

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE - 28 APRIL 2009**

**PLANNING APPLICATION – LAND AT ROUNDYHILL, ROUNDYHILL, KIRRIEMUIR  
Grid Ref. No: 337829 : 750648**

**REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES**

**Abstract: This report deals with planning application No. 08/00858/FUL for the erection of a dwellinghouse for Mr. Ian McKenna at land at Roundyhill, Roundyhill, Kirriemuir, which was deferred by the Development Standards Committee at its meeting on 2 September 2008 in order to allow the applicant to provide further information in respect of landscape and access issues. It seeks to provide Committee with advice on the further information submitted and should be read in conjunction with Report No. 825/08. The application is recommended for refusal.**

**1 INTRODUCTION**

- 1.1 Full planning permission is sought for the erection of a dwellinghouse on land at Roundyhill, Roundyhill, Kirriemuir.
- 1.2 The application site amounts to some 15,000 sqm and is located immediately to the west of the A928 public road between Glamis and Kirriemuir. It is bounded by Drumshade Cottages to the north, a track leading towards Drumshade to the south, a dwelling known as 'Woodlands' and some planting to the west and the A928 public road and the property known as Sidlaw View to the east.
- 1.3 The proposal involves the erection of a large dwellinghouse with a footprint totalling over 800m<sup>2</sup> with access taken from the A928 just to the north of the applicant's existing house at Sidlaw View. The applicant proposes several areas of woodland planting on the site, and also a formal sunken garden, rockery, summer house and tennis courts. The design of the house itself is modern and comprises part 2½ storey, part single storey. It has large areas of glazing, particularly on the south elevation and in terms of materials, the applicant proposes a slate roof, cream and white rendered walls, dark grey louvre panels and a small sandstone feature wall.
- 1.4 The application has been advertised as development potentially contrary to local plan.

**2 BACKGROUND**

- 2.1 At its meeting on 2 September 2008, the Development Standards Committee considered Report 825/08 which deals with application reference 08/00858/FUL. Report 825/08 forms appendix 1 to this report. Committee deferred the application to allow the applicant to submit further details in relation to the landscaping proposals, and to establish how the applicant proposes to deal with the road safety issues arising from the access road being situated at a main dip in the road.
- 2.2 The applicant has provided a 3D visualisation and plans of the proposed development and a landscaping plan, and the Head of Roads has provided additional comments in relation to the road safety issues.

### 3 DISCUSSION OF ISSUES

#### Landscaping

- 3.1 The application as previously presented to committee contained minimal information in relation to the proposed level of landscape planting. The applicant has now provided a plan and planting schedule to illustrate a detailed level of planting within the application site. It shows a variety of trees/shrubs including Pine, Birch and Spruce with a planting height ranging from 1 to 5m. Mixed hedge planting including species such as Beech, Holly and Hawthorn between 1 and 1.5m in height is also proposed around the entire property.
- 3.2 Notwithstanding, Policy SC8 states that *“the house should be sited within a substantial area of landscaped ground.”* This is clearly not the case with this particular site. The policy further states that *“exceptionally, opportunity for a new country house could exist on a site which has a landscaped setting which can be strengthened through the implementation of a scheme of planting, approved as part of the overall design concept.”* This site has no landscaped setting at present, and is nothing more than a large paddock or field in the countryside. The applicant’s proposals to plant a large number of trees within the site does not constitute the type of exceptional landscape setting that Policy SC8 makes reference to. The policy is designed to allow the achievement of ‘one-off’ modern day properties that contribute to the architectural heritage and landscape quality of Angus. The local plan states that *“this policy [SC8] is not there to allow large houses in large gardens.”* This application is considered to be precisely that. As a result, the application is still considered to be contrary to the aims of Policy SC8.

#### Road Safety

- 3.3 The Head of Roads has revisited the applicant’s proposals and has confirmed that the required visibility sightlines of 3 x 215m can be achieved both horizontally and vertically. However, the provision of such sightlines would involve land outwith the control of the applicant. Should Members be minded to approve the application, a Section 75 or other legal agreement will be required in this respect in order to ensure the provision and future maintenance of the required splays.

### 4 CONCLUSION

- 4.1 Whilst the applicant has submitted further information in relation to the landscaping proposals and road safety issues, the concerns in relation to the acceptability of the development in principle remain. Whilst the Council has adopted a new local plan since the application was last presented to Committee, the large country house policy (SC8) is not materially different from the one in the 2000 local plan (H9) and the application is therefore still considered to be contrary to the adopted local plan. There are no other material considerations that would justify a departure from the adopted and approved development plan and the application is recommended for refusal as detailed in paragraph 7.1.
- 4.2 This application is for a development that is contrary to a policy or policies of the Development Plan. Should the Committee determine to approve the application contrary to the Development Plan, reasons will require to be specified at the meeting for so doing.

## 5 HUMAN RIGHTS IMPLICATIONS

- 5.1 The recommendation in this report for refusal of 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 present recommendation 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 application under the Planning Acts. 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 as referred to in the Report.

## 6 EQUALITIES IMPLICATIONS

- 6.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

## 7 RECOMMENDATION

- 7.1 It is recommended that the application be refused for the following reasons:
1. *Reason: That the proposed development would not round off or consolidate a group of existing buildings, does not constitute a gap site and is not located on a brownfield site and this is contrary to Policy SC6 of the adopted Angus Local Plan Review, 2009.*
  2. *Reason: That the proposed development is not located within a substantial area of established landscaped ground, and the site does not have an established landscaped setting which is contrary to Policy SC8 of the adopted Angus Local Plan Review 2009.*
  3. *Reason: That the proposed development does not provide a design of sufficient quality to represent a major contribution to the architectural heritage of Angus, and as such is contrary to Policy SC8 of the adopted Angus Local Plan Review, 2009.*
  4. *Reason: That the approval of a large house on a site with no established substantial landscape setting and would constitute sporadic development in the countryside.*

### NOTE

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

P&T/DG/IAL  
17 April 2009

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