with rural housing.

In terms of impacts upon the natural environment, there are existing trees within the site and the submitted drawings suggest some of these would be felled. Other trees appear close to the indicated location of the houses and access track and therefore may required to be removed to accommodate the proposal. No other details have been provided in relation to the trees. Angus Council's Countryside Officer suggests that individually these trees may not be significantly mature or important, but that cumulatively they provide a landscape context to the wider housing site. It is also noted from reviewing aerial imagery and available photos that the number and locations of the trees shown on the submitted plans do not appear to accurately reflect the locations of the trees within the site. In summary, whilst the removal of some trees may not prove to be a fundamental concern in redeveloping the site (were the principle of residential development acceptable on the site), information has not been submitted to demonstrate the precise location (including root protection areas, canopy spread etc) or the condition of these trees, nor to show that any retained trees could co-exist with the proposed houses (in terms of amenity impacts including overshadowing of proposed garden ground and sunlight / daylight restrictions). Therefore, based on the limited information available at present, it would not be possible to determine whether the proposal would comply with Policy PV7 of the ALDP and/or Policy 6 of NPF4 which seek to protect and enhance woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of the area. Furthermore, no information has been submitted to establish whether bat roosts are present within the trees at the site or not. It cannot therefore be concluded that the proposal would not have the potential to adversely impact on protected species. On that basis, it would also not be possible to determine whether the proposal would comply with Policy PV5 of the ALDP and Policy 4 of NPF4 which seek to protect wildlife and limit impacts upon protected species.

Available information relating to land capability for agriculture suggests that the site consists of prime quality agricultural land. However, the existing lawful use of the site is unclear. The application form states its use is as garden ground but planning history suggests that the area (as identified in planning approval 02/00422/FUL and a number of other subsequent applications) of ground to which this application relates was a paddock. It is also worth highlighting that the Countryside Housing Supplementary Guidance states that the subdivision of existing residential curtilages to artificially create new build plots will not be supported. Notwithstanding the lack of clarity on the lawful use of the site, the area has not been in productive agricultural use for a significant period. However, at present the area of ground could easily revert back to agricultural use in the future if required. This would not be the case if houses were erected on the site. As discussed above, the principle of housing on the site is not consistent with the development plan policy approach for housing in the countryside and the proposal does not relate to a rural business or mineral extraction and does not constitute renewable energy development. Therefore, the proposal is also not consistent with the aim of ALDP Policy PV20 or NPF4 Policies 5 and 9 which seek to safeguarding prime agricultural land and greenfield land from unacceptable development.

The proposal does not give rise to significant issues in terms of remaining development plan policy and associated issues could be addressed by a subsequent detailed application or by condition. The proposal

is consistent with some aspects of the development plan, but the principle of erecting 2 new houses at this location is contrary to the development strategy and to policies of the development plan which seek to direct new housing development to sites within development boundaries or appropriate rural locations and which seek to protect prime quality agricultural or greenfield land. Also insufficient evidence has been provided to demonstrate that the proposal would not have an unacceptable impact upon trees or protected species.

In relation to material considerations, it is relevant to note that representations have been submitted to the proposal. The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

Concerns have been raised regarding impacts on privacy of adjacent housing. These matters would be dealt with via a detailed application (were the principle of the proposal acceptable) but there is no reason to consider that a suitably designed proposal could not be provided on the site which would protect the amenity of existing properties in the area. Construction traffic associated with 2 dwellings would not be unusual or complex and it is unlikely construction traffic associated with a proposal of this scale would result in unacceptable amenity impacts. Impacts on the road network and traffic and pedestrian safety have been considered by the Roads Service, who have reviewed the proposal and raised no objections subject to conditions requiring suitable visibility splays and parking at the site. The site plan submitted appears to show that the sightlines could be provided without the removal of trees and there would be sufficient space for parking. However, as noted above, more information is needed to clarify impacts of visibility splays and the development as a whole on trees and to confirm whether any trees in or around the site would need to be removed. The site is not within an area identified at being at risk of flooding on SEPA's maps and the suitability of the drainage arrangements at the site could be dealt with as part of any detailed application were the principle of the proposal acceptable. Matters relating to the existing lawful use of the site are discussed above. Whilst planning history is relevant to an application, and previous withdrawn applications are noted, these were not considered against the same development plan and were not determined, and as such would have limited weight in this assessment. This application has been considered against the current development plan and would fail to comply with relevant policies for the reasons outlined above.

In conclusion the proposal is contrary to development plan policies and associated supplementary guidance because it does not meet any of the development plan criteria that would allow for the construction of 2 new houses in the countryside. The proposal would also give rise to unacceptable impacts on prime quality agricultural land and insufficient information has been submitted to fully assess impacts on existing trees or protected species. There are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

Human Rights Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. The proposal is contrary to NPF4 policy 17 and ALDP policy TC2, and its associated Countryside Housing Supplementary Guidance, because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural area and there

are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

2. The application is contrary to NPF4 policies 5 and 9 and ALDP policy PV20 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for new housing in the countryside and the advantages of development do not outweigh the loss of land that could be returned to productive agricultural use in the future.
3. Insufficient information has been submitted to fully assess impacts of the proposal upon existing trees nor of any resultant impacts upon protected species, therefore it has not been demonstrated the proposal is capable of complying with NPF4 policies 4 or 6 or ALDP policies PV5 or PV7.
4. The application is contrary to ALDP Policy DS1 because the proposal is not considered to be of a scale and nature appropriate to its location and is not in accordance with other relevant policies of the ALDP.

Notes:

Case Officer: James Wright
Date: 19 August 2024

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

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

Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

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

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

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

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

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

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

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

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

- i) will support meeting renewable energy targets; or,
- ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

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

Policy 5 Soils

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

- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
- ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

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

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
- ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
- iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
- iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

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

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

supported for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

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

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

Policy 6 Forestry, woodland and trees

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

Policy 9 Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should

be taken into account.

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

Policy 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 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 17 Rural homes

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

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

- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
- i. supports and sustains existing fragile communities;
 - ii. supports identified local housing outcomes; and
 - iii. is suitable in terms of location, access, and environmental impact.
- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to its rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 18 Infrastructure first

- a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.
- b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

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

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

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

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

Policy 20 Blue and green infrastructure

- a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.
- b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.
Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well integrated into the overall proposals.
- c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

d) Development proposals for temporary open space or green space on unused or under-used land will be supported.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 22 Flood risk and water management

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

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

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

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

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

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

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

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

c) Development proposals will:

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

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 29 Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local

food production;

- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact.

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

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

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

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

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

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

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

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

Policy PV5 : Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic

interest and beneficial consequences for the environment, and

- o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV7 : Woodland, Trees and Hedges

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

Policy PV20 : Soils and Geodiversity

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

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

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

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

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

From: Adrian G Gwynne
Sent: 09 May 2024 07:55
To: PLNProcessing
Subject: FW: Planning Application Consultation 24/00264/PPPL

Interest comments to follow

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: Friday, May 3, 2024 3:02 PM
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 24/00264/PPPL

Please see attached document.



Memorandum

Infrastructure & Environment
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 28 MAY 2024

SUBJECT: **PLANNING APPLICATION REF. NO. 24/00264/PPPL – PROPOSED ERECTION OF TWO DWELLING HOUSES ON LAND AT FLOCKLONES, INVERGOWRIE**

I refer to the above planning application.

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

The site is located on the south side of the unclassified Flocklones Road (C12) at Flocklones, Invergowrie. The road adjacent to the site is a typical rural road which is subject to the national speed limit of 60mph.

To provide a safe and satisfactory access, minimum visibility sightlines of 2.4 x 215 metres should be provided on both sides of the proposed access at its junction with the public road.

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

- 1 That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with Flocklones Road (C12) giving a minimum sight distance of 215 metres in each direction at a point 2.4 metres from the nearside channel line of Flocklones Road (C12).

Reason: to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

- 2 That, within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel [875 millimetres above the adjacent footway] level.

Reason: to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

- 3 That, prior to the occupation or use of each dwelling house, the minimum number of parking spaces for cars, shall be provided within its plot curtilage in accordance with the National Roads Development Guide (SCOTS).

Reason: to ensure that suitable parking arrangements are provided in a timely manner.

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

pp

Thursday, 09 May 2024



Local Planner
Planning Service
Angus Council
Forfar
DD8 1AN

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

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



Dear Customer,

Land At Flocklones, Invergowrie, Angus, DD2 5LE
Planning Ref: 24/00264/PPPL
Our Ref: DSCAS-0109503-PD9
Proposal: Erection of two dwellinghouses.

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ Abandoned main within your site boundary.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

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

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

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:

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

Next Steps:

▶ **All Proposed Developments**

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

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

▶ **Non Domestic/Commercial Property:**

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

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

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

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the

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

Comments for Planning Application 24/00264/PPPL

Application Summary

Application Number: 24/00264/PPPL

Address: Land At Flocklones Invergowrie

Proposal: Erection of two dwellinghouses

Case Officer: James Wright

Customer Details

Name: Mr Nicholas Pearce

Address: White Oak House Flocklones, Invergowrie Dundee DD2 5LE

Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a neighbour to the proposed development of two new dwellings. My reasons for objection are:

1. Road access

I do not believe Angus County Council (Angus CC) has ever granted planning permission for the proposed access road for the site, even though it exists now. Visibility for the road is restricted with trees growing over the road on northern boundary of the site.

2. Septic Tank

I am concerned about the location and placement of proposed new septic tanks. My concerns include meeting rules / requirements for distance from property boundary, walls, buildings, trees and hedges; and safety of the anticipated foul drainage soakaway across farm land.

3. Inconvenience / Intrusion / Privacy

The lengthy building process will involve considerable inconvenience, intrusion and loss of privacy.

4. The Road

The road to the north of the site is a narrow rural road with no speed limit and is close to a tight road junction to the north western corner of the site. I have concerns about road traffic and pedestrian safety.

Poor local road infrastructure suffers from frequently recurring potholes and nearby flooding, is not suitable for the volume and intensity of large lorries / equipment seeking access during the building phase.

5. The Site

I understand the site is recorded in Angus CC property records as agricultural land. I can find no record of it being granted permission to convert to garden land, though the pre-application enquiry document seems to refer to this.

6. Angus CC Settlement Boundaries

The site is out with settlement boundaries as defined in the Angus Local Development Plan 2016.

There are limited local amenities and poor narrow rural roads. The site is not suited to development. The site is at the western edge of the existing properties and as such is not infill.

7. Prior applications for the same site

I note two prior related applications for the site in 2005 & 2009 which were withdrawn. No circumstances have changed since then to support a new application.

Comments for Planning Application 24/00264/PPPL

Application Summary

Application Number: 24/00264/PPPL

Address: Land At Flocklones Invergowrie

Proposal: Erection of two dwellinghouses

Case Officer: James Wright

Customer Details

Name: Mr Gavin Main

Address: Cloud Howe Flocklones Invergowrie, Dundee DD2 5LE

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I neither support nor object to this planning proposal.

However, I believe there are 2 issues of concern that the relevant planning authorities and developer must address to mitigate the effects of this proposal to change the use of this area of land.

1. The effects of increasing the amount of water drainage required in the form of soak away, man-made and natural water courses into the already overloaded natural systems that subsequently drain into the Tay estuary.

This affects Angus council, P&K council and Dundee council residents.

These councils will all be acutely aware of the effects of prolonged wet spells on infrastructure and homes.

The bridge at Benvie has only just been reopened following its destruction in October 2023 from water run off bursting from the Balruddery and Fowlis Burns. This inundation made several homes in the valley uninhabitable and was followed within minutes by subsequent flooding in Invergowrie when the torrents from this valley joined the Invergowrie burn and flooded homes on the river banks where this water enters the Tay estuary.

Full consideration of the effects of adding to this natural system should be made.

2. Over the years there has been considerable loss of mature trees in this area. This is a combination of agricultural practice change and increasing building and 'suburbanisation'. The tree loss has been compounded by Dutch Elm disease and more recently by tree loss from Ash die back. Whilst some replanting seems to take place this seems to be often unsuccessful often as a

result of neglect of the young trees. This proposal will result on the further loss of mature native and non native species in this locale.

Comments for Planning Application 24/00264/PPPL

Application Summary

Application Number: 24/00264/PPPL

Address: Land At Flocklones Invergowrie

Proposal: Erection of two dwellinghouses

Case Officer: James Wright

Customer Details

Name: Mrs Sarah Lynch

Address: Flocklones House Dundee DD2 5LE

Comment Details

Commenter Type: Member of Public

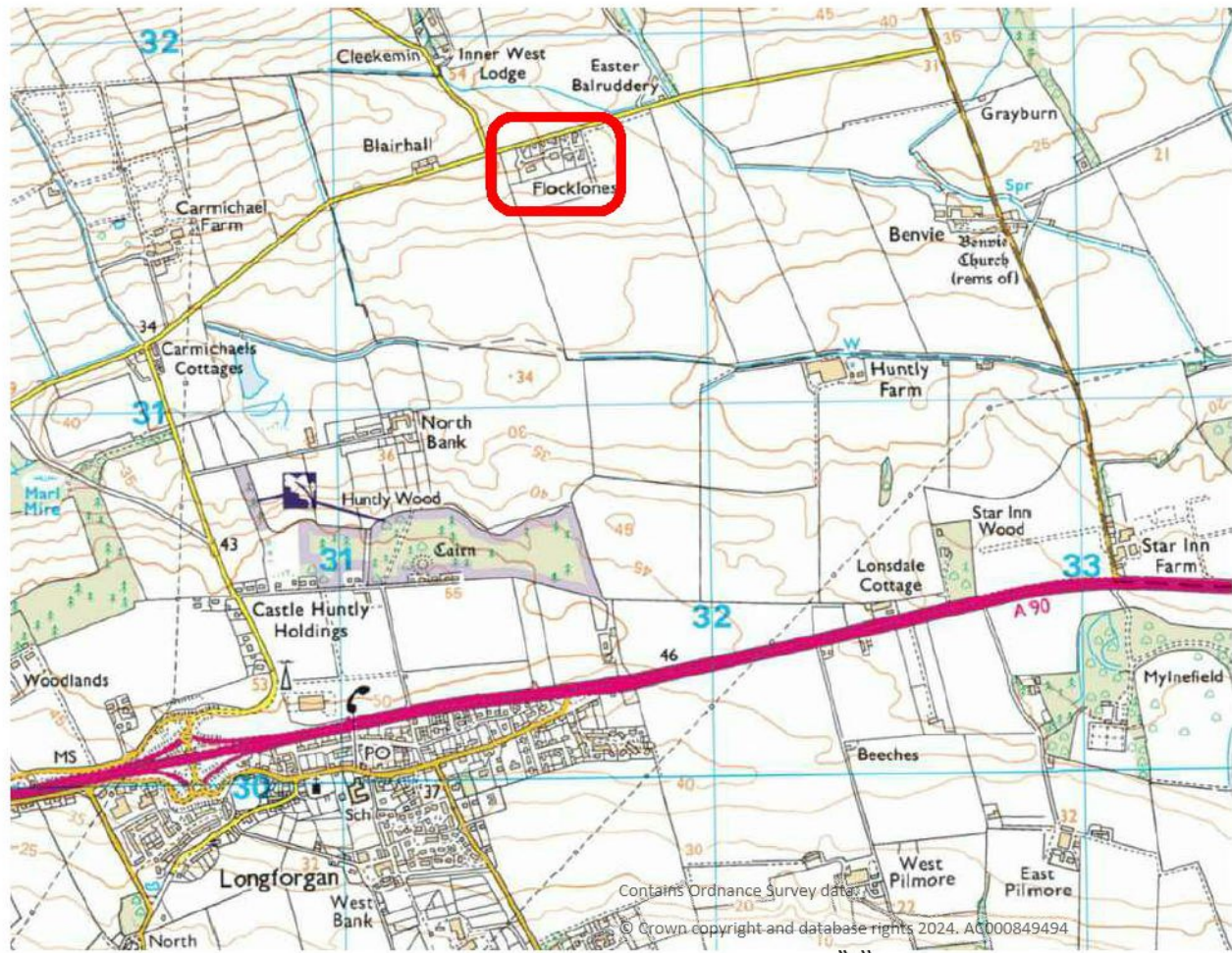
Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The poor infrastructure at Flocklones does not support an increasing population in the area. Roads are continuously in disrepair and the addition of more traffic will add to this. Currently the road is not safe for pedestrians or cyclists as there is no footpath and no speed limit. Adding to the traffic volume will increase safety risks.

I am concerned about the clearance of trees and change in the land usage contributing to poor land management which is already evident in the area resulting in excess surface water and recent extreme flooding.

There will be a severe impact on privacy especially on the Stackyard house as it will now be directly overlooked.



LOCATION MAP
1:20,000



LOCATION PLAN
1:2000

Contains Ordnance Survey data.
© Crown copyright and database rights 2024. AC000849494

NOTES

Reproduction by permission of Ordnance Survey on behalf of HMSO. © Crown Copyright (Contract year 20). All rights reserved. License number 100010137.
ALL SIZES TO BE SITE VERIFIED
IF IN DOUBT, PLEASE ASK
THIS DRAWING IS COPYRIGHT
DO NOT SCALE FOR
CONSTRUCTION PURPOSES

HEALTH AND SAFETY NOTES

SIGNIFICANT RESIDUAL HAZARDS	PRESENT	DESCRIPTION	ACTIONS / NOTES:
Asbestos	<input type="checkbox"/>		
Health Hazards	<input type="checkbox"/>		
Structural Instability	<input type="checkbox"/>		
Ground Conditions	<input type="checkbox"/>		
Contamination	<input type="checkbox"/>		
Buried and Overhead Services	<input type="checkbox"/>		
Underground Structures	<input type="checkbox"/>		
Adjacent Activities	<input type="checkbox"/>		
Site Restrictions	<input type="checkbox"/>		
Other (specify)	<input type="checkbox"/>		

REVISIONS

REV	DATE	BY	DETAILS
A	29.04.24	EW	Scale bar added

CLIENT
Mr Russell Bain & Mr Andrew Bain

PROJECT
2 Houses at Flocklones
Invergowrie
Dundee

PURPOSE
PL

DRAWN BY
EW

DATE
24.04.24

DRAWING TITLE
Location Plan
Location Map

SCALE
1:2000

JOB NO.
5701

DWG. NO.
Loc 01

PAPER SIZE
A3

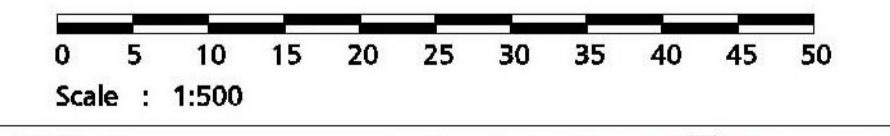
REVISION
A

DENHOLM
PARTNERSHIP
ARCHITECTS

www.denholmpartnership.co.uk T: (01764) 670899



Contains Ordnance Survey data.
© Crown copyright and database rights 2024. AC000849494



NOTES
Reproduction by permission of Ordnance Survey on behalf of HMSO © Crown Copyright (Contract year 20). All rights reserved. License number 100010137.
TO BE READ IN CONJUNCTION WITH ENGINEERS DRAWINGS AND ARCHITECTURAL SPECIFICATION
ALL SIZES TO BE SITE VERIFIED
IF IN DOUBT, PLEASE ASK
THIS DRAWING IS COPYRIGHT
DO NOT SCALE FOR CONSTRUCTION PURPOSES

HEALTH AND SAFETY NOTES:
SIGNIFICANT RESIDUAL HAZARDS
Asbestos
Health Hazards
Structural Instability
Ground Conditions
Contamination
Buried and Overhead Services
Underground Structures
Adjacent Activities
Site Restrictions
Other (Specify)

PRESENT	DESCRIPTION	ACTIONS / NOTES:
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

REVISIONS			
REV	DATE	BY	DETAILS

CLIENT
Mr Russell Bain & Mr Andrew Bain
PROJECT
2 Houses at Flocklones
Invergowrie
Dundee
PURPOSE
Planning

DRAWING TITLE
Site Plan
as Existing
SCALE
1:500
JOB NO.
5701

DENHOLM PARTNERSHIP ARCHITECTS
PAPER SIZE
A1
REVISION
B
DRAWN BY DATE
SS 04.03.24
DWG. NO.
E01
www.denholmpartnership.co.uk T:(01764) 670899



Possible house aesthetic



<p>NOTES Reproduction by permission of Ordnance Survey on behalf of HMSO. © Crown Copyright (Contract year 20). All rights reserved. License number 100010137. TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS AND ARCHITECTURAL SPECIFICATION ALL SIZES TO BE SITE VERIFIED IF IN DOUBT, PLEASE ASK THIS DRAWING IS COPYRIGHT DO NOT SCALE FOR CONSTRUCTION PURPOSES</p>	<p>HEALTH AND SAFETY NOTES: SIGNIFICANT RESIDUAL HAZARDS</p> <table border="1"> <tr> <td>Asbestos</td> <td>PRESENT</td> </tr> <tr> <td>Health Hazards</td> <td></td> </tr> <tr> <td>Structural Instability</td> <td></td> </tr> <tr> <td>Ground Conditions</td> <td></td> </tr> <tr> <td>Contamination</td> <td></td> </tr> <tr> <td>Buried and Overhead Services</td> <td></td> </tr> <tr> <td>Underground Structures</td> <td></td> </tr> <tr> <td>Adjacent Activities</td> <td></td> </tr> <tr> <td>Site Restrictions</td> <td></td> </tr> <tr> <td>Other (Specify)</td> <td></td> </tr> </table>	Asbestos	PRESENT	Health Hazards		Structural Instability		Ground Conditions		Contamination		Buried and Overhead Services		Underground Structures		Adjacent Activities		Site Restrictions		Other (Specify)		<p>ACTIONS / NOTES:</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>BY</th> <th>DETAILS</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DATE	BY	DETAILS					<p>CLIENT Mr Russell Bain & Mr Andrew Bain</p> <p>PROJECT 2 Houses at Flocklones Invergowrie Dundee</p> <p>PURPOSE Planning</p> <p>DRAWN BY SS</p> <p>DATE 04.03.24</p>	<p>DRAWING TITLE Site Plan as Proposed</p> <p>SCALE 1:500</p> <p>JOB NO. 5701</p> <p>DWG. NO. P01</p> <p>REVISION B</p>	<p>DENHOLM PARTNERSHIP ARCHITECTS</p> <p>www.denholmpartnership.co.uk T:(01764) 670899</p>
Asbestos	PRESENT																																	
Health Hazards																																		
Structural Instability																																		
Ground Conditions																																		
Contamination																																		
Buried and Overhead Services																																		
Underground Structures																																		
Adjacent Activities																																		
Site Restrictions																																		
Other (Specify)																																		
REV	DATE	BY	DETAILS																															

ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND)
REGULATIONS 2013PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 24/00264/PPPL

To **Mr Russell & Mr Andrew Bain/Bain**
c/o Denholm Partnership Architects
11 Dunira
Street
Comrie
PH6 2LJ

With reference to your application dated 30 April 2024 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of two dwellinghouses at Land At Flocklones Invergowrie for Mr Russell & Mr Andrew Bain/Bain

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (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 proposal is contrary to NPF4 policy 17 and ALDP policy TC2, and its associated Countryside Housing Supplementary Guidance, because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural area and there are no material considerations which justify approval of planning permission contrary to the provisions of the plan.
2. The application is contrary to NPF4 policies 5 and 9 and ALDP policy PV20 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for new housing in the countryside and the advantages of development do not outweigh the loss of land that could be returned to productive agricultural use in the future.
3. Insufficient information has been submitted to fully assess impacts of the proposal upon existing trees nor of any resultant impacts upon protected species, therefore it has not been demonstrated the proposal is capable of complying with NPF4 policies 4 or 6 or ALDP policies PV5 or PV7.
4. The application is contrary to ALDP Policy DS1 because the proposal is not considered to be of a scale and nature appropriate to its location and is not in accordance with other relevant policies of the ALDP.

Amendments:

The application has not been subject of variation.

Dated this **4 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
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

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



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

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

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

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

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

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



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

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

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

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

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

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

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



1 - Northern Gate



2 - Southern gate



3



4



Aerial View



5 - view from West approach



6 - view from East approach

NOTES
 Reproduction by permission of Ordnance Survey on behalf of HMSO. © Crown Copyright (Contract year 20). All rights reserved. License number 100011137.
 TO BE READ IN CONJUNCTION WITH ENGINEER'S DRAWINGS AND ARCHITECTURAL SPECIFICATION
 ALL SIZES TO BE SITE VERIFIED
 IF IN DOUBT, PLEASE ASK
 THIS DRAWING IS COPYRIGHT
 DO NOT SCALE FOR CONSTRUCTION PURPOSES

HEALTH AND SAFETY NOTES:
 SIGNIFICANT RESIDUAL HAZARDS
 Asbestos
 Health Hazards
 Structural Instability
 Ground Conditions
 Contamination
 Buried and Overhead Services
 Underground Structures
 Adjacent Activities
 Site Restrictions
 Other (Specify)

PRESENT	DESCRIPTION	ACTIONS / NOTES:
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

REVISIONS			
REV	DATE	BY	DETAILS

CLIENT
 Mr Russell Bain & Mr Andrew Bain
 PROJECT
 2 Houses at Flocklones
 Invergowrie
 Dundee
 PURPOSE
 Planning

DRAWING TITLE
 Site Aerial & Views
 as Existing
 SCALE
 NTS
 JOB NO.
 5701
 DWG. NO.
 E02
 REVISION
 B

DENHOLM
 PARTNERSHIP
 ARCHITECTS
 www.denholmpartnership.co.uk T:01764 670899

PRE APPLICATION ENQUIRY

Erection of 2 dwellinghouses

Flocklones

Invergowrie

Dundee

DD2 5LE

Applicants

Mr Russell Bain & Mr Andrew Bain
Gateside House
Gateside
KY14 7ST

Architects

Denholm Partnership
11 Dunira Street
Comrie
PERTHSHIRE, PH6 2LJ

Site

The existing site comprises of farmland/garden ground within Flocklones located north west of Invergowrie. The site is located on the west of the buildings at Flocklones and is accessed from the existing access road to the north.

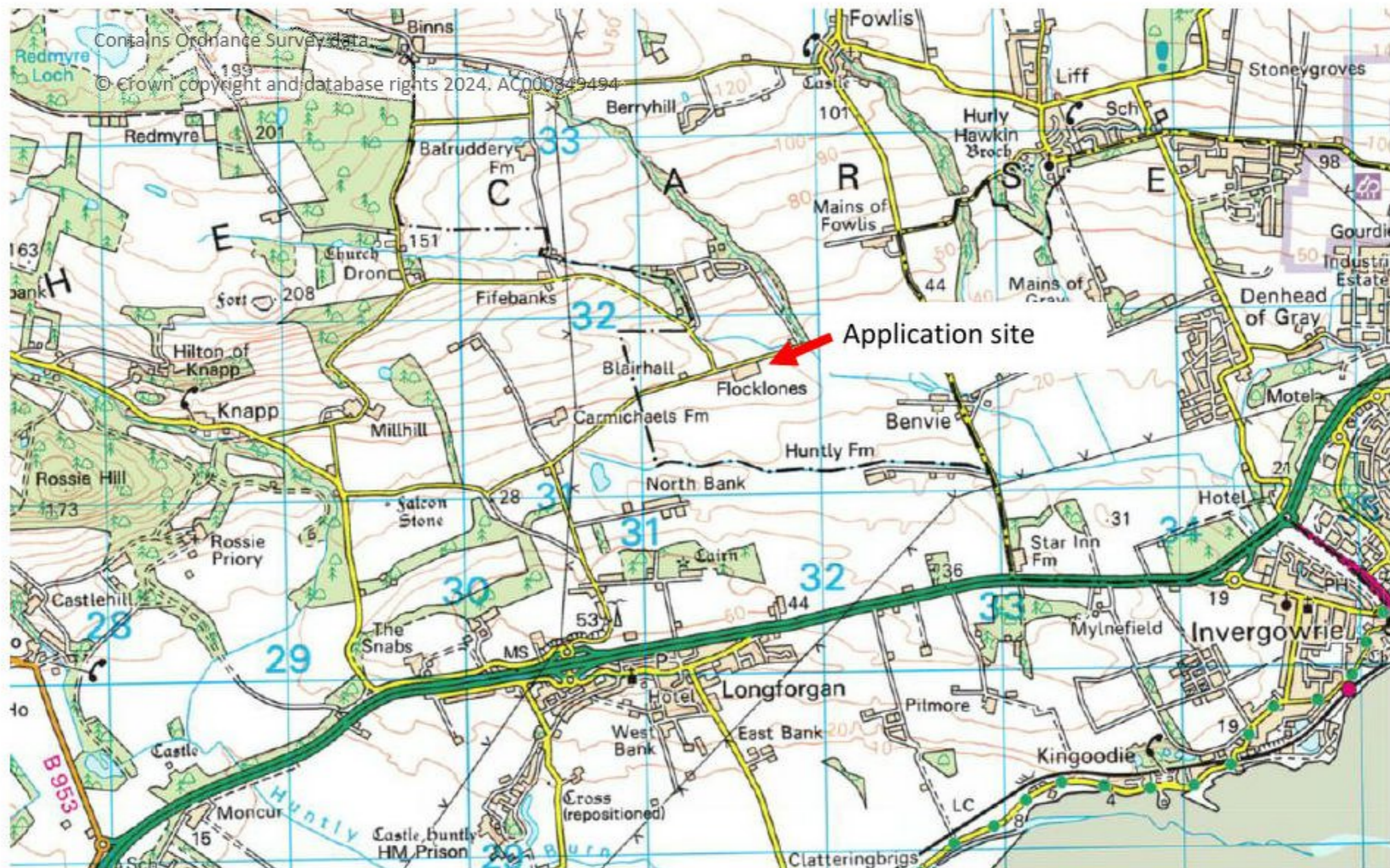


Figure 1 – Location Map

Site & Surroundings



Figure 2 – Aerial map of application site



Figure 3 – Aerial view of the application site

Proposal

The site is located in South Angus and is outwith any settlement boundaries as defined in the Angus Local Development Plan September 2016.

Proposals for such developments which are outwith a settlement boundary are required to comply with Countryside Housing Supplementary Guidance September 2016. The guidance supports housing in rural locations if they follow certain categories, a building group being the most relevant category.

The proposed development would consist of two dwellinghouses and would utilise an existing access point. The building group extends to the east of the proposed house site with ten houses of a similar footprint and plot size to the proposed houses and plots.

The proposed house sites are framed by the existing access road, mature planting and trees to the north and west providing a strong landscape setting to help form and contain the site. The east of the site is contained by hedging and the existing buildings.

The proposed houses are therefore considered to extend the group into a readily definable site that is formed by topography, roads or well-established existing landscape features which will provide a suitable setting in accordance with the council's Supplementary Guidance.

The design of the proposed houses is one storey with room in the roof accommodation, helping to keep the ridge height and mass of the houses to a minimum. Proposed external materials consist of natural stone, white render, timber cladding and natural slate roofing. The houses have traditional proportions, detailing and dormer windows.



Figure 4 – View of landscape setting to the north east boundary of the site



Figure 5 – View of landscape setting to the south east boundary of the site

Contains Ordnance Survey data.

© Crown copyright and database rights 2024. AC000849494

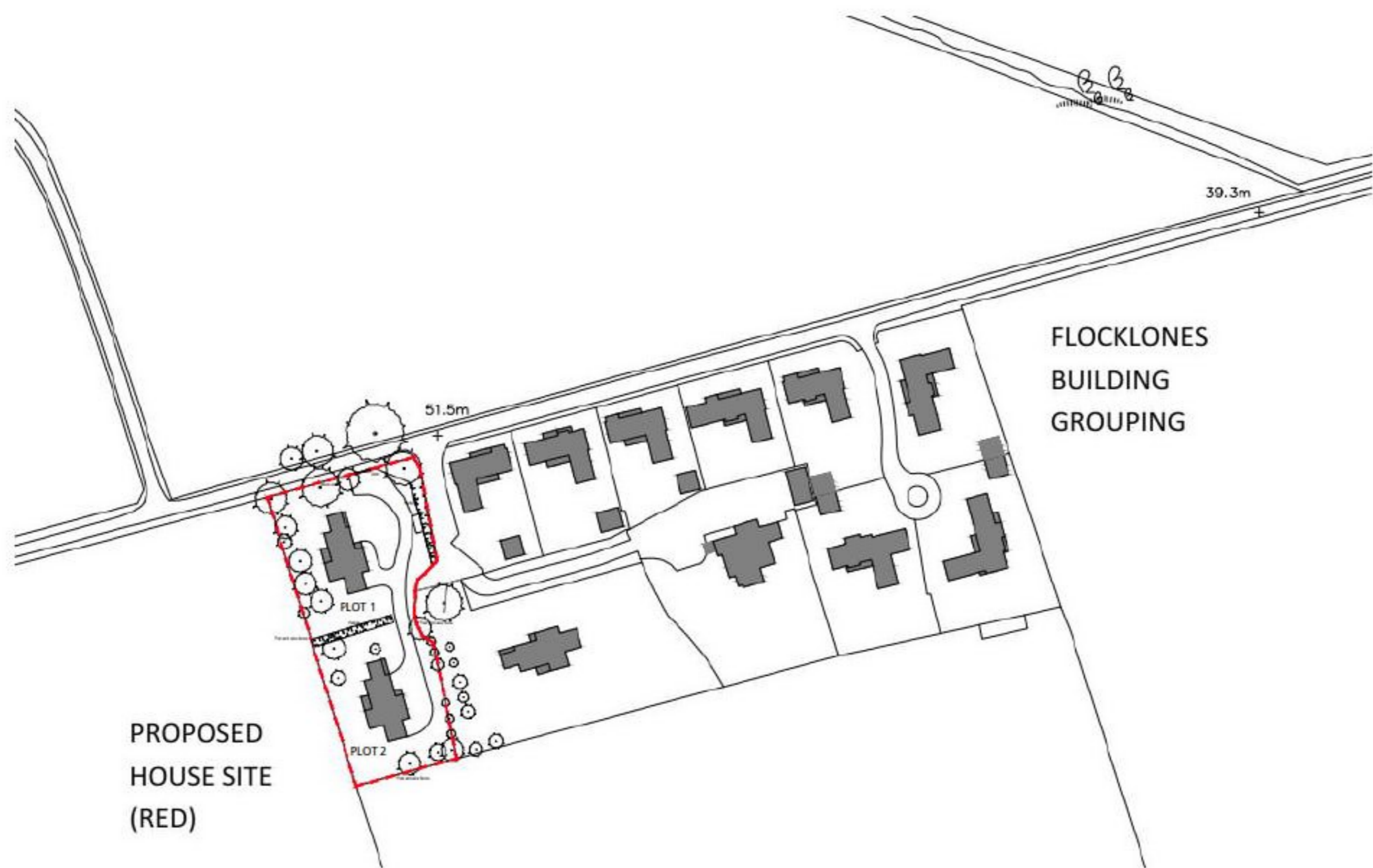


Figure 6 – Indicative site plan with proposed house and building grouping.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE
APPLICATION FOR REVIEW – LAND AT FLOCKLONES,
INVERGOWRIE**

APPLICATION NO 24/00264/PPPL

APPLICANT'S SUBMISSION

PAGE NO.

ITEM 1	Notice of Review
ITEM 2	Original Planning Application
ITEM 3	Application Drawings
ITEM 4	Report of Handling
ITEM 5	Decision Notice
ITEM 6	New Information Correspondence and Additional Plan
ITEM 7	Supporting Statement
ITEM 8	Planning Appeal Statement



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 100687627-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Rachel"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="McIntyre"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="planningscotland@bidwells.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" value="Gateside House"/>
First Name: *	<input type="text" value="Russell & Mr Andrew"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Bain"/>	Address 1 (Street): *	<input type="text" value="Gateside"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Fife"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY14 7ST"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="russell.bain@precision-removals.com"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Land at Flocklones, Invergowrie"/>
--

Northing	<input type="text" value="731656"/>	Easting	<input type="text" value="331477"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of 2 no. new houses.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see supporting statement

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

Yes No

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

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

Planning application forms; refused drawings; report of handling; decision notice; additional indicative plan showing tree protection; supporting statement; planning appeal statement

Application Details

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

24/00264/PPPL

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

30/04/2024

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

04/09/2024

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

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

Please select a further procedure *

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

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

Assess the character of the building group and site boundaries

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: Miss Rachel McIntyre

Declaration Date: 04/10/2024



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 100669419-001

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

Type of Application

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

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

Description of Proposal

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

Erection of 2 no. new houses.

Is this a temporary permission? * Yes No

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

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

No Yes - Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Denholm Partnership Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Denholm	Building Name:	
Last Name: *	Partnership Architects	Building Number:	11
Telephone Number: *		Address 1 (Street): *	Dunira
Extension Number:		Address 2:	Street
Mobile Number:		Town/City: *	Comrie
Fax Number:		Country: *	Scotland
		Postcode: *	PH6 2LJ
Email Address: *	admin@james-denholm.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Gateside House
First Name: *	Russell & Mr Andrew	Building Number:	
Last Name: *	Bain/Bain	Address 1 (Street): *	Gateside
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Fife
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY14 7ST
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Angus Council

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

Address 1:

FLOCKLONES HOUSE

Address 2:

FLOCKLONES

Address 3:

INVERGOWRIE

Address 4:

Address 5:

Town/City/Settlement:

DUNDEE

Post Code:

DD2 5LE

Please identify/describe the location of the site or sites

Northing

731674

Easting

331600

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

3535.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Garden ground.

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

New private treatment plant and soakaway.

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Denholm Partnership Architects

On behalf of: Mr Russell & Mr Andrew Bain/Bain

Date: 24/04/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Supporting Statement

Declare – For Application to Planning Authority

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

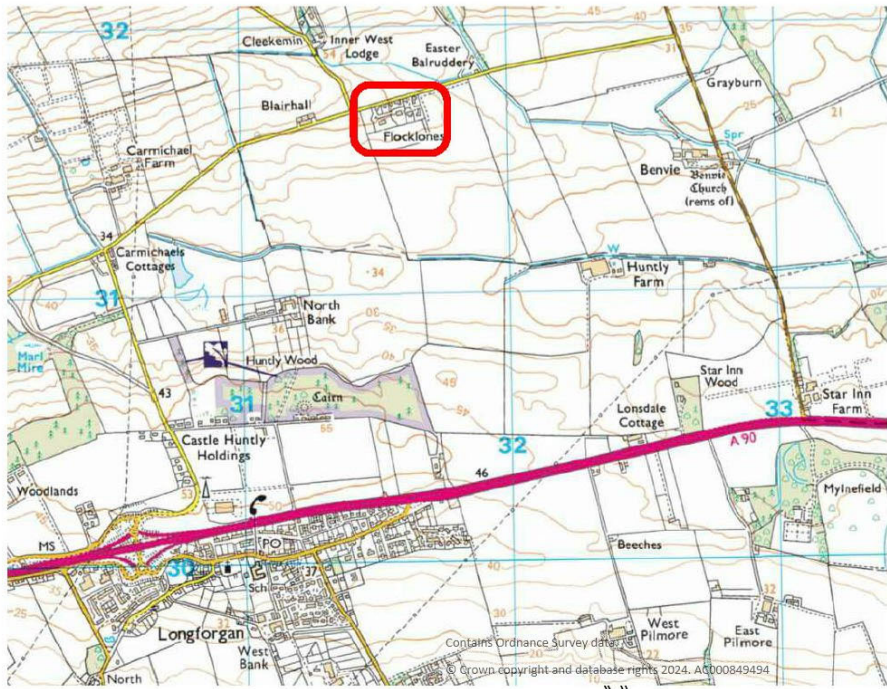
Declaration Name: . Denholm Partnership Architects

Declaration Date: 24/04/2024

Payment Details

Pay Direct

Created: 24/04/2024 12:23



0 1km
 LOCATION MAP
 1:20,000



0 100
 LOCATION PLAN
 1:2000

Contains Ordnance Survey data.
 © Crown copyright and database rights 2024. AC000849494

NOTES

Reproduction by permission of Ordnance Survey on behalf of HMSO © Crown Copyright (Contract year 20). All rights reserved. License number 100010137.
 ALL SIZES TO BE SITE VERIFIED IF IN DOUBT, PLEASE ASK
 THIS DRAWING IS COPYRIGHT DO NOT SCALE FOR CONSTRUCTION PURPOSES

HEALTH AND SAFETY NOTES

SIGNIFICANT RESIDUAL HAZARDS	PRESENT	DESCRIPTION
Asbestos	<input type="checkbox"/>	
Health Hazards	<input type="checkbox"/>	
Structural Instability	<input type="checkbox"/>	
Ground Conditions	<input type="checkbox"/>	
Contamination	<input type="checkbox"/>	
Buried and Overhead Services	<input type="checkbox"/>	
Underground Structures	<input type="checkbox"/>	
Adjacent Activities	<input type="checkbox"/>	
Site Restrictions	<input type="checkbox"/>	
Other (specify)	<input type="checkbox"/>	

ACTIONS / NOTES:

REVISIONS

REV	DATE	BY	DETAILS
A	29.04.24	EW	Scale bar added

CLIENT
 Mr Russell Bain & Mr Andrew Bain
 PROJECT
 2 Houses at Flocklones
 Invergowrie
 Dundee
 PURPOSE
 PL
 DRAWN BY
 EW
 DATE
 24.04.24

DRAWING TITLE
 Location Plan
 Location Map
 SCALE
 1:2000
 JOB NO.
 5701
 DWG. NO.
 Loc 01

PAPER SIZE
 A3
 REVISION
 A

DENHOLM
 PARTNERSHIP
 ARCHITECTS
 www.denholmpartnership.co.uk T: (01764) 670899

Angus Council

Application Number:	24/00264/PPPL
Description of Development:	Erection of two dwellinghouses
Site Address:	Land At Flocklones Invergowrie
Grid Ref:	331482 : 731651
Applicant Name:	Mr Russell & Mr Andrew Bain/Bain

Report of Handling

Proposal

The application seeks planning permission in principle for the erection of 2no. dwellinghouses. The application site is located to the west of an existing grouping of residential properties (10 dwellings in total) and has an area of around 3550sqm. The proposed site plan indicates access would be taken from the public road to the north and shows the position of the internal access track and buildings within the plots. Comparison of the existing and proposed site plans shows that some trees are to be removed but no specific details (in the form of a tree survey, root protection zones or canopy spreads etc) have been submitted in this regard. The submitted application form indicates that the existing area is utilised as garden ground and that the dwellings would be connected to the public water supply network, that foul drainage would be directed to a septic tank and soakaway and surface water drainage would be dealt with by SUDS.

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 10 May 2024 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

There are numerous applications relating to the wider site but the most relevant are noted below:

00/01031/FUL and 01/00004/REFUSE - Erection of Dwellinghouse at Land At, Land At Flocklones, Invergowrie, Dundee - Appeal against refusal - Dismissed.

02/00422/FUL - Erection of Seven Dwellinghouses at Site At, Flocklones, Invergowrie, Angus - Approved subject to conditions.

04/00171/FUL - Change of House Type (Plot 4) and Erection of Four Dwellinghouses at Plot 4, Flocklones, Invergowrie, Angus - Approved subject to conditions.

05/00284/OUT - Outline Erection of Dwellinghouse at Land At Flocklones, Invergowrie, Dundee, DD2 5LE - Withdrawn.

09/00554/OUT - Outline Erection of Dwellinghouse at Land At Flocklones, Invergowrie, Dundee, DD2 5LE - Withdrawn.

Applicant's Case

Document Entitled Pre Application Enquiry:

- Confirms the site and surroundings;
- Gives a policy context and states that the site is outwith a development boundary;
- Proposal would utilise an existing access point;
- Housing would be framed by the existing access road, mature planting and trees to the north and west providing a strong landscape setting to help form and contain the site;
- Proposed external materials would consist of natural stone, white render, timber cladding and natural slate roofing;
- The houses would have traditional proportions, detailing and dormer windows.

Consultations

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

Roads (Traffic) - This consultee has offered no objection to the proposal subject to conditions requiring suitable visibility splays and parking at the site.

Scottish Water - This consultee has offered no objection to the proposal and advise that according to their records there is no public Scottish Water wastewater infrastructure within the vicinity of the development and the applicant should investigate private treatment options. Also indicate there is other Scottish Water infrastructure in proximity to the development.

Representations

3 letters of representation (1 neither supporting nor objecting to the proposal and 2 objecting). The following matters have been raised and are discussed in the assessment below: -

- Roads safety concerns and pedestrian safety concerns – understood permission has never been granted for the existing access and visibility of the road is restricted due to trees;
- Drainage impacts - concern that siting would not meet rules / requirements;
- Existing road not suitable for traffic during construction;
- Land use - site is believed to be recorded as agricultural land and no record of it being used as garden ground;
- Two applications in 2005 and 2009 were withdrawn and nothing has materially change since then.
- Flooding concerns and suitability of surface water drainage proposals and impact on natural environment;
- Concerns regarding loss of trees.
- Amenity concerns - privacy, overlooking and that the lengthy building process will involve considerable inconvenience, intrusion and loss of privacy.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 5 Soils

Policy 6 Forestry, woodland and trees

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 14 Design, quality and place

Policy 16 Quality homes

Policy 17 Rural homes

Policy 18 Infrastructure first

Policy 20 Blue and green infrastructure

Policy 22 Flood risk and water management

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC2 : Residential Development
Policy PV5 : Protected Species
Policy PV7 : Woodland, Trees and Hedges
Policy PV15 : Drainage Infrastructure
Policy PV20 : Soils and Geodiversity

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

Assessment

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

In this case the development plan comprises: -

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

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

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

Policy DS1 in the Angus Local Development Plan (ALDP) indicates that 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. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land. NPF4 Policy 9 indicates that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the local development plan.

The application site is not within a development boundary as defined by the ALDP and relates to ground at Flocklones, which is located in an RSU1 countryside location.

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

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

The proposal does not relate to the replacement of existing houses, the subdivision of an existing dwelling or the conversion of an existing building.

Therefore, in general terms, in category 1 RSU's, ALDP Policy TC2 indicates that new-build houses may be acceptable where development involves regeneration or redevelopment of a brownfield site and would

deliver significant environmental improvement, or individual new houses where the houses would round off an established building group of 3 or more existing dwellings; meet an essential worker requirement; or fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop, or a community facility.

NPF4 Policy 17 provides similar specified circumstance to those listed within ALDP Policy TC2 but also lends support to development proposals for new homes in rural areas on sites allocated for housing within the LDP; where the proposal is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; or where it is for a single home for the retirement succession of a viable farm holding.

Firstly, as the proposal seeks permission for 2 dwellings it would fail to meet any of the tests within ALDP Policy TC2 or NPF4 Policy 17 which lend support to individual new houses. Furthermore, the proposal does not relate to a site allocated for housing in the LDP; would not involve the regeneration or redevelopment of a qualifying brownfield site; does not relate to enabling development or an appropriate reuse of an historic environment assets; and does not propose essential workers dwellings. Therefore, the principle of the proposal is contrary to policy TC2 of the ALDP and policy 17 of NPF4 as it would fail to meet any of the specified criteria within the relevant local plan policies which deal with rural housing.

In terms of impacts upon the natural environment, there are existing trees within the site and the submitted drawings suggest some of these would be felled. Other trees appear close to the indicated location of the houses and access track and therefore may required to be removed to accommodate the proposal. No other details have been provided in relation to the trees. Angus Council's Countryside Officer suggests that individually these trees may not be significantly mature or important, but that cumulatively they provide a landscape context to the wider housing site. It is also noted from reviewing aerial imagery and available photos that the number and locations of the trees shown on the submitted plans do not appear to accurately reflect the locations of the trees within the site. In summary, whilst the removal of some trees may not prove to be a fundamental concern in redeveloping the site (were the principle of residential development acceptable on the site), information has not been submitted to demonstrate the precise location (including root protection areas, canopy spread etc) or the condition of these trees, nor to show that any retained trees could co-exist with the proposed houses (in terms of amenity impacts including overshadowing of proposed garden ground and sunlight / daylight restrictions). Therefore, based on the limited information available at present, it would not be possible to determine whether the proposal would comply with Policy PV7 of the ALDP and/or Policy 6 of NPF4 which seek to protect and enhance woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of the area. Furthermore, no information has been submitted to establish whether bat roosts are present within the trees at the site or not. It cannot therefore be concluded that the proposal would not have the potential to adversely impact on protected species. On that basis, it would also not be possible to determine whether the proposal would comply with Policy PV5 of the ALDP and Policy 4 of NPF4 which seek to protect wildlife and limit impacts upon protected species.

Available information relating to land capability for agriculture suggests that the site consists of prime quality agricultural land. However, the existing lawful use of the site is unclear. The application form states its use is as garden ground but planning history suggests that the area (as identified in planning approval 02/00422/FUL and a number of other subsequent applications) of ground to which this application relates was a paddock. It is also worth highlighting that the Countryside Housing Supplementary Guidance states that the subdivision of existing residential curtilages to artificially create new build plots will not be supported. Notwithstanding the lack of clarity on the lawful use of the site, the area has not been in productive agricultural use for a significant period. However, at present the area of ground could easily revert back to agricultural use in the future if required. This would not be the case if houses were erected on the site. As discussed above, the principle of housing on the site is not consistent with the development plan policy approach for housing in the countryside and the proposal does not relate to a rural business or mineral extraction and does not constitute renewable energy development. Therefore, the proposal is also not consistent with the aim of ALDP Policy PV20 or NPF4 Policies 5 and 9 which seek to safeguarding prime agricultural land and greenfield land from unacceptable development.

The proposal does not give rise to significant issues in terms of remaining development plan policy and associated issues could be addressed by a subsequent detailed application or by condition. The proposal

is consistent with some aspects of the development plan, but the principle of erecting 2 new houses at this location is contrary to the development strategy and to policies of the development plan which seek to direct new housing development to sites within development boundaries or appropriate rural locations and which seek to protect prime quality agricultural or greenfield land. Also insufficient evidence has been provided to demonstrate that the proposal would not have an unacceptable impact upon trees or protected species.

In relation to material considerations, it is relevant to note that representations have been submitted to the proposal. The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

Concerns have been raised regarding impacts on privacy of adjacent housing. These matters would be dealt with via a detailed application (were the principle of the proposal acceptable) but there is no reason to consider that a suitably designed proposal could not be provided on the site which would protect the amenity of existing properties in the area. Construction traffic associated with 2 dwellings would not be unusual or complex and it is unlikely construction traffic associated with a proposal of this scale would result in unacceptable amenity impacts. Impacts on the road network and traffic and pedestrian safety have been considered by the Roads Service, who have reviewed the proposal and raised no objections subject to conditions requiring suitable visibility splays and parking at the site. The site plan submitted appears to show that the sightlines could be provided without the removal of trees and there would be sufficient space for parking. However, as noted above, more information is needed to clarify impacts of visibility splays and the development as a whole on trees and to confirm whether any trees in or around the site would need to be removed. The site is not within an area identified at being at risk of flooding on SEPA's maps and the suitability of the drainage arrangements at the site could be dealt with as part of any detailed application were the principle of the proposal acceptable. Matters relating to the existing lawful use of the site are discussed above. Whilst planning history is relevant to an application, and previous withdrawn applications are noted, these were not considered against the same development plan and were not determined, and as such would have limited weight in this assessment. This application has been considered against the current development plan and would fail to comply with relevant policies for the reasons outlined above.

In conclusion the proposal is contrary to development plan policies and associated supplementary guidance because it does not meet any of the development plan criteria that would allow for the construction of 2 new houses in the countryside. The proposal would also give rise to unacceptable impacts on prime quality agricultural land and insufficient information has been submitted to fully assess impacts on existing trees or protected species. There are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

Human Rights Implications

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

Decision

The application is Refused

Reason(s) for Decision:

1. The proposal is contrary to NPF4 policy 17 and ALDP policy TC2, and its associated Countryside Housing Supplementary Guidance, because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural area and there

are no material considerations which justify approval of planning permission contrary to the provisions of the plan.

2. The application is contrary to NPF4 policies 5 and 9 and ALDP policy PV20 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for new housing in the countryside and the advantages of development do not outweigh the loss of land that could be returned to productive agricultural use in the future.
3. Insufficient information has been submitted to fully assess impacts of the proposal upon existing trees nor of any resultant impacts upon protected species, therefore it has not been demonstrated the proposal is capable of complying with NPF4 policies 4 or 6 or ALDP policies PV5 or PV7.
4. The application is contrary to ALDP Policy DS1 because the proposal is not considered to be of a scale and nature appropriate to its location and is not in accordance with other relevant policies of the ALDP.

Notes:

Case Officer: James Wright
Date: 19 August 2024

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

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

Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

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

- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

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

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

- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
- i) will support meeting renewable energy targets; or,
 - ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

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

Policy 5 Soils

- a) Development proposals will only be supported if they are designed and constructed:
- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

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

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

supported for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

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

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

Policy 6 Forestry, woodland and trees

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

Policy 9 Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should

be taken into account.

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

Policy 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 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 17 Rural homes

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

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

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

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

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

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

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

Policy 18 Infrastructure first

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

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

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

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

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

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

Policy 20 Blue and green infrastructure

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well integrated into the overall proposals.

c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

- d) Development proposals for temporary open space or green space on unused or under- used land will be supported.
- e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 22 Flood risk and water management

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

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

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

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

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

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

- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
 - i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 29 Rural development

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
 - i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
 - ii. diversification of existing businesses;
 - iii. production and processing facilities for local produce and materials, for example sawmills, or local

food production;

- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact.

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

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

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

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

Angus Council will consider the impacts of development on:

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

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

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

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

Policy TC2 : Residential Development

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

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

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

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

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

- o retention, renovation or acceptable replacement of existing houses;
- o conversion of non-residential buildings;
- o regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use;
- o single new houses where development would:
- o round off an established building group of 3 or more existing dwellings; or
- o meet an essential worker requirement for the management of land or other rural business.
- o in Rural Settlement Units (RSUs)**, fill a gap between the curtilages of two houses, or the curtilage of one house and a metalled road, or between the curtilage of one house and an existing substantial building such as a church, a shop or a community facility; and
- o in Category 2 Rural Settlement Units (RSUs), as shown on the Proposals Map, gap sites (as defined in the Glossary) may be developed for up to two houses.

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

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

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

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

Policy PV5 : Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic

interest and beneficial consequences for the environment, and

- o the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV7 : Woodland, Trees and Hedges

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

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

Policy PV20 : Soils and Geodiversity

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

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

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

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

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

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



PLANNING PERMISSION IN PRINCIPLE REFUSAL
REFERENCE : 24/00264/PPPL

To **Mr Russell & Mr Andrew Bain/Bain**
c/o Denholm Partnership Architects
11 Dunira
Street
Comrie
PH6 2LJ

With reference to your application dated 30 April 2024 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of two dwellinghouses at Land At Flocklones Invergowrie for Mr Russell & Mr Andrew Bain/Bain

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission in Principle (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 proposal is contrary to NPF4 policy 17 and ALDP policy TC2, and its associated Countryside Housing Supplementary Guidance, because the development proposed does not comply with any of the circumstances where new rural homes are permitted in non-remote rural area and there are no material considerations which justify approval of planning permission contrary to the provisions of the plan.
2. The application is contrary to NPF4 policies 5 and 9 and ALDP policy PV20 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for new housing in the countryside and the advantages of development do not outweigh the loss of land that could be returned to productive agricultural use in the future.
3. Insufficient information has been submitted to fully assess impacts of the proposal upon existing trees nor of any resultant impacts upon protected species, therefore it has not been demonstrated the proposal is capable of complying with NPF4 policies 4 or 6 or ALDP policies PV5 or PV7.
4. The application is contrary to ALDP Policy DS1 because the proposal is not considered to be of a scale and nature appropriate to its location and is not in accordance with other relevant policies of the ALDP.

Amendments:

The application has not been subject of variation.

Dated this **4 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
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1
Delegated Decision	Local developments determined by Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (appeal to Scottish Ministers) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

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

Notification of completion of development (NCD)

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

Display of Notice while development is carried out

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

The notice must be in the prescribed form and:-

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

A display notice is included with this guidance note.

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

Angus Council
Angus House
Orchardbank Business Centre
Forfar
DD8 1AN

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



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

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

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

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

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

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



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

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

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

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

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

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

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

From: [Planning Scotland](#)
To: [Laura Stewart](#)
Cc: [Rachel McIntyre](#)
Subject: RE: Application for Review - Land at Flocklones, Invergowrie
Date: 15 November 2024 10:22:26

Dear Laura

Thank you for your earlier email in respect of the above Notice of Review.

I can confirm that we would wish the additional indicative plan to be included as new information in support of the appeal.

As highlighted in paras 4.14 – 4.16 of our appeal statement, at no time did the council contact the agent during the consideration of the planning application to advise of any concerns in respect of insufficient information being provided to fully assess impacts on existing trees.

The additional plan has therefore been submitted specifically in response to this part of reason for refusal no.3.

I trust this is helpful.

Kind regards
Mark



Mark Myles
Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA
M: [REDACTED] | bidwells.co.uk



From: Laura Stewart <StewartLD@angus.gov.uk>
Sent: 15 November 2024 10:04
To: Planning Scotland <planningscotland@bidwells.co.uk>
Subject: Application for Review - Land at Flocklones, Invergowrie

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission in Principle for the Erection of two dwellinghouses at Land At Flocklones Invergowrie - Mr Russell & Mr Andrew Bain/Bain
Application No 24/00264/PPPL DMRC 12/24

I refer to previous correspondence regarding the above application and, upon preparing the paper for the Committee to consider, it has come to light that an additional plan was included with your submission "*additional indicative plan showing tree protection*" which was not included with your original planning application and was not declared on your Notice of Review application as new information.

The Town & Country Planning (Scotland) Act 1997 (43B) states that the applicant may not raise new matters unless those matters could not have been raised before, or exceptional circumstances explain which matters were not raised before, however, there is provision on the Notice of Review application to declare new information if it has been provided.

I would therefore be grateful if you could confirm if you wish to withdraw the plan from your submission or include it as new information on your Notice of Review application.

Kind regards
Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council
Tel: 01307 491789- E-mail: StewartLD@angus.gov.uk

Follow us on Twitter
Visit our Facebook page

Think green – please do not print this email

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

Bidwells LLP, a limited liability partnership trading as Bidwells, is registered in England & Wales (registered number OC344553). The registered head office is Bidwell House, Trumpington Road, Cambridge, CB2 9LD, where a list of members is available for inspection.

To read our full disclaimer please click [here](#) To read our Privacy Notice please click [here](#)

PRE APPLICATION ENQUIRY

Erection of 2 dwellinghouses

Flocklones

Invergowrie

Dundee

DD2 5LE

Applicants

Mr Russell Bain & Mr Andrew Bain
Gateside House
Gateside
KY14 7ST

Architects

Denholm Partnership
11 Dunira Street
Comrie
PERTHSHIRE, PH6 2LJ

Site

The existing site comprises of farmland/garden ground within Flocklones located north west of Invergowrie. The site is located on the west of the buildings at Flocklones and is accessed from the existing access road to the north.

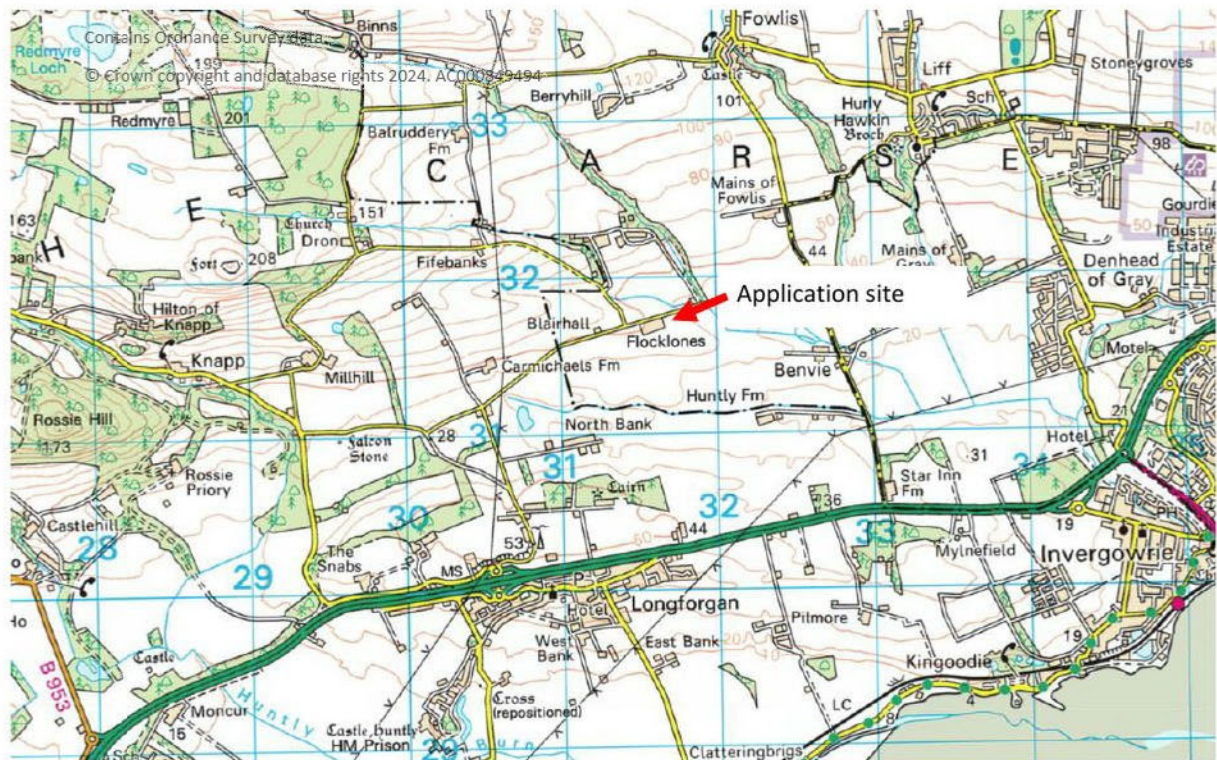


Figure 1 – Location Map

Site & Surroundings



Figure 2 – Aerial map of application site



Figure 3 – Aerial view of the application site

Proposal

The site is located in South Angus and is outwith any settlement boundaries as defined in the Angus Local Development Plan September 2016.

Proposals for such developments which are outwith a settlement boundary are required to comply with Countryside Housing Supplementary Guidance September 2016. The guidance supports housing in rural locations if they follow certain categories, a building group being the most relevant category.

The proposed development would consist of two dwellinghouses and would utilise an existing access point. The building group extends to the east of the proposed house site with ten houses of a similar footprint and plot size to the proposed houses and plots.

The proposed house sites are framed by the existing access road, mature planting and trees to the north and west providing a strong landscape setting to help form and contain the site. The east of the site is contained by hedging and the existing buildings.

The proposed houses are therefore considered to extend the group into a readily definable site that is formed by topography, roads or well-established existing landscape features which will provide a suitable setting in accordance with the council's Supplementary Guidance.

The design of the proposed houses is one storey with room in the roof accommodation, helping to keep the ridge height and mass of the houses to a minimum. Proposed external materials consist of natural stone, white render, timber cladding and natural slate roofing. The houses have traditional proportions, detailing and dormer windows.



Figure 4 – View of landscape setting to the north east boundary of the site



Figure 5 – View of landscape setting to the south east boundary of the site

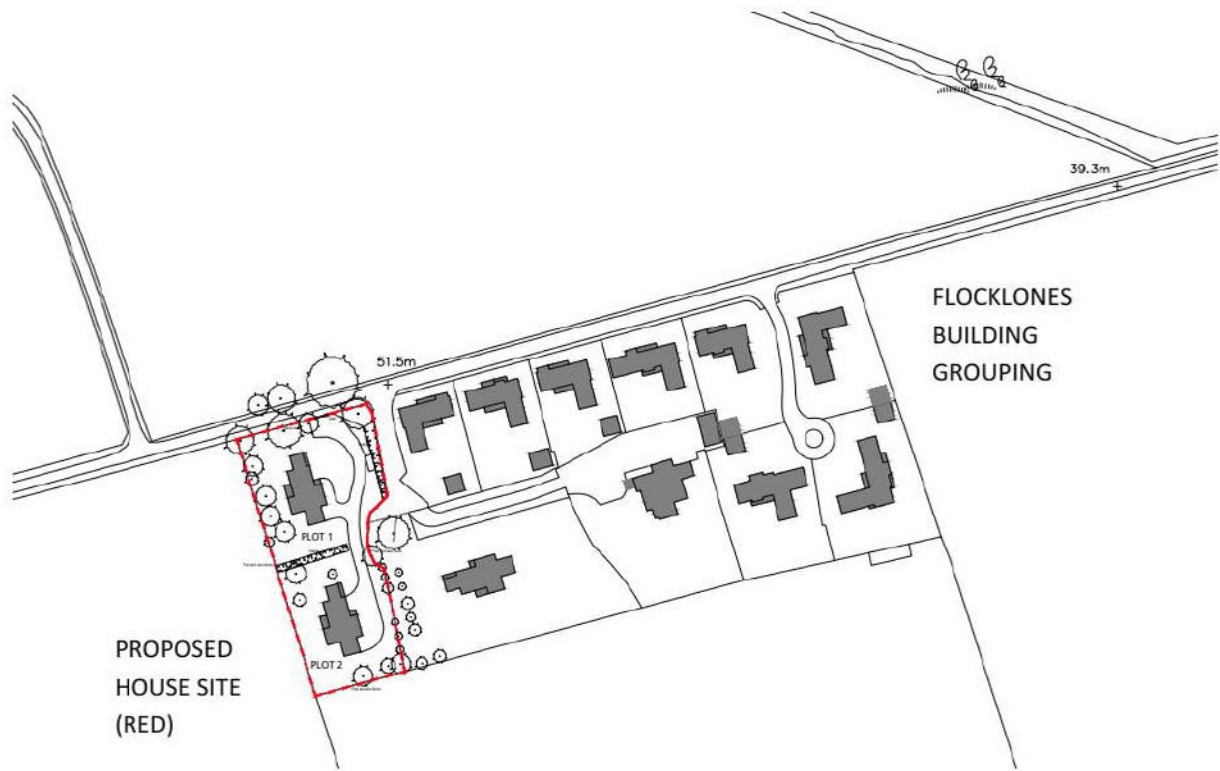


Figure 6 – Indicative site plan with proposed house and building grouping.

Land at Flocklones
Mr R. Bain & Mr A. Bain
September 2024



**PROPOSED ERECTION OF 2
DWELLINGHOUSES ON LAND
AT FLOCKLONES
NOTICE OF REVIEW
PLANNING APPEAL
STATEMENT**

Table of Contents

1.0	Introduction	1
2.0	Site Description	1
3.0	Planning History	1
4.0	Development Plan	2
5.0	Countryside Housing	5
6.0	Conclusions	6

1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review appeal in respect of the refusal of planning application (24/00264/PPPL) submitted to Angus Council by Bidwells on behalf of Mr R. Bain and Mr A. Bain.

2.0 Site Description

- 2.1 The 0.35ha site is located to the west of an existing building group of 10 residential dwellings in Flocklones, north west of Invergowrie, South Angus. The site is not located within an existing settlement boundary as defined in the Angus Local Development Plan (ALDP) 2016; thus, the proposal is for housing in the countryside.
- 2.2 The proposal site is located within a Category 1 Rural Settlement Unit (RSU) as defined by the ALDP. RSU1's are described by the ALDP as areas that are not remote from towns.
- 2.3 The site is clearly defined and rectangular in shape. It is bounded to the north by a stone wall, gate, trees and an unnamed access road. The eastern boundary is formed by mature hedging, trees and decorative stones which separate the grassed area and the hardstanding track which services the property ('The Stackyard House') to the south eastern boundary. The eastern boundary is further defined by the existing residential properties. The southern and western boundaries comprise of adjacent fields and scattered trees.
- 2.4 The site is currently amenity ground that reads as part of the adjacent building group. It is physically and visually detached from the agricultural land to the south and west due to the mature landscaping located on the site boundaries.
- 2.5 The site is accessed by the existing access point along the northern boundary.

3.0 Planning History

- 3.1 The site has had 4 previous planning applications.
- 3.2 Application 00/01031/FUL was for the erection of a dwellinghouse. This application was refused on the 12th of January 2001. This decision was then appealed (ref; 01/00004/REFUSE), however the appeal was dismissed on the 25th of September 2001.
- 3.3 Application 05/00284/OUT related to outline permission for the erection of a dwellinghouse. This application was withdrawn on the 14th of April 2005.
- 3.4 Application 09/00554/OUT was also for outline permission for the erection of a dwellinghouse. This application was withdrawn on the 22nd of July 2009.
- 3.5 This planning appeal relates to application 24/00264/PPPL which was for the erection of two dwellinghouses in principle on the application site. This application was refused on the 4th of September 2024 for 4 reasons which are as follows;
- The proposal is contrary to NPF4 Policy 17 and ALDP Policy TC2, and its associated Countryside Housing Supplementary Guidance, because the development proposal does not

comply with any of the circumstances where new rural homes are permitted in non-remote rural area and there are no material considerations which justify approval of planning permission contrary to the provisions of the plan;

- The application is contrary to NPF4 Policies 5 and 9 and ALDP Policy PV20 because the development would result in the loss of prime agricultural land where the development is not required to support delivery of the development plan strategy, does not relate to a rural business, mineral extraction or a renewable energy development, is not consistent with the policy approach for new housing in the countryside and the advantages of development do not outweigh the loss of land that could be returned to productive agricultural use in the future;
- Insufficient information has been submitted to fully assess impacts of the proposal upon existing trees nor of any resultant impacts upon protected species, therefore it has not been demonstrated that the proposal is capable of complying with NPF4 Policies 4 or 6 or ALDP Policies PV5 or PV7; and
- The application is contrary to ALDP Policy DS1 because the proposal is not considered to be of a scale and nature appropriate to its location and is not in accordance with the other relevant policies of the ALDP.

4.0 Development Plan

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires proposals to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 In this case, the Development Plan, consists of National Planning Framework 4 (NPF4) (adopted February 2023), and the Angus Local Development Plan (ALDP) (adopted September 2016).
- 4.3 In terms of other material considerations, the Council's Supplementary Guidance on Countryside Housing Policy – 2016 is the most significant in terms of the detailed criteria it contains for assessing this type of proposal.
- 4.4 The principle of housing on this site is required to be considered under the terms of Policy 17: Rural Homes of NPF4, Policy TC2: Residential Development and section 3.4 New Houses in the Countryside of the Supplementary Guidance. This is assessed in further detail in section 5 below.
- 4.5 The Council's placemaking policies (DS1 – Development Boundaries and Priorities, DS3 – Design, Quality and Placemaking and DS4 – Amenity) from ALDP are also relevant to the consideration of this proposal.
- 4.6 Policy DS1 states that '*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*'.
- 4.7 Policy DS3 states that '*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 located.*' The policy also sets out 5 criteria which proposals are assessed against, which are as follows;
- Distinct in Character and Identity: Where development **fits in with the character and pattern of development in the surrounding area**, provides a coherent structure of streets,

spaces and buildings and retains and sensitively integrates important townscape and landscape features.

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

- 4.8 Policy DS4 – Amenity states that *'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'*.
- 4.9 The fourth reason for refusal states that the proposal is *'contrary to ALDP Policy DS1 because the proposal is not considered to be of a scale and nature appropriate to its location and is not in accordance with other relevant policies of the ALDP'*.
- 4.10 The scale and nature of the proposed development is considered to be appropriate for the area, as the proposed plots are of a similar size to the existing developments to the east. The proposed dwellings would be of a similar size and footprint, as shown by the submitted proposed site plan.
- 4.11 The proposed dwellings would be sited sensibly in a clearly defined site. The siting of the proposed dwellings would be in keeping with the character and pattern of development in the adjacent building group, due to mirroring the layout of the properties to the far east. The development of the last two plots within the hamlet would round off development in the building group, preventing the opportunity for further development in the rural area.
- 4.12 Amenity would be protected for the proposed and existing dwellings due to the existing mature planting and trees providing a strong landscape framework. Residential amenity between the proposed dwellings would be maintained through new hedge planting on the shared boundary
- 4.13 As already discussed above, the proposal is not considered to be contrary to ALDP Policy DS1, DS3 or DS4 due to the proposal being of an appropriate scale and nature. It should be noted that ALDP Policies DS3 and DS4 were not quoted as reasons for refusal. The proposed dwellings are of a similar footprint to the existing dwellings within the hamlet, and the nature of residential development is apparent in the area. The proposal is also considered to be in accordance with various policies of the ALDP and NPF4, such as ALDP Policies DS1 and DS3.
- 4.14 The third reason for refusal states that *'insufficient information has been submitted to... demonstrate the proposal is capable of complying with NPF4 policies 4 or 6 or ALDP policies PV5 or PV7'*. NPF4 Policy 4 – Natural Places states that development proposals which would have an unacceptable impact on the natural environment due to type, location or scale will not be supported. As stated above in paragraph 4.10, the scale and nature of the development is considered to be appropriate for the area. The impact on the environment will be minimised

through sensitive siting of the proposed dwellings, and any impact would be mitigated through proposed planting and landscaping.

- 4.15 NPF4 Policy 6 – Forestry, Woodland and Trees states that proposals would not be supported if they result in adverse impacts on native woodlands, hedgerows and **individual trees of high biodiversity value**. Policy PV7 of the ALDP does not specifically state instances where proposals will not be supported, however it does state that individual trees may be protected through Tree Protection Orders (TPO). It is worth noting that none of the trees on site are protected by a TPO. The trees present within the site are not considered to be of high biodiversity value, as it was stated by the Council’s Countryside Officer within the RoH that *‘individually these trees may not be significantly mature or important, but that cumulatively they provide a landscape context to the wider housing site.’* Although these trees are considered to provide a landscape context for the wider site, the removal of a minor number of trees from the site would not negatively impact this. The landscape context would also be further enhanced through new planting.
- 4.16 The majority of the trees within the site would be retained, as shown by the proposed site plan. Biodiversity would be further enhanced through proposed landscaping and planting which would be part of the detailed planning stage. Any trees proposed to be removed are shown on the amended proposed site plan. It is stated within the Report of Handling (RoH) that insufficient information was provided regarding the loss of trees, precise location of existing/retained trees, condition of the trees and amenity impact of the retained trees on the proposed properties. At no time did the council contact the agent during the consideration of the application to advise of any concerns, and they did not actually ask for any additional information to be supplied as a post submission addition. Had they requested the additional information they required in order to properly assess the proposal against the policy, it would have been supplied.
- 4.17 The RoH further states that there was no information submitted regarding the possibility of protected species being present on the site. Similarly to the lack of information regarding trees, at no point during the consideration of the application did the Council contact the agent to request for this information to be supplied, (which would have been provided if requested), thus the applicant was given no chance to ensure that the proposal complied with the requirements of ALDP Policy PV5 – Protected Species, which states that *‘development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime’* or NPF4 Policy 4 which further states that *‘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.’*
- 4.18 Thus, for the reasons set out above in paragraphs 4.14 – 4.17, the proposal is not considered to be contrary to the policies set out in refusal reason 3, and should any additional information be required from the Local Review Body it can be provided upon request.
- 4.19 Refusal reason 2 states that due to the site consisting of Prime Agricultural Land (PAL), the proposal is considered to be contrary to NPF4 Policy 5 – Soils, NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings and ALDP Policy PV20 – Soils and Geodiversity.
- 4.20 NPF4 Policy 5 – Soils states that development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported if they are for;
- Essential infrastructure with no other suitable site;
 - Small-scale development linked to a rural business, farm or croft;
 - Production and processing facilities associated with land produce where no other local site is suitable; or
 - The generation of renewable energy or the extraction of minerals.

- 4.21 Similarly, Policy PV20 – Soils and Geodiversity of the ALDP states that development proposals on PAL will only be supported where they;
- Support delivery of the development strategy and policies in this local (ALDP) plan;
 - Are small scaled and directly linked to a rural business or mineral extraction; or
 - Constitute renewable energy development and are supported by a commitment to a bond commensurate with restoration requirements.
- 4.22 Policy 9 of NPF4 relates to development on brownfield land, and states that proposals on greenfield sites will not be supported unless allocated, or the proposal is explicitly supported by policies in the LDP.
- 4.23 Although this proposal constitutes greenfield PAL and does not fall under any of the approved categories within national or local policies, it is considered acceptable for the Council to deviate from the Development Plan in this case. This is due to the small-scale of the site not constituting a significant loss of PAL. The previous history also shows that the council are aware of the non-agricultural use of the site, as proved by the enforcement notice served to The Stackyard House in 2012 (ref: 12/00035/UNDV) which was in relation to agricultural ground being used as garden ground. It is further stated within the RoH that *'the area has not been in productive agricultural use for a significant period'*.
- 4.24 The site could also not be returned to a productive agricultural use without intervention, due to the trees scattered throughout it and the hardstanding driveway associated with The Stackyard House. The separate access that serves the site and the two adjacent properties further proves that the site could not be viably returned to agricultural use.
- 4.25 Thus, for the reasons set out above, the proposal constitutes approval despite slightly deviating from the Development Plan.

5.0 Countryside Housing

- 5.1 Turning to the first reason for refusal, Policy 17 of NPF4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations. The Scottish Government have declared a housing emergency, and the Chief Planner's letter dated 20th September 2024 further addresses the need for supporting housing delivery. The letter specifically addresses the implementation of Policy 17 of NPF4 and emphasises how it should be implemented positively. The policy states ***'development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area.'***
- 5.2 Policy TC2 in the ALDP states that, in countryside locations, the Council *'will support proposals for the development of houses which fall into at least one of the following categories;*
- *Retention, renovation or acceptable replacement of existing houses;*
 - *Conversion of non-residential buildings;*
 - *Regeneration or redevelopment of a brownfield site that delivers significant visual or environmental improvement through the removal of derelict buildings, contamination or incompatible land use;*
 - *Single new houses where development would;*
 - *Round off an established building group or 3 or more existing dwellings; or*

- *Meet an essential worker requirement for the management of land or other rural business;*
- *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*
- *In Category 2 RSUs, as shown on the proposal 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.'

- 5.3 As stated in paragraph 4.10, the proposed development is suitably scaled, sited and designed to be in keeping with the character of the area, thus compliant with NPF4 Policy 17. Flocklones is a hamlet that currently has 10 existing residential properties, and the proposed development would mirror the existing building pattern. The proposed dwellings would be of a similar size and design to the existing dwellings, and the development of two dwellings on the site would round off the building group, leaving no opportunity for future development.
- 5.4 Although the principle of the development of two dwellings on this site would not be compliant with the ALDP TC2 policy due to the site being within a Category 1 RSU, a slight deviation from the development plan is considered to be acceptable, as rounding off the building group and mirroring the existing building pattern is a logical choice.
- 5.5 The relevant Supplementary Guidance in this case is the Countryside Housing Supplementary Guidance (September 2016). The SG provides further information and guidance on Policy TC2 of the ALDP's countryside housing criteria. Within Appendix 3 – Detailed Countryside Housing Criteria (page 17), it is stated that '*development proposals should **not** create a gap or rounding off opportunity for additional greenfield development*'.
- 5.6 Whilst the applicant is willing to accept a condition restricting the development to consist of one dwelling, this would result in a rounding off opportunity being left. Thus, whilst the proposal is not consistent with the criteria set out within the policy, the development of two dwellings on the site would, as previously stated, round off the existing building group, thus being compliant with the criteria set out within the SG.
- 5.7 It is therefore considered that a slight deviation from the development plan would be acceptable in this case and would also be the most logical choice.

6.0 Conclusions

- 6.1 In this case, the proposal does meet the majority of the requirements set out within NPF4 and the ALDP policies, e.g. ALDP Policy DS1 (Development Boundaries and Priorities), and NPF4 Policy 17 (Rural Homes).
- 6.2 Although aspects of the proposal deviate slightly from the Development Plan (e.g. proposal is for two dwellings, ALDP Policy TC2 allows the development of one dwelling), the slight deviation is considered to be acceptable, whilst also being the most logical decision.
- 6.3 The proposal is scaled, sited and designed to be in keeping with the character of the area, and would contribute positively to biodiversity enhancement in the area through the retainment and protection of existing trees, and the proposed new landscaping.

- 6.4 The Local Review Body are therefore requested to support this Notice of Review appeal, as the proposed development is compliant with most of the relevant policy criteria, and where it does not comply is considered to be a reasonable deviation, subject to any conditions the LRB may consider to be necessary and appropriate.



BIDWELLS

FURTHER LODGED REPRESENTATIONS

Jane Conley

From: [REDACTED]
Sent: 16 October 2024 13:05
To: Laura Stewart
Subject: Re: Application for Review - Refusal of Planning Permission in Principle - Land at Flocklones, Invergowrie

Dear Laura,

Thank you for your email dated 10th October. I note that the Review Committee will be given a copy of my original representation on this application so I will not repeat what I have already provided to the Council. I have also taken the opportunity to read the Report of Handling for the application which I note included the main areas of objection I raised. One item I picked up in the Report of Handling was in respect of the possibility of bats roosting on the site.

Bats

Having read the Report of Handling I can confirm there are bats roosting to the western end of the existing Flocklones housing development. We regularly see them flying around in the driveway adjacent to our property and over the site. Judging by the diversity of birds we see in our garden, no doubt a range of different species of wild birds will also nest in the trees on the site.

The points made in my original submission regarding the narrow road and road access; water drainage and location of septic tanks in relation to the houses and impact on trees; and the fact the land is still recorded as agricultural land with the driveway access never having received planning permission were noted in the Report of Handling report and remain relevant. If you have any questions, I would be happy to discuss the application with you at your convenience.

Kind regards

Nicholas Pearce

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

From: StewartLD@angus.gov.uk

To:

Sent: Thursday, October 10th 2024, 10:24

Subject: Application for Review - Refusal of Planning Permission in Principle - Land at Flocklones, Invergowrie

Dear Sir/Madam

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

**Application for Review – Refusal of Planning Permission in Principle for the Erection of
two dwellinghouses at Land At Flocklones Invergowrie - Mr Russell & Mr Andrew
Bain/Bain**

Application No 24/00264/PPPL DMRC 12/24

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be considered by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council

Tel: 01307 491804- E-mail: StewartLD@angus.gov.uk

Follow us on Twitter

Visit our Facebook page

Think green – please do not print this email

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

**APPLICANT'S RESPONSE TO FURTHER
LODGED REPRESENTATIONS**

From: [Planning Scotland](#)
To: [Laura Stewart](#)
Subject: RE: Application for Review - Land at Flocklones, Invergowrie
Date: 04 November 2024 11:36:12

Dear Laura

Thank you for your email in respect of the above Notice of Review Appeal.

The further representation from the objector who lives in the house opposite the appeal site doesn't raise any new matters or respond specifically to our grounds of appeal statement.

The applicant does however want to draw the Review Committee's attention to the fact that a couple of years ago this same objector offered and paid to reduce the height and also cut some trees down on the appellants land at the communal entrance to Flocklones, as he felt it they were causing shadowing over his house, so there didn't seem to be too much concern about any potential impact on bats or birds back then.

We look forward to receiving details of the date and time for the Review Committee in due course.

Kind regards

Mark



Mark Myles

Partner, Head of Planning Scotland

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA

M: XXXXXXXXXX | bidwells.co.uk



From: Laura Stewart <StewartLD@angus.gov.uk>
Sent: 31 October 2024 11:35
To: Planning Scotland <planningscotland@bidwells.co.uk>
Subject: Application for Review - Land at Flocklones, Invergowrie

Dear Sir/Madam

Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
Application for Review – Refusal of Planning Permission in Principle for the Erection of two dwellinghouses at Land At Flocklones Invergowrie - Mr Russell & Mr Andrew Bain/Bain
Application No 24/00264/PPPL DMRC 12/24

I refer to the above application for review and write to advise you that I have received further representation from one of the interested parties.

In accordance with the legislation, I am now forwarding a copy of this to you.

You have the right to make comment on the representations and, should you wish to do so, you have 14 days from the date of receipt of this correspondence to make any such representation which should be sent directly to me.

Kind regards
Laura

Laura Stewart - Committee and Elections Officer – Legal, Governance and Change Services -Angus Council
Tel: 01307 491789- E-mail: StewartLD@angus.gov.uk

Follow us on Twitter
Visit our Facebook page

Think green – please do not print this email

From: Nicholas Pearce

Sent: Wednesday, October 16, 2024 1:05 PM

To: Laura Stewart StewartLD@angus.gov.uk

Subject: Re: Application for Review - Refusal of Planning Permission in Principle - Land at Flocklones, Invergowrie

Dear Laura,

Thank you for your email dated 10th October. I note that the Review Committee will be given a copy of my original representation on this application so I will not repeat what I have already provided to the Council. I have also taken the opportunity to read the Report of Handling for the application which I note included the main areas of objection I raised. One item I picked up in the Report of Handling was in respect of the possibility of bats roosting on the site.

Bats

Having read the Report of Handling I can confirm there are bats roosting to the western end of the existing Flocklones housing development. We regularly see them flying around in the driveway adjacent to our property and over the site. Judging by the diversity of birds we see in our garden, no doubt a range of different species of wild birds will also nest in the trees on the site.

The points made in my original submission regarding the narrow road and road access; water drainage and location of septic tanks in relation to the houses and impact on trees; and the fact the land is still recorded as agricultural land with the driveway access never having received planning permission were noted in the Report of Handling report and remain relevant. If you have any questions, I would be happy to discuss the application with you at your convenience.

Kind regards

Nicholas Pearce

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

Bidwells LLP, a limited liability partnership trading as Bidwells, is registered in England & Wales (registered number OC344553). The registered head office is Bidwell House, Trumpington Road, Cambridge, CB2 9LD, where a list of members is available for inspection.

To read our full disclaimer please click [here](#) To read our Privacy Notice please click [here](#)
