

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL

APPLICATION NUMBER – 24/00417/PPPL

APPLICANT- MR & MRS JOHN MITCHELL

**PROPOSAL & ADDRESS – ERECTION OF A DETACHED DWELLINGHOUSE AT
GALLOWHILL FARMHOUSE STRATHMARTINE DUNDEE**

CONTENTS

AC1	Report of Handling	
	Policy Tests	
	<p>Angus Local Development Plan 2016</p> <p>Policy DS1, DS3, DS4, TC2, PV12 & PV15</p> <p>Angus Local Development Plan https://www.angus.gov.uk/sites/default/files/Angus%20local%20development%20plan%20adopted%20September%202016.pdf</p> <p>NPF 4 - Policies 1, 2, 3, 4, 9, 14, 16, 17, 18, 20, 22, 23 & 29 https://www.gov.scot/publications/national-planning-framework-4/</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>Policy Tests:</p> <p>Countryside Housing Supplementary Guidance https://www.angus.gov.uk/media/countryside_housing_supplementary_guidance</p>	
	Consultation Responses	

AC2	Scottish Water – 11.07.24	
AC3	Roads Traffic – 25.07.24 & 30.07.24	
AC4	Environmental Health – 10.09.24	
AC5	Roads Flooding – 19.09.24	
	Letters of Representations - None	
	Application Drawings	
AC6	Application Drawings	
	Further Information Relevant to Assessment	
AC7	Refused Decision Notice	
	Supporting Information	
AC8	Design & Access Statement	
AC9	Covering Letter	

Angus Council

Application Number:	24/00417/PPPL
Description of Development:	Erection of a detached dwellinghouse
Site Address:	Gallowhill Farmhouse Strathmartine Dundee DD3 0PU
Grid Ref:	337573 : 736300
Applicant Name:	Mr & Mrs John Mitchell

Report of Handling**Site description and proposal**

The application seeks planning permission in principle for the erection of a dwellinghouse. The application site is part of the garden ground of the existing residential property (Gallowhill Farmhouse) and has a site area of around 1497sqm. An existing access track lies to the north of the site with a public road to the west. Other garden ground associated with Gallowhill Farmhouse is located to the south and there are existing farm buildings located to the east.

An indicative site plan has been provided which indicates the dwellinghouse and parking area would be located in the eastern section of the site. A new access point would be formed from the existing public road to the west. Two small garden buildings are proposed to be removed.

The submitted application form indicates the dwelling would be connected to the public water supply network, foul drainage would be directed to a septic tank (which would discharge to land via a 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 12 July 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

10/00195/PPPL for Planning Permission in Principle for Erection of Two Dwellinghouses (Garden Ground) was determined as "Refused" on 30 April 2010 for the following reasons: -

1. That the proposed development involves the erection of more than one house and does not round off or consolidate a group of buildings, does not constitute a gap site and is not a brownfield site and is therefore contrary to Policy SC6 of the Angus Local Plan Review, 2009.
2. The proposed site is not self contained, would open up a further area for development to the south of the site and takes access through a farm court and this is contrary to the criteria (a) and (i) of Schedule 2: Countryside Housing Criteria respectively and consequently Policy SC6 of the Angus Local Plan Review.

3. The applicant has failed to demonstrate that visibility splays of 3 x 215m in accordance with Angus Council's Roads Standards can be provided at the junction of the site access with the public road and this is contrary to Criterion (d) of Schedule 1: Development Principles and consequently Policy S6 of the Angus Local Plan Review 2010.
4. The applicant has failed to provide a Flood Risk Assessment to demonstrate the site is not at unacceptable risk from flooding and this is contrary to Policy ER28 of the Angus Local Plan Review, 2009.

The applicant sought to challenge that decision by means of review by the Development Management Review Committee (DMRC). The review was considered by committee in October 2010 and dismissed. The committee determined amongst other things that: -

- The application site formed part of the larger garden area of Gallowhill Farmhouse. It was considered that the site was not self-contained and that if the application was approved it could set a precedent for other development. The DMRC did not consider that the application site either formed a gap site or consolidated an existing group of buildings.
- The roads service had raised concerns that a flood risk assessment had not been submitted and also that there were concerns in terms of visibility splays with regard to the proposed means of access onto the public road.
- The proposal did not comply with policies of the Angus Local Development Plan 2009. In addition, the applicant had failed to provide a flood risk assessment to demonstrate that the site is not at unacceptable risk from flooding and is therefore contrary to flooding policy in the Angus Local Plan Review. There were no material considerations that warranted approval of the application.

14/00898/FULL for Formation of New Driveway Access was determined as "approved subject to conditions" on 5 January 2015.

15/00211/FULL for Erection of Dwellinghouse was determined as "Application Withdrawn" on 2 April 2015.

Applicant's Case

The applicant has submitted a design and access statement in support of the application: -

- Describes the site and surroundings and states that an existing single storey workshop/ storage building and a timber garden building are contained within the site. It identifies that derelict farm buildings of 'Gallowhill Farm' lie to the east;
- Proposal is to demolish the existing workshop / storage facility and garden storage buildings and erect a single detached dwelling house with an integrated double garage on to the site. To serve this house a new access road will be installed.
- Refers to NPF4, TAYplan, and ALDP policies.
- Refers to policy TC2 and states that it is brownfield and will the development will encompass the demolition and removal of an existing buildings on the site.
- indicates that the site is not allocated for any specific purpose within the Angus Council LDP. Suggests that this would presume that it must therefore fall under the provisions of Policy S1. Under Part 1 of this policy there is a presumption in favour of sustainable development. The Planning system should therefore support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.
- It indicates that while the site is in a countryside location, it is also on a site that is surrounded by existing properties. The site is therefore appropriate for limited development. Any development will require to carefully consider the environment and its surroundings. To this end it must reflect the scale and aesthetic of a countryside farm steading. There are a number of new modern interventions into the countryside around this location. All of these take the varying forms of detached domestic residential properties.

Consultations

Environmental Health (Arbroath) - objects to the application given proximity to and potential for disamenity and nuisance arising from the agricultural buildings immediately to the east of the application site. While the applicant suggests these are now unused, environmental health is concerned that there is no legal provision to prevent the lawful use from being resumed at any time. Accordingly, the service does not consider that it has been adequately demonstrated that a satisfactory level of residential amenity could be ensured.

Roads Service (Flooding) - advises that SEPA flood maps indicate that the site is adjacent to an area of surface water flooding and therefore may be at risk of flooding from this source. It is indicated that submission of further information would be required to demonstrate that the proposed development is not at risk of surface water flooding up to and including a 1 in 200 year flood event with an allowance for climate change.

Roads (Traffic) - no objection subject to conditions regarding visibility splays, parking, and to prevent the flow of surface water onto the public road.

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

Scottish Water - no objection.

Representations

There were no letters of representation.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises
 Policy 2 Climate mitigation and adaptation
 Policy 3 Biodiversity
 Policy 4 Natural places
 Policy 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
 Policy 23 Health and safety
 Policy 29 Rural development

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 PV12 : Managing Flood Risk
 Policy PV15 : Drainage Infrastructure

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. The proposal is not within a development boundary and is therefore in a rural area as defined by the ALDP.

NPF4 Policy 17 deals specifically with proposals for new housing in rural area. It 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 in the following specific circumstances: -

- 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.

Having regard to those policy requirements: -

- i. the site is not allocated for housing in the ALDP.
- ii. the proposal does not constitute reuse of brownfield land where a return to a natural state will not happen without intervention. It is well-maintained garden ground associated with an existing dwelling. The presence of garden buildings does not affect this conclusion.
- iii. the proposal does not involve reuse of a redundant or unused building.
- iv. the proposal does not involve reuse of a historic environment asset and it is not enabling development to secure the future of such an asset.
- v. the proposal is not related to the sustainable management of a viable business or croft where there is an essential need for a worker to live permanently at or near their place of work.
- vi. the proposal is not for the retirement succession of a viable farm holding.
- vii. the proposal is not for the subdivision of an existing residential dwelling. It is for the erection of a new house in the garden of an existing house.
- viii. the proposal does not involve reinstatement of a former dwelling house and is not one-for-one replacement of an existing permanent house. It is for the erection of a new house in the garden of an existing house.

The proposal does not comply with any of the circumstances where NPF4 policy 17 allows for the erection of a house in a rural area. For the avoidance of any doubt, the site is not in a remote rural area. The proposal is contrary to NPF4 policy 17 which deals specifically with the principle of this development.

Policy TC2 in the council's ALDP identifies policy tests in relation to new houses in countryside areas. However, aspects of that policy which relate to the principle of new homes on greenfield land such as those involving gap sites and rounding-off building groups are not compatible with the detailed tests provided by NPF4 policy 17. As highlighted above, legislation clearly identifies that in such circumstance, the provisions of NPF4, which post-dates the ALDP, are to apply. Accordingly, the gap site and rounding-off building group criteria that may previously have allowed a new house on greenfield land are no longer relevant considerations. Notwithstanding that, and for clarity, the planning service and the DMRC have previously determined that this area of garden ground does not form a gap site and that residential development would not consolidated an existing group of buildings. The proposal would not comply with policy TC2 of the ALDP even if it remained a relevant consideration.

In addition to policy TC2 of the ALDP, the council has adopted countryside housing supplementary guidance and that forms part of the statutory development plan. The supplementary guidance provides detailed countryside housing criteria that are not incompatible with NPF4 policy. Amongst other things, those criteria indicate that: -

- the sub-division of existing residential curtilages to artificially create new build plots will not be supported.

The application form identifies the existing use of the land is garden ground. This is consistent with the findings of the planning service and the DMRC in relation to the refused planning application in 2010. It is also consistent with correspondence submitted with application 15/00211/FULL. As indicated above, the council's approved statutory supplementary guidance specifically states that sub-division of existing curtilages to create new plots will not be supported.

The proposal is clearly contrary to those policies of the development plan that deal specifically with the principle of new housing development in this area. While other policies are of some relevance to the proposal, they do not contain any provision which can justify the proposal in circumstances where it is directly contrary to the most relevant development plan policy on the principle of the development itself. However, and for completeness, other policy matters are addressed.

Development plan policy requires proposals to be compatible with neighbouring land uses and to provide a good residential environment. They also seek to ensure that new development is not at unacceptable risk of flooding.

There is an existing farm building to the east of the application site. The applicant has indicated that it is disused, and it appears to be in reasonably poor condition. Environmental health has raised concern that the building could be reused for its existing lawful purpose without the requirement for further planning permission and has raised concern that this could adversely affect the residential amenity of the occupants of the proposed house. While that concern is recognised, this is an application for planning permission in principle, and the position of the house on the site could be controlled to ensure that it was no closer to the farm buildings than existing dwellings which are unrelated to their operation. Information could also be sought regarding potential noise emissions and to ensure provision of further mitigation as necessary. In these circumstances, while the concern is noted, it does not justify refusal of planning permission and it appears that a house could be accommodated on the site in a manner that would provide a reasonable residential environment while maintaining the residential amenity of neighbouring property.

In this case, the site is within an area identified on published SEPA maps at being at some risk of surface water flooding. A previous application on this site was refused due to, amongst other reasons, lack of information to demonstrate that the site was not at unacceptable risk of flooding. Notwithstanding that, the applicant has not addressed this matter and has provided no information in relation to potential surface water flood risk. The roads service has indicated that additional information on surface water flood risk is required to properly consider the matter. Information to demonstrate how the matter could or would be addressed and how any necessary mitigation might affect flood risk elsewhere would be necessary to assess policy compliance. However, as the applicant has chosen not to submit such information, and as the application is contrary to rural housing policies, further information in this respect has not been

requested. The absence of information to demonstrate that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere renders the proposal contrary to policy 22 of NPF4 and policy PV12 of the ALDP.

The roads service has indicated that a suitable access could be formed to serve a new house subject to planning conditions. There is no reason to consider that a proposal for a single house would give rise to any unacceptable impact on infrastructure in the area having regard to development plan policy and the council's approved the affordable housing and developer contributions supplementary guidance.

The proposal does not give rise to any other significant issues in terms of other development plan policy. However, the proposal is contrary to NPF4 as it is not consistent with any of the circumstances where policy 17 allows a new house in a rural area, and as it is contrary to the council's adopted supplementary guidance for countryside housing. In addition, the proposal is contrary to policy 22 of NPF4 and policy PV12 of the ALDP as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere. Other policies are of some relevance, but they do not contain any provision which can justify a proposal which is directly contrary to the most relevant development plan policy on the principle of the development itself. The proposal is, in overall terms, contrary to the development plan.

In addition to development plan policy, it is necessary to have regard to other material considerations. In this case that includes information submitted by the applicant in support of the application, and the planning history.

The applicants supporting statement references NPF4, TAYplan, and the ALDP. TAYplan no longer forms part of the statutory development plan and is irrelevant. The applicants statement fails to address those policies in NPF4 that deal specifically with the principle of new housing development in rural areas. While some comment is made in relation to design policy, that is largely irrelevant in circumstances where a proposal is contrary to those policies that deal with the principle of the development. The statement similarly fails to address the issue of flood risk, which as indicated above, was a contributory reason for refusal in relation to previous development proposals at this site. The statement fails to identify any material planning considerations that would justify approval of planning permission contrary to the provisions of the development plan.

The planning history of the site is set out above. As indicated, a previous application for residential development on a substantially similar site at this location was refused in 2010. A subsequent review of that decision was dismissed by the council's DMRC. While the physical characteristics of the site have not changed materially in the intervening period, and concerns raised regarding flood risk at that time remain relevant, the development plan framework has changed significantly, and the main policy basis is now provided by NPF4. Accordingly, while the previous decisions on the site remain a significant material consideration in relation to flood risk, the materiality of the policy considerations is reduced.

In conclusion, the principle of a new house at this location is contrary to development plan policy. The proposal does not meet any of the circumstances where NPF policy 17, which deals specifically with rural housing, would allow for the rection of a new house. In addition, it involves sub-division of an existing plot in circumstances where that is expressly prohibited by the council's approved and adopted countryside housing supplementary guidance. In addition, the proposal is contrary to policy 22 of NPF4 and policy PV12 of the ALDP as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere. There are no material considerations that justify approval of planning permission contrary to the provisions of the development plan.

Human Rights Implications

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with

the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

Decision

The application is Refused

Reason(s) for Decision:

1. The application is contrary to policy 17 of NPF4 and policy TC2 of the Angus Local Development Plan as it proposes the construction of a new house in the countryside in circumstances that are not supported by that policy. In addition, the proposal would involve subdivision of existing garden ground to create the proposed house plot and that is contrary to the council's approved and adopted, statutory countryside housing supplementary guidance.
2. The application is contrary to policy 22 of NPF4 and policy PV12 of the Angus Local Development Plan as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere.

Notes:

Case Officer: James Wright
Date: 1 October 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 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 23 Health and safety

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.

c) Development proposals for health and social care facilities and infrastructure will be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

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 PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- o that flood risk can be adequately managed both within and outwith the site;
- o that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- o access and egress to the site can be provided that is free of flood risk; and
- o where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

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>)

Thursday, 11 July 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,

Gallowhill Farmhouse, Strathmartine, Dundee, DD3 0PU
Planning Ref: 24/00417/PPPL
Our Ref: DSCAS-0113442-B4D
Proposal: Erection of a detached dwellinghouse

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

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

Waste Water Capacity Assessment

- According to our records there is no public 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. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

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

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

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

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Supplementary Guidance

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

From: Adrian G Gwynne
Sent: 25 July 2024 14:13
To: PLNProcessing
Subject: FW: Planning Application Consultation 24/00417/PPPL

Interest comments to follow

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

From: PLNProcessing@angus.gov.uk <PLNProcessing@angus.gov.uk>
Sent: Friday, July 5, 2024 12:08 PM
To: Rdspln <rdspln@angus.gov.uk>
Subject: Planning Application Consultation 24/00417/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: 30 JULY 2024

SUBJECT: **PLANNING APPLICATION REF. NO. 24/00417/PPPL – PROPOSED ERECTION OF A DETACHED DWELLING HOUSE AT GALLOWHILL FARMHOUSE, STRATHMARTINE**

I refer to the above planning application which was subject to previous applications 10/00195/PPPL, 14/00898/FULL and 15/00211/FULL.

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 eastern side of the unnumbered classified Kirkton of Strathmartine Road at Gallowhill Farm (C7) road leading north from Bridgefoot.

Submitted drawing no. 003A indicates that visibility splays of 3.0 x 215 metres are proposed in each direction. This is acceptable.

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, as shown on drawing no. 003A, shall be provided at the junction of the proposed access with the Kirkton of Strathmartine Road (C7) giving a minimum sight distance of 215 metres in each direction at a point 3.0 metres from the nearside channel line of Kirkton of Strathmartine Road (C7).

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 the dwelling house, the minimum number of parking spaces for cars shall be provided within the site curtilage in accordance with the National Roads Development Guide (SCOTS).

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

- 4 That, the access shall be designed to prevent the discharge of surface water onto the public road. If finished ground levels fall towards the public road, this shall include the provision of a cut-off drain on the private driveway at its interface with the public road verge.

Reason: to prevent the flow of surface water onto the public road in the interests of traffic safety.

- 5 That, an advisory, informative note be added to the decision notice to inform the applicant that the verge crossing at the proposed access must be formed and constructed in accordance with the standards of Angus Council (Type B Junction). An application form can be downloaded from the Angus Council website for the purpose.

Reason: to provide a safe and satisfactory access 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

From: Iain H Graham
Sent: 10 Sep 2024 14:37:15 +0100
To: James Wright
Subject: RE: 24/00417/PPPL - Consultation

Hi James

Thank you for consulting this Service on the above application. As discussed I have concerns that activities associated with the agricultural buildings immediately to the east of the application site may lead to conflict with the proposed residential use. Whilst I note that the supporting information states that these buildings are now derelict I am not aware of any legal provision that can formally prevent these buildings from being used as agricultural buildings in the future. In addition there does not appear to be any proposal to tie the occupancy of the proposed dwellinghouse to persons involved with the operation of the farm business. Accordingly I do not consider that it has been adequately demonstrated that a satisfactory level of residential amenity within the application site can be safeguarded therefore this Service would object to this application as it currently stands.

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

Regards

Iain

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

From: James Wright <WrightJ@angus.gov.uk>
Sent: Tuesday, September 10, 2024 10:49 AM
To: Iain H Graham <GrahamIH@angus.gov.uk>
Subject: 24/00417/PPPL - Consultation

Erection of a detached dwellinghouse at Gallowhill Farmhouse, Strathmartine

Hi Iain,

I refer to the above and our recent telephone discussion. As discussed I would be grateful if you could let me know your comments on this application.

Regards

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

Follow us on Twitter

Visit our Facebook page

Think green- please do not print this email

Subject:FW: 24/00417/PPPL - Erection of a detached dwellinghouse at Gallowhill Farmhouse, Strathmartine, DD3 0PU

From: Andrew Brown <BrownA@angus.gov.uk>

Sent: Thursday, September 19, 2024 5:57 PM

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

Subject: RE: 24/00417/PPPL - Erection of a detached dwellinghouse at Gallowhill Farmhouse, Strathmartine, DD3 0PU

Dear James,

I have reviewed the above application and have made the following observations in relation to flood risk.

1. The application is for Erection of a detached dwellinghouse
2. The application site is Gallowhill Farmhouse, Strathmartine, DD3 0PU
3. The SEPA flood maps do not indicate that the site is at risk of fluvial flooding at any probability.
4. The SEPA flood maps indicate that the site is adjacent to an area of surface water flooding (to the immediate south) and therefore may be at risk of flooding from this source. It is possible that the maps are highlighting a potential surface water flow path from north east to south west.

Requirements

In order to make final comment on the application I would require information to demonstrate that the proposed development is not at risk of surface water flooding up to and including a 1 in 200 year flood event with an allowance for climate change.

Please do not hesitate to contact me should you require any further information.

Kind regards,

Andrew

Andrew Brown | Team Leader – Coastal, Flood Risk and Structures | Angus Council | BrownA@angus.gov.uk
| www.angus.gov.uk



[Follow us on Twitter](#)



[Visit our Facebook page](#)

Think green – please do not print this email

Project No. 1213	Drawing No. LOC 2	Rev. -
Rev. Date	Amendment	



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

DO NOT SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



87 Strathmartine Road, Dundee, DD3 8BL
 : 01382 831557 F: 01382 831558
 e: enquiries@arktx.co.uk

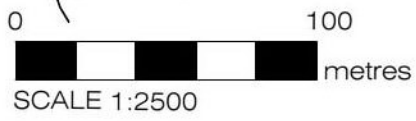
Project Title
 PROPOSED DETACHED DWELLING HOUSE
 AT
 GALLOWHILL FARMHOUSE
 BRIDGEFOOT
 FOR
 MR & MRS J MITCHELL

Element
 LOCATION PLAN 2

Date 12/2024	Drawn By J.M.	Rev. -
Scale 1:2500	CAD File	
Project No. 1213	Drawing No. LOC 2	Rev. -

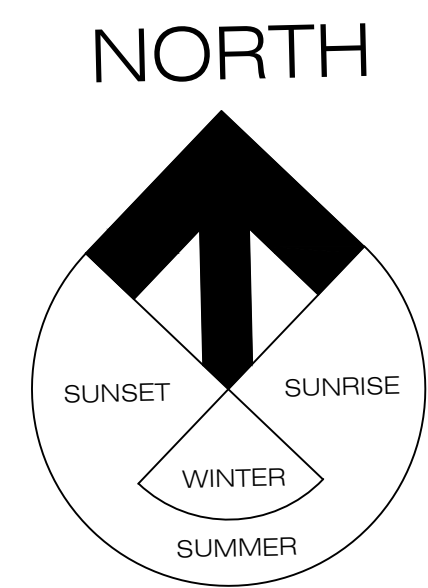
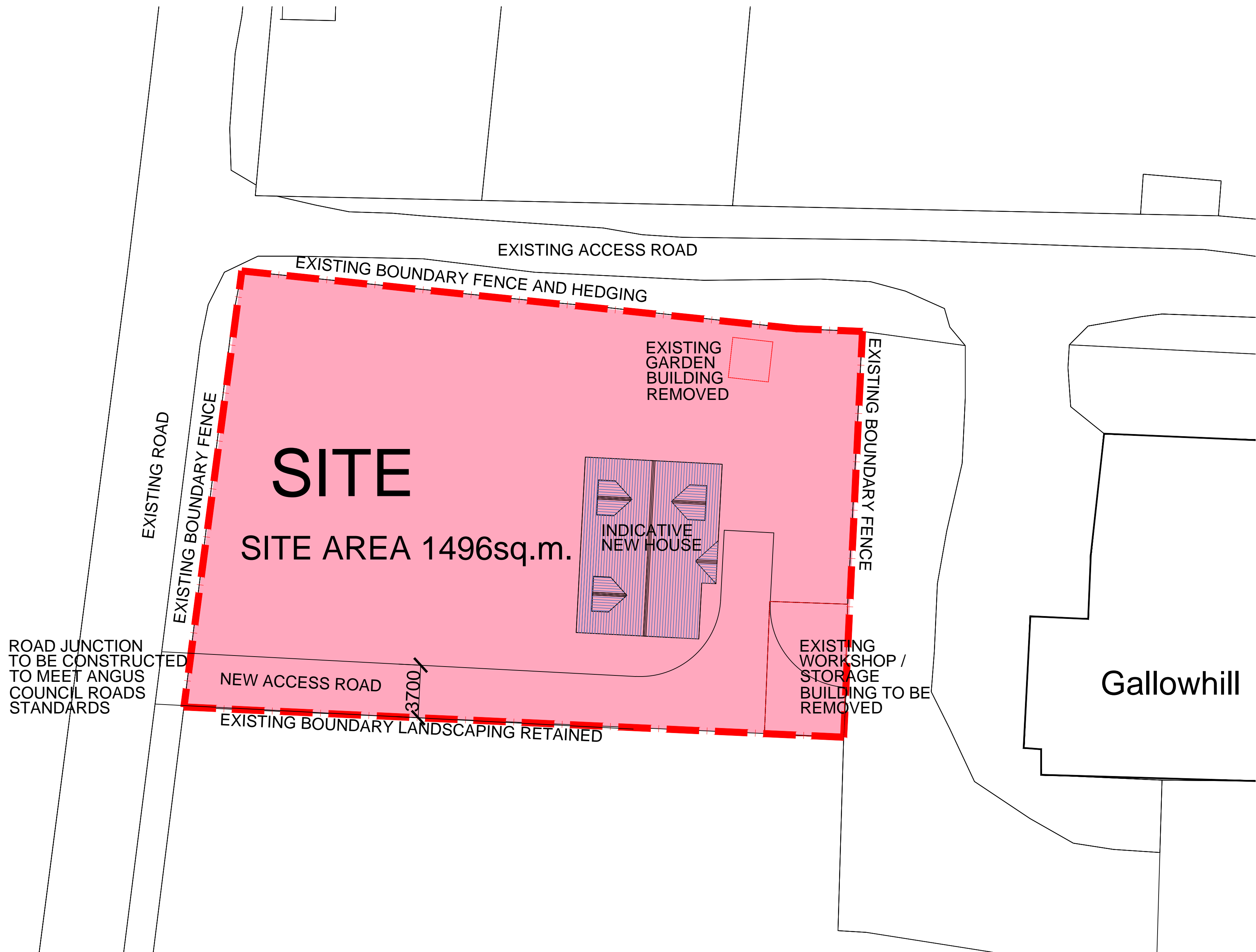
Contains Ordnance Survey data.
 © Crown copyright and database rights 2024. AC000849494

LOC_ LOCATION PLAN 2_ 1:2500@A4



© Crown Copyright, Ordnance Survey, 2024
 All Rights Reserved. Crown is the copyright owner. This is not a contract.
 Use is hereby accepted.

Project No. 1213	Drawing No. 002	Rev. -
Rev Date	Amendment	



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

DO NOT SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



187 Strathmartine Road, Dundee, DD3 8BL
t : 01382 831557 f : 01382 831558
e : enquiries@arktx.co.uk

Project Title
PROPOSED DETACHED DWELLING HOUSE AT GALLOWHILL FARMHOUSE BRIDGEFOOT FOR MR & MRS J MITCHELL

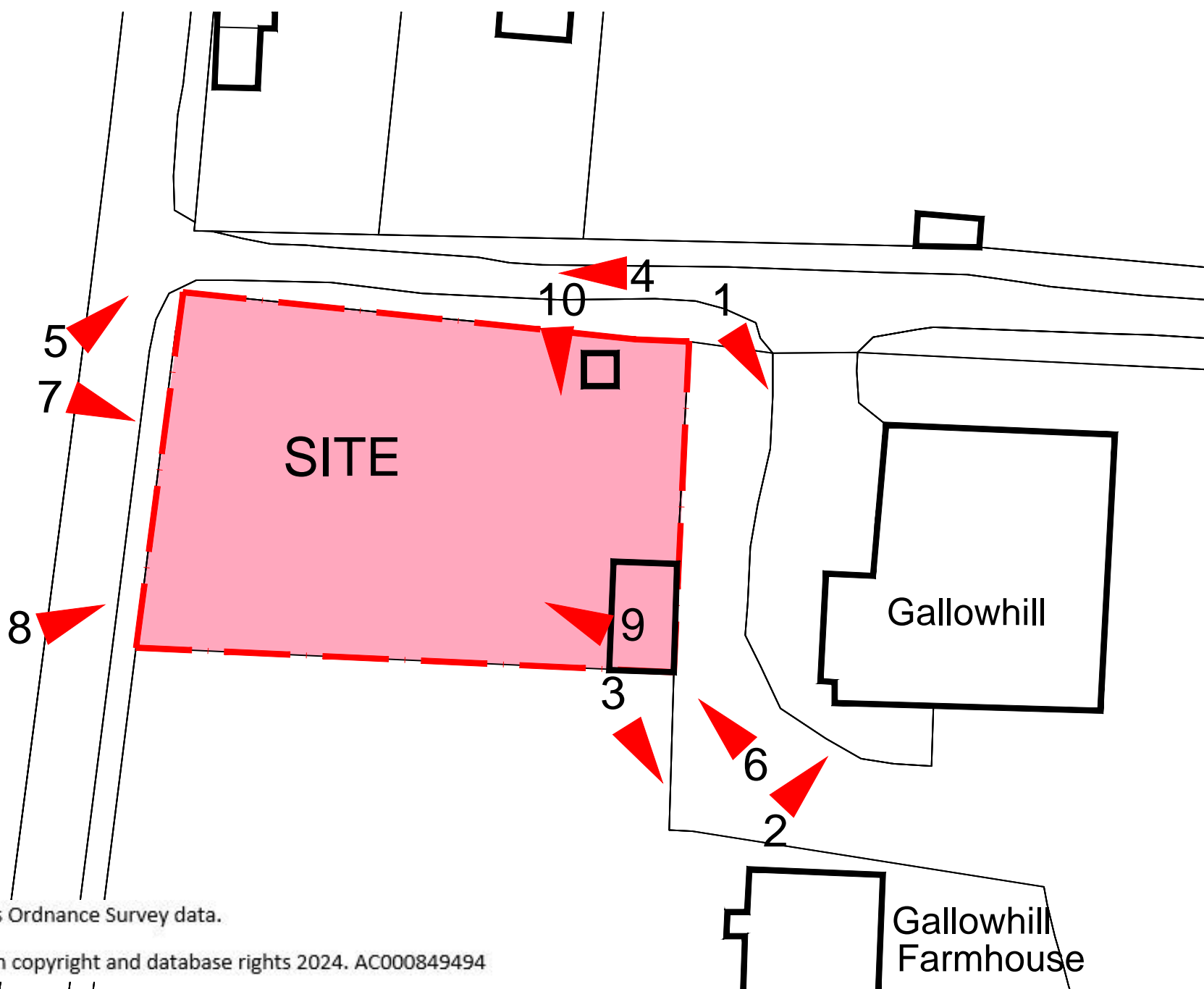
Element
SITE LAYOUT PLAN

Date JUNE 2024	Drawn By. F.M.
Scale 1:200@A2	CAD Ref. -
Project No. 1213	Drawing No. 002
	Rev. -



002_SITE LAYOUT PLAN _1:200@A2

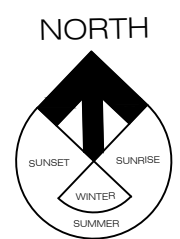
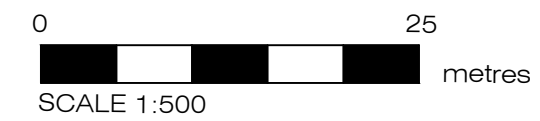
Project No. 1213	Drawing No. 001	Rev. 1
Rev Date	Amendment	



Contains Ordnance Survey data.

© Crown copyright and database rights 2024. AC000849494

001_PHOTOGRAPHIC LEGEND PLAN_ 1:500@A4



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

DO NOT SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.

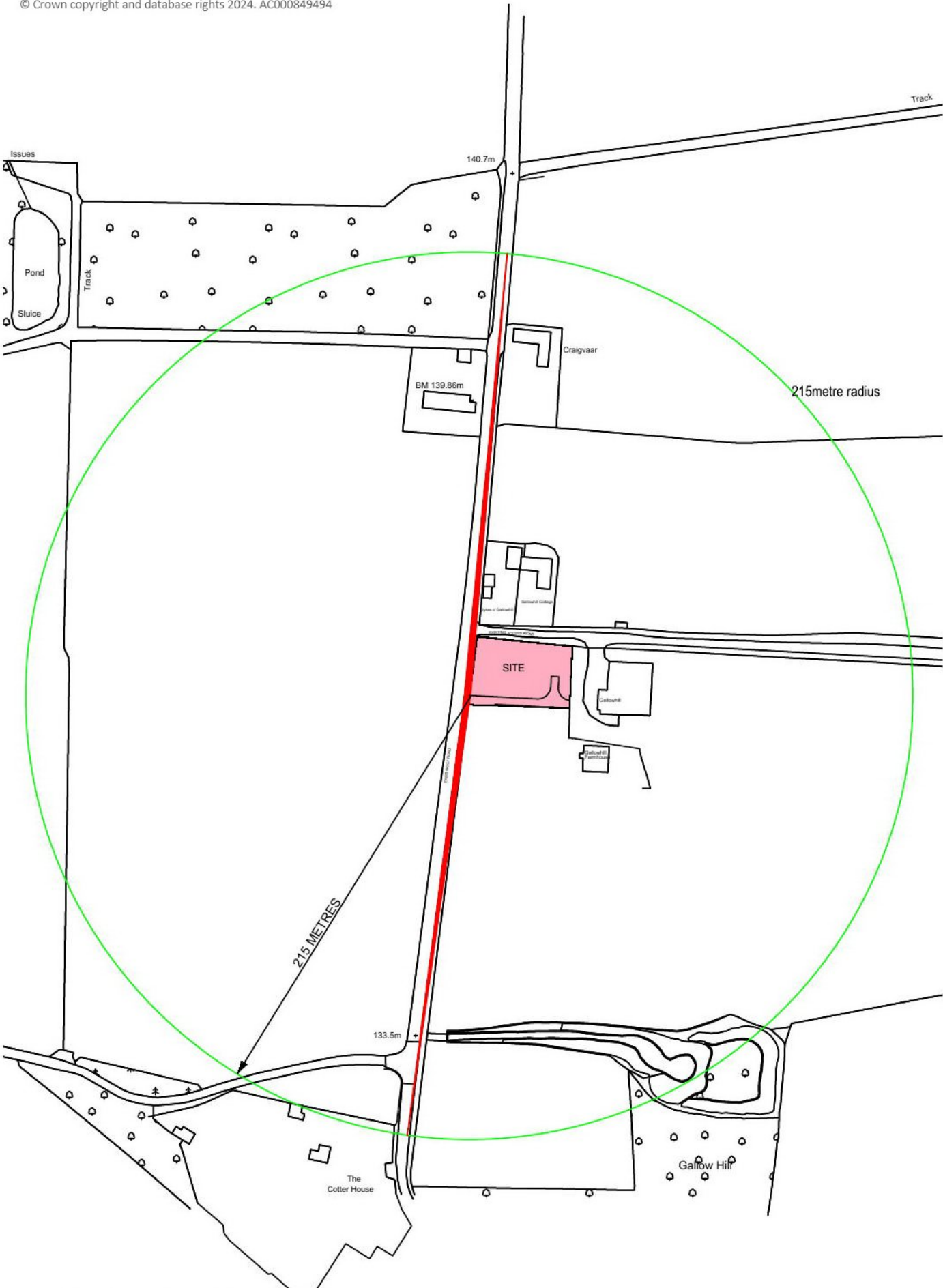


187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
 e : enquiries@arktx.co.uk

Project Title
 PROPOSED DETACHED DWELLING HOUSE
 AT
 GALLOWHILL FARMHOUSE
 BRIDGEFOOT
 FOR
 MR & MRS J MITCHELL

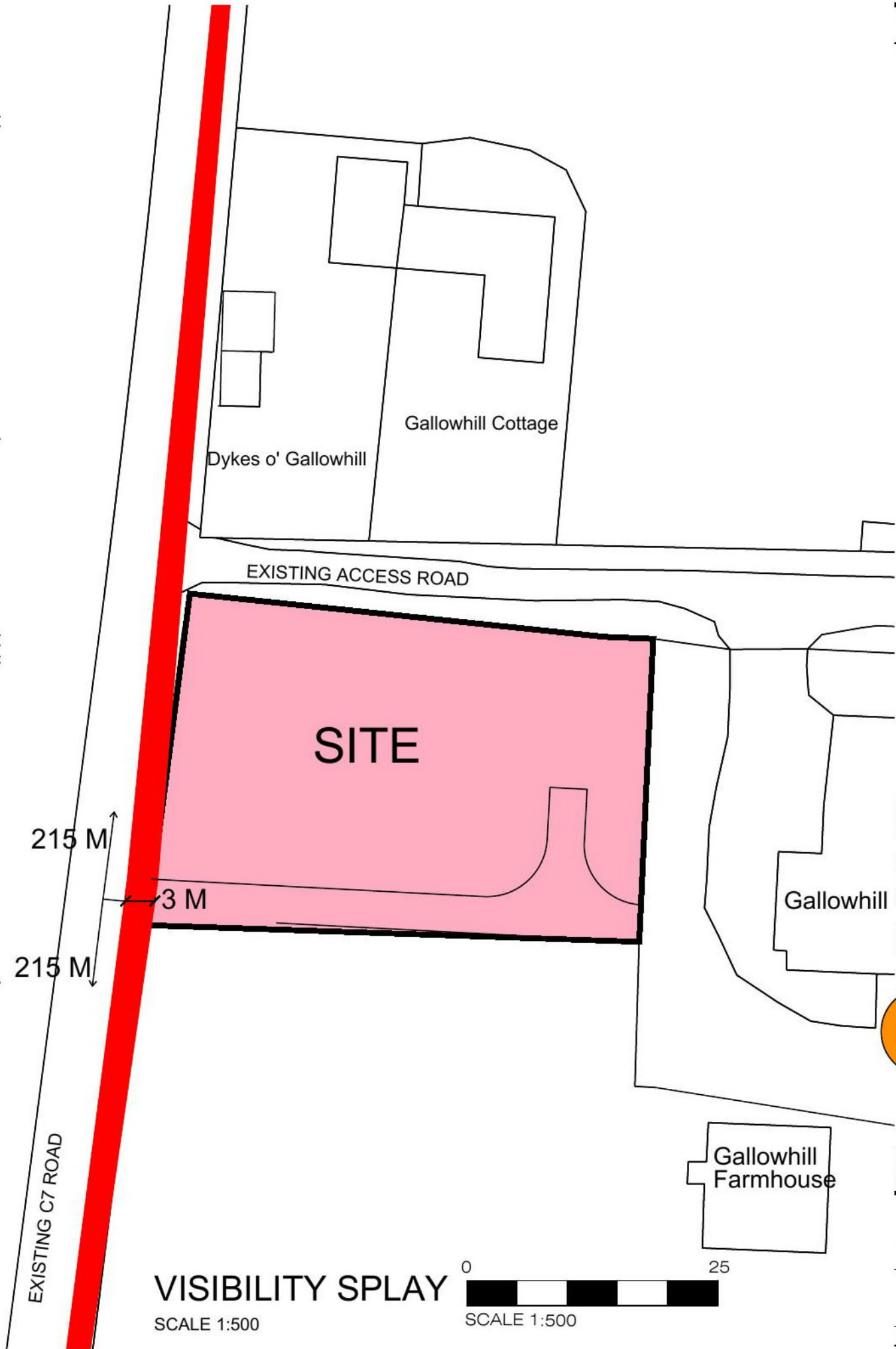
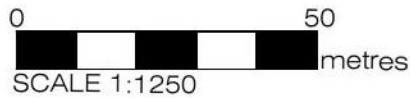
Element PHOTOGRAPHIC LEGEND PLAN		
Date 08/24	Drawn By: J.M.	
Scale 1:500	CAD Ref.	
Project No. 1213	Drawing No. 001	Rev. 1

Project No. 1213	Drawing No. 003	Rev. A
Rev Date A 07.2024	Amendment SCALE BARS ADDED	



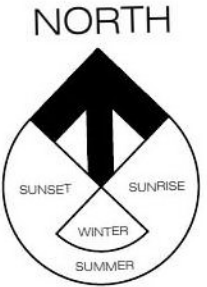
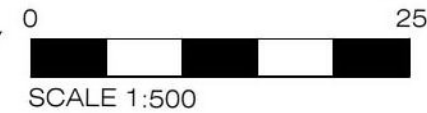
VISIBILITY SPLAY

SCALE 1:1250



VISIBILITY SPLAY

SCALE 1:500



DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS AND SPECIFICATION. ENGINEERS DETAILS TO TAKE PRECEDENCE.

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.

ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

DO NOT SCALE DIMENSIONS FROM DRAWINGS REFER TO ARCHITECT FOR DIMENSIONS IF NOT INDICATED ON THE DRAWING.



187 Strathmartine Road, Dundee, DD3 8BL
 t : 01382 831557 f : 01382 831558
 e : enquiries@arktx.co.uk

Project Title
 PROPOSED DWELLING HOUSE
 AT
GALLOWHILL FARMHOUSE
 BRIDGEFOOT
 FOR
MR. & MRS. MITCHELL

Element
 ROAD VISIBILITY SPLAY

Date June 2024	Drawn By F.M.
Scale 1:2500 & 1:500	CAD Ref.
Project No. 1213	Drawing No. 003
	Rev. A

003_PROPOSED ROAD ACCESS VISIBILITY SPLAY_ 1:1250/1:500 @ A3

ANGUS COUNCIL

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 : 24/00417/PPPL

To **Mr & Mrs John Mitchell**
c/o ARKTX
FAO Jennifer Middleton
187 Strathmartine Road
Dundee
Scotland
DD3 8BL

With reference to your application dated 3 July 2024 for Planning Permission in Principle under the above mentioned Acts and Regulations for the following development, viz:-

Erection of a detached dwellinghouse at Gallowhill Farmhouse Strathmartine Dundee DD3 0PU for Mr & Mrs John Mitchell

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 docqueted as relative hereto in paper or identified as refused on the Public Access portal.

The reasons for the Council's decision are:-

- 1 The application is contrary to policy 17 of NPF4 and policy TC2 of the Angus Local Development Plan as it proposes the construction of a new house in the countryside in circumstances that are not supported by that policy. In addition, the proposal would involve subdivision of existing garden ground to create the proposed house plot and that is contrary to the council's approved and adopted, statutory countryside housing supplementary guidance.
- 2 The application is contrary to policy 22 of NPF4 and policy PV12 of the Angus Local Development Plan as it has not been demonstrated that the site is not at unacceptable risk of flooding and/ or that any necessary mitigation would not increase flood risk elsewhere.

Amendments:

The application has not been subject of variation.

Dated this **9 October 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.

Permission in Principle Application for a Proposed New Detached Dwelling House

On land at Gallowhill Farmhouse, Bridgefoot, By Dundee, Angus,
DD3 0PU

For: Mr & Mrs J Mitchell

Design and Access Statement



Report prepared by:

Fraser Middleton
MA Town & Country Planning
B.Arch (hons)
BSc Environmental Studies



187 Strathmartine Road
Dundee

DD3 8BL

June 2024

Design and Access Statement

Contents:

- 1.0 Site Location and Surroundings**
- 2.0 Planning History**
- 3.0 Proposal**
- 4.0 Design Guidance and Best Practice**
 - 1.1 National Planning Framework 4 (NPF4)
 - 1.2 PAN 67 Housing Quality
 - 1.3 PAN 72 Housing in the Countryside
 - 1.4 PAN 78 Inclusive
 - 1.5 TAYplan Strategic Development Plan 2016-36 TAYplan
 - 1.6 Angus Council Design and Placemaking Supplementary Guidance
 - 1.7 The Angus Local Development Plan (ALDP) Policies
- 5.0 Assessment of Context**
- 6.0 Summary**
- 7.0 Appendix 1: Site Photographs**
- 8.0 Appendix 2: Photographic Legend Plan. Refer to Drawing No 1213/001.**

1.0 Site Location and Surroundings

The site is located on the eastern side of the tarmac road leading north from Bridgefoot. The site is relatively level with a slight fall from East to West. The perimeter is clearly delineated by a post and wire stockproof fence to the East, North and West. The Southern boundary is delineated by existing planting which encompasses silver birch trees and other native species. The Northern boundary is further reinforced by an established hedgerow of approximately 2.5 metres in height. The existing gravelled access road to 'Gallowhill Farmhouse' lies immediately to the north of this boundary. An existing single storey Workshop / Storage building is present at the South East corner of the site and on the North East corner is a timber garden building. The site enjoys extensive views across the Angus and Perthshire countryside. The Applicants own storey and a half house lies to the south east of the site. Derelict farm buildings of 'Gallowhill Farm' lie to the East and the much extended and altered storey and a half / two storey properties of 'Gallowhill Cottage' and 'Dykes o' Gallowhill lie across the access road to the North.

2.0 Planning History

There have been some Applications previously which have encompassed this area of land.

Application Ref. No: 10/00195/PPPL

Planning Permission in Principle for Erection of Two Dwellinghouses (Garden Ground), Gallowhill Farmhouse, Strathmartine, Dundee, DD3 0PU
Decision: Refused.

Application Ref No: 14/00898/FULL

Formation of New Driveway Access, Gallowhill Farmhouse, Strathmartine, Dundee, DD3 0PU
Decision: Approved subject to Condition.

Application Ref No: 15/00211/FULL

Erection of New Dwelling House, Gallowhill Farmhouse, Strathmartine, Dundee, DD3 0PU
Decision: Withdrawn.

3.0 Proposal

The proposal is to demolish the existing Workshop / Storage facility and garden storage buildings and erect a single detached dwelling house with an integrated double garage on to the site. To serve this house a new access road will be installed. As the existing access road has visibility issues this road will comply with Angus Council Roads visibility splays. The opening leading onto the C7 public road would be eight metres wide for visibility; thereafter the driveway would be 3.9 metres wide. This new road would be a tarmac finish with kerbing which will have drop kerbing at the radiused junction all in accordance with Angus Council Roads requirements.

4.0 Design Guidance and Best Practice

There are a number of policy documents that require to be considered. The proposal has been designed in the context of local and national best practice recommendations including:

- 4.1 National Planning Framework 4.
- 4.2 PAN 67 Housing Quality
- 4.3 PAN 72 Housing in the Countryside
- 1.4 PAN 78 Inclusive
- 4.5 TAYplan Strategic Development Plan 2016-36 TAYplan Policy 2: Shaping Better Quality Places
- 4.6 Angus Council Design and Placemaking Supplementary Guidance 2018
- 4.7 The Angus Local Development Plan (ALDP) Policies:
 - 4.7.1 TC2 Residential Development
 - 4.7.2 Creating High Quality Places
 - 1.5.2.1 DS1 Development Boundaries and Priorities
 - 1.5.2.2 DS2 Accessible Development
 - 1.5.2.3 DS3 Design Quality and Placemaking
 - 1.5.2.4 DS4 Amenity
 - 1.5.2.5 DS5 Developer Contributions
 - 4.7.3 Natural Environment
 - 1.5.3.1 PV1 Green Networks and Green Infrastructure
 - 1.5.3.2 PV3 Access and Informal Recreation
 - 1.5.3.3 PV5 Protected Species
 - 1.5.3.4 PV6 Development in the Landscape
 - 1.5.3.5 PV7 Woodland Trees and Hedges

4.1 National Planning Framework 4 13 February 2023

Annex D requires that six qualities of successful places must be considered for new development.

4.1.1. Healthy: Supporting the prioritisation of women's safety and improving physical and mental health. Designing for: lifelong wellbeing, healthy and active lifestyles, accessibility and inclusion, social connectivity and encouraging environmentally positive places.

4.1.2. Pleasant: Supporting attractive natural and built spaces. Designing for positive social interactions, protection from the elements, connecting with nature, variety, quality and enjoyment.

4.1.3. Connected: Supporting well connected networks that make moving around easy and reduce car dependency. Designing for: active travel, connectivity, convenient connections and pedestrian experience.

4.1.4. Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity. Designing to ensure appropriate scale, built form and sense of place.

4.1.5. 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. Designing for: transition to net-zero, climate resilience and nature recovery, active local economy and community and local living.

4.1.6. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can meet the changing needs and accommodate different uses over time. Designing for quality and function, longevity and resilience and long-term maintenance.

As many of these aspirations duplicate the Angus Council Local Development Plan (Refer 4.7) we would contend that this minimal intervention into the landscape would be able to meet with these requirements in principle. Aspects of the design will no doubt be Conditioned and confirmed at the Detailed Application stage to ensure an appropriate sustainable design is realised. The Application is supports improving physical and mental health by locating in this rural yet accessible location which has other dwellings around it. The area of land proposed ensures that sustainable sources of heating and power, such as ground or air source heat pumps can be readily accommodated. The house will be of a size that allows for home working and future adaptation.

4.2 PAN 67: Housing Quality

This Planning Advice Note identifies the key aims of new housing developments to create social justice, economic competitiveness and environmental quality. It advocates that any development of housing should be distinctive, safe and pleasant, easy to get to and move around, welcoming, adaptable and resource efficient.

4.3 PAN 72: Housing in the Countryside

This Planning Advice note covers fundamental design principles which require to be taken into account. Its purpose is to '*create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions*'. It is important to note that this Application is for a new family home and is not a second home, a holiday let or for rented purposes.

Policy in SPP 3: Planning for Housing; anticipates that most new housing will be located in towns and villages, but also accepts that given the significant changes in farming and the rural economy, new housing outwith existing settlements will have a part to play in economic regeneration in rural areas. This Application gels with this opinion providing a new family home on an appropriate site. Particular requirements are listed as being essential to ensure the success of a development integrating well into its countryside setting.

- **Distinctive:** This recognises that '*Development which does not undermine the identity of rural areas should be supported*'. As there are a number of existing detached individually designed properties within the local area this addition is entirely sympathetic with development in the area and as it is so small will certainly not undermine the rural identity.
- **Safe and Pleasant:** This countryside location will encourage a healthier and less frenetic lifestyle and would provide those currently living in the countryside with a rare opportunity to continue to live in an appropriate energy efficient property.
- **Easy to get Around:** As those living in the countryside dwellers rely on good accessibility to conduct their day-to-day lives the site is well serviced by local access

roads. This encourages cycling and the use of public transport. The reality of life in many rural areas however dictates the use of a private car as an essential requirement.

- **Welcoming:** The new access road will be properly landscaped in order to provide an attractive arrival at the new dwelling house.
- **Adaptable:** The design of the new house will allow for adapting and converting areas at a later date should the need be identified. Disabled access will be embraced.
- **Resource Efficient:** This new home will be constructed using contemporary sustainable building materials and practices. It will embrace energy efficient technology minimising fuel usage and running costs. The building will be orientated to ensure optimum passive environmental gains through solar collectors, etc. Its profile will ensure that the property “fits into the site”.

Landscape, Layout and Access are also included as important considerations within this guide:

Landscape:

The development site will sit back from the roadway. The house will sit within the site and will require to be landscaped in an appropriate manner. This will be by using hedgerows of indigenous species, etc. This aspect of the development can be Conditioned at the detailed Planning application stage. Traditional pitched roofs on the property will sympathetically reflect surrounding rural buildings. The development will include new indigenous planting and landscaping which will mature to embrace the built environment. By planting local, native species this will encourage many additional benefits of creating habitats for wildlife. At present the site is a bland grassed area. The new planting will create a variety of opportunities for native flora and fauna to thrive. It is not a skyline development as the existing ruinous farm buildings to the East ensure a built backdrop. We would contend that the scale and design of the building will be informed by its surroundings and respond positively to it.

Layout:

The design of the dwelling house will require to sit sympathetically within the current environment and to optimise passive environmental benefits.

Access:

Access to the site is by a new access road designed to ensure compliant visibility splays and a surface in accordance with Angus Council Roads requirements.

4.4 PAN 78 Inclusive

This Planning Advice Note provides advice on enabling everybody to be able to carry out everyday tasks with minimal difficulty. It advocates improving existing conditions where access issues or unnecessary barriers resulting in frustration, hardship or even complete exclusion for a significant proportion of our society (e.g. disabled, older people and children) exist. The design of the new house embraces this and ensures disabled access with a full suite of living accommodation readily accessible. From exiting one's vehicle in the garage one can access the entire substantial ground floor area of the house.

4.5 TAYplan Strategic Development Plan 2016-36 TAYplan

Policy 2: Shaping Better Quality Places:

This policy encourages a place led approach which seeks to ensure that new development is based on an understanding of place and will be designed to complement and enhance how a place functions.

4.6 Angus Council Design & Placemaking Supplementary Guidance: October 2018.

Encourages the creation of attractive, safe, well designed sustainable development. In particular:

Policy 2: Shaping better quality places.

Policy 3: Design Quality and Placemaking of the Angus Local Development Plan.

These policies seek to contribute to the Council's vision that Angus is a great place to live, work and visit. This document states its ambition to protect and improve the natural and built environment and encourage sustainable development. It endorses developments which establish a sense of place and identity which will create opportunities for community cohesion. It recognises that any development must respect and respond to its local context encouraging it to make a positive contribution to the existing character of the area.

It ensures that any development is easy to access and move around.

It advocates good design through passive site planning principles to increase energy efficiency and sustainability. It also ultimately proposes that any new development provide an attractive and safe environment for residents and visitors.

This is ultimately achieved by:

- Understanding the Context
- Drawing upon the Positives
- Retaining a Sense of Place
- Reflecting local building styles and vernacular features to preserve and consolidate a sense of place.

The current application respects the original site boundary and also the layout of the surrounding dwelling houses.

4.7 The Angus Local Development Plan (ALDP) Policies:

The Angus Local Development Plan (ALDP) Strategy has 3 elements to it:

PART 1: A presumption in favour of sustainable development. The Planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

PART 2: Directing the right development to the right place

PART 3: Creating high quality places

4.7.1 TC2 Residential Development

Policy TC2 is the policy central to this Application. This policy refers to any proposed residential development and permits redevelopment of brownfield land that presents a significant visual or environmental improvement through the removal of derelict buildings, contamination or an incompatible land use. The supplementary guidance associated with this policy states that:

'Development will be up to a maximum of four new houses, except where a marginally greater number (e.g. five) would be in the public interest and social, economic or environmental considerations override concerns associated with building large numbers of houses in the countryside e.g. landscape impact; a lack of support for towns and villages.'
The entire area of brownfield land must be remediated. New houses should be built on

brownfield land, unless there are good planning reasons for doing otherwise (e.g. to achieve a satisfactory design solution).

We confirm that:

- The development will encompass the demolition and removal of an existing Workshop / Storage building on the site.
- The development plot extends to approximately 1,496sq.m. which is below the acceptable limit of single house plots (4000sq.m.).
- The development will sit partially on this location.
- The development proposal is for a single dwelling house which will include for a working from home provision This additional accommodation allows for sustainable working practice.

Policy TC3 (Affordable Housing) is negotiable in accordance with Angus Council stipulations. This Application is for a single detached dwelling house to be inhabited by a single family.

4.7.2 Creating High Quality Places

4.7.2.1 DS1 Development Boundaries and Priorities

The development boundary is clearly defined with existing stockproof fence-line to the North, East and West. To the south is a line of established planting. Along this boundary is a line of silver birch trees. No trees are to be removed for the purpose of this development.

4.7.2.2 DS2 Accessible Development

The new access road to the site is considered to be an essential part of the proposals. Indeed a previous Application for two houses (Application Ref No 10/00195/PPPL) was criticised for its lack of a dedicated roadway. This was proved in a subsequent Application (Application Ref No 14/00898/FULL) where a new access road was Approved. This Permission has unfortunately lapsed but the necessity for a new road will be encompassed within this Application. This road leads to the tarmac road which links the Dundee to Auchterhouse / Tealing road. There is currently a gravelled access road leading into the existing properties surrounding the site but the junction with the main road is compromised. There is no through route for public vehicular transport.

Good cycle routes into Dundee, Auchterhouse, Tealing and the surrounding countryside envelope the site location.

4.7.2.3 DS3 Design Quality and Placemaking

The landscape into which the house sits is relatively flat. This site is too small to farm using modern machinery and is effectively a left-over space which forms an extended garden area. It is therefore relevant that this can be considered a development site for an appropriate home.

The basic form of the new detached dwelling house would require to respect the preferred model advocated by 'Angus Council' within their design guidance. It will incorporate traditional pitched roofs, gable ends and simple rectilinear openings with a vertical emphasis. The site layout proposes a modest increase of the building footprint already on the site and enhances the feel of a visually compact group of buildings when viewed with the existing buildings to the North, East and West.

The external materials will be conditioned at the detailed Planning Application stage. At this time it is proposed that natural slate roofs with natural stone (either 'Denfind' or local stone from demolitions), ivory coloured render and natural timber cladding punctuated with a sympathetic fenestration pattern would be adopted. By utilising local materials and incorporating accepted design parameters this should ensure that the development contributes positively to the character and sense of place.

The development will enjoy an integrated double garage provision. This provision warrants that the bicycle and car parking requirements of the 'Angus Council' standards are easily complied with. The development is of course designed to permit disabled access and will be accessible to all providing a safe, accessible and attractive environment for all residents and visitors.

The house is sufficiently remote from neighbours that there are no overlooking or overshadowing issues. The mature trees to the South of the site provide a natural visual barrier between the site and Gallowhill Farm and beyond. The plot is also buffered on the northern boundary with an established hedgerow to mediate between the new garden area and the existing access road beyond.

4.7.2.4 DS4 Amenity

Air quality, noise and vibration, levels of light pollution, levels of odours, fumes and dust are all considerations which must be considered within this aspect of the application. The development itself is sufficiently remote from the nearest buildings that there will be no detrimental effect on them.

Any refuse requirement from Angus Council regarding bin types and numbers will be respected to ensure recycling is encouraged.

The design of this proposed new development will be executed in such a manner that residential amenity of this new home and its neighbours will be respected in relation to overlooking, loss of privacy, outlook, sunlight, daylight and overshadowing. Due to the generous plot size this is not expected to be an issue. The location of the development indicated on the Plan is indicative only and will be formalised at the detailed Planning application stage.

4.6.2.5 DS5 Developer Contributions

The Applicant will be guided by any subsequent negotiations with the Angus Council in relation to Developer Contributions. The proposal is however for a single-family dwelling house.

4.6.3 Natural Environment

4.6.3.1 PV1 Green Networks and Green Infrastructure

This policy prescribes that any new development is accompanied by '*an appropriate level and type of open space and that it is considered as an integral part of the overall design*'. As can be seen from the application there is generous open space around the development extending uninterrupted in to the surrounding countryside.

Regarding green infrastructure the development will utilise modern energy saving devices potentially using ground source heat pumps and solar collectors.

Local materials will be utilised wherever possible to minimise environmental transport implications. Surface water will be dealt with through an effective SUDS and rainwater harvesting scheme designed by a specialist Engineer.

4.7.3.2 PV3 Access and Informal Recreation

There is generous open space around the building. The site is surrounded by open countryside which can be utilised for a variety of sporting, leisure and recreational activity.

4.7.3.3 PV5 Protected Species

We do not believe there to be any protected species resident on the site as there is no real opportunity for shelter. This existing timber garage/storage shed is regularly used, unheated and unwelcoming for any protected species. The trees on the site are clustered in a wind break along the embankment along the southern boundary. These are deciduous with the majority being silver birch. We would contend that this development will actually provide the opportunity to increase habitat diversification over this grassed area and provide an opportunity for enhancing biodiversity by creating new habitats through imaginative planting. We would expect landscaping proposals to be Conditioned and lodged during the detailed Application process.

4.7.3.4 PV6 Development in the Landscape

We would contend that the proposed residential use for the site is much more appropriate than the current use which is as an unused area. It is too small to farm and too large as a garden. The proposal is for a modest detached family home with integral parking provision. This would encompass three bedrooms and a Study. Any impact has been significantly reduced by keeping the scale low and locating it back from the public road. The nearest property to the south-east is approximately 19 metres away (owned by the Applicant) and the other is approximately 26 metres away separated by an existing access road and established tall hedge.

4.7.3.5 PV7 Woodland Trees and Hedges

The existing trees along the proposed southern boundary are to be retained and are outwith the development boundary. The existing trees and planting along this boundary dictate and delineate the boundary. No trees or hedges are to be removed in order to create this development. These will be supplemented by new planting of indigenous species. Proposals to be lodged at the detailed Planning stage.

5 Assessment of Context

Although the site is undeniably in a countryside location it is also on a site that is surrounded by existing properties. The site is therefore appropriate for limited development. Any development will require to carefully consider the environment and its surroundings. To this end it must reflect the scale and aesthetic of a countryside farm steading.

There are a number of new modern interventions into the countryside around this location. All of these take the varying forms of detached domestic residential properties.

6 Summary

The site is not allocated for any specific purpose within the Angus Council LDP. This would presume that it must therefore fall under the provisions of Policy S1. Under Part 1 of this policy there is a presumption in favour of sustainable development. The Planning system should therefore support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.

The preference to living in a rural location has been increased during this post Covid-19 period which has encouraged working from home. It is proposed that the design, when formulated, will accommodate a working from home provision.

PAN 72 accepts that there *'will continue to be a need for new houses in the countryside and this demand will have to be accommodated'*. It accepts that the landscape is evolutionary, and is not an unchanging constant. The site is stepped back from the adjacent public road and will ensure that this countryside development provides a minimal intervention. We would contend that the change is a positive one utilising a vacant area of ground for a meaningful new dwelling to house a single family and increase well-being of that family.

The house will be designed within policy advice employing common local materials and design features within a contemporary envelope. We would contend that the location is entirely appropriate for the rural location. It will be of a small scale and can be Conditioned at a desired height (e.g. storey and a half). The varying styles of recent development in the surrounding area support this. The application will positively utilise an area of land which is currently unused for any meaningful purpose. The new access road provides a safe vehicular access and egress resulting in no risk of any impact on other housing in the immediate vicinity and retains the character and amenity of the surrounding area. It also provides a small, but much needed, contribution to new housing provision in the area.

Appendix 1: Site Photographs



1 View of existing farm buildings to the East of the site



2 View of existing farm buildings to the East of the site



3 View of Gallowhill Farmhouse to the South East



4 View of existing access road with site boundary on left



5 Existing access road junction



6 Existing Workshop/Storage building



7 View looking South East across site from road.



8 View looking North East across site from road.



9 View looking North west across site



10 View looking South across site



2nd July 2024

Angus Council
Planning Department
Angus Council
Orchardbank Business Park
Forfar
DD8 1AN

FAO: Cameron McKeown

Dear Sir


Proposed Erection of a Detached Dwelling House
Gallowhill Farmhouse, Strathmartine, Dundee
Application Ref – 24/00417/PPPL

Further to your correspondence dated 1st July 2024 we would respond as follows:-

1. Please refer to our Drawing No 1213/LOC2 which provides a Location Plan at a scale of 1:2500 as requested.
2. Please refer to our Drawing No 1213/003A which has been revised to show a scale bar.

We trust that this is in order and allows you to validate this application but please do not hesitate to contact this office should you require any additional information or wish to discuss this matter further.

Yours faithfully,


Fraser Middleton
Enc

