

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 2 JUNE 2015**

**PLANNING APPLICATION – PIPERDAM GOLF AND COUNTRY CLUB,  
PIPERDAM DRIVE, PIPERDAM, FOWLIS, DD2 5LP**

**GRID REF: 330176 : 734857**

**REPORT BY THE HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 15/00329/FULL for an Extension to Existing Multi-Purpose Leisure and Activity Centre for Piperdam Golf And Leisure Resort Ltd at Piperdam Golf and Country Club, Piperdam Drive, Piperdam, Fowlis. This application is recommended for approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason detailed at Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/  
CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. INTRODUCTION**

3.1 The applicant seeks planning permission for an extension to an existing multi-purpose leisure and activity centre (currently under construction) at Piperdam Golf And Country Club, Piperdam Drive, Piperdam, Fowlis.

3.2 The application site is located within the development boundary of Piperdam, approximately 250m west of the main leisure resort on land between the golf course and the Piperdam Loch where a multi-purpose leisure and activity centre is currently being constructed (appn: 13/00765/FULL refers). An overhead power line runs over the centre of the site which is bounded by the golf course to the north, the loch to the south and undeveloped land to the east and west. The closest third party residential properties are located in excess of 100m from the application site. The site is accessed via the existing track running westwards from the main leisure resort car park.

3.3 The application proposes an extension to the south elevation of the multi-purpose leisure and activity centre. The proposed single storey lean to extension would have a footprint of 240sqm and an overall height of 4.9m. The external materials would match the building under construction which would be profile green sheeting for the external walls and roof. The extension would accommodate a kitchen area, male toilets, female toilets, disabled toilets and baby changing facility. The submitted application form indicates the development would connect to the public water supply and SUDS would be incorporated to deal with surface water drainage.

3.4 The application has not been subject of variation.

3.5 The relevant time period for third party comment has expired.

3.6 This application requires to be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to an objection from the Community Council.

#### **4. RELEVANT PLANNING HISTORY**

4.1 Planning permission (ref: 13/00765/FULL) for the construction of a multi-purpose leisure and activity centre which utilises the existing 'osprey' building as reception, plus associated link walkway' plant room and car parking was approved subject to conditions on 12 December 2013.

#### **5. APPLICANT'S CASE**

5.1 A letter has been submitted on behalf of the applicant in response to the Community Council objection and also in support of the proposal:

- It is the applicant's intention to utilise the multi-purpose leisure and activity centre in accordance with the case presented at the time of planning application 13/00765/FULL.
- The primary use of the building, as applied for, will be very much as a facility for the extension of the Go Active programme at Piperdam. It is one of only 15 centres in the UK to be a Go Active activity partner with Hoseasons, and all financial projections for this project's viability are based on that primary use.
- The current application, to relocate toilets and kitchen facilities into the modest extension, allows more meaningful activity use of the floor area of the main building, accommodating for example, two full sized indoor tennis courts. The floor area is more manageable for other leisure and activity uses, none of which, again, will breach the terms of the planning consent, or the approved Use Class.
- In regard to the drainage concerns, there is no relationship between this planning application and any problems at Osprey Bank or Osprey Rise. They are completely separate drainage systems, and do not relate to each other in any way.
- The proposed extension would be located on the south elevation of the existing activities building, away from, and unseen by, any houses. It has been designed to be 'at one' with the approved building, and is also fully contained within the dimensions of the activities building so will be assimilated into the larger building's elevation when viewed from the golf course, or the fishing loch. It should be noted that there are other buildings of a similar design and external appearance, such as the green-keepers' building, or the wood chip storage building.
- In relation to the noise concerns there are no limits on hours of operation (other than licensing considerations) on any activities that currently occur at Piperdam. Similarly in relation to traffic concerns there is nothing in any consent that limits the amount of traffic that can use roads into and out of Piperdam, all of which are public, adopted roads.

#### **6. CONSULTATIONS**

6.1 The Roads Service has not objected to the proposal in respect of traffic safety.

6.2 The Environmental Health Service has indicated no objections to the proposal.

6.3 Scottish Water has indicated no objections to the proposal.

6.4 Scottish & Southern Energy has offered no comments on the proposal.

6.5 National Grid has offered no comments on the proposal.

6.6 Muirhead, Birkhill and Liff Community Council has objected to the application with their concerns relating to the building not being utilised in accordance with the original planning approval; the design of the proposed extension; associated traffic impacts; noise impacts and drainage issues. *'The full representation from the community council will be circulated to members of the Development Standards Committee and copies are available to view in the local library or on the council's Public Access website'*.

## 7. LETTERS OF REPRESENTATION

7.1 One letter of objection has been received in relation to the proposal. The letter of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website. The main issues raised relate to:

- **The applicant does not intend to use the building in accordance with planning permission 13/00765/FULL** – the applicant has confirmed that it is his intention to utilise the multi-purpose leisure and activity centre in accordance with the case presented at the time of planning application 13/00765/FULL.
- **Unacceptable noise impacts on neighbouring residential properties** – the proposal relates to a small extension to relocate the toilets and kitchen facilities from the previously approved building. Due to its location on the south of the larger building the extension is not visible to the residential properties to the north and north east. The Environmental Health Service has offered no objections to the proposed extension and I am satisfied that there would be no unacceptable impacts on the amenity of the closest neighbouring residential properties from the proposed extension.
- **Why were no neighbouring residential properties notified of the proposed development** – the neighbour notification process has been carried out by Angus Council in accordance with the requirements of Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 which states neighbour notification must be served on neighbouring land which is conterminous with or within 20 metres of the boundary of the land for which the development is proposed. In this respect there are no third party residential properties within 20 metres of the application site and the applicant owns all of the land that is conterminous with the application site therefore there are no third party residential properties required to be notified of the planning application.

## 8. PLANNING CONSIDERATIONS

8.1 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.

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.3 The development plan policies relevant to consideration of this application are provided in Appendix 1 and have been taken into account in the preparation of this report.

8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation

when the level and significance of any objection to policies and proposals of the plan will be known.

- 8.5 The application site lies within the main leisure resort on land between the golf course and the Piperdam Loch and is identified in the Angus Local Plan Review as an area which is safeguarded by Policy Pd2. This policy indicates proposals which extend the tourism and recreational potential of Piperdam, will be supported where they are compatible with existing land uses/activities, are not detrimental to the area's setting and environment. The proposed development is associated with an existing development that seeks to extend the tourism and recreational potential of Piperdam and the applicant has indicated that the proposal allows for the internal layout of the multi-purpose leisure and activity centre to be amended to accommodate a wider range of indoor sports. As an extension to an existing recreational building set away from the closest residential properties the proposed use is compatible with the existing land uses/activities. The extension would be seen in the context of the larger multi-purpose leisure and activity centre building and would be in a design and materials that match the main structure. The extension to the building currently under construction to provide kitchen and toilet facilities is unlikely to give rise to any significant environmental impacts. Accordingly the proposal does not give rise to any conflict with this policy.
- 8.6 Policy SC20 indicates development proposals to provide new or improved tourist related facilities/attractions and accommodation will be permitted and encouraged where they comply with a number of identified criteria. Policy SC31 indicates that proposals for new or enhanced sport and recreational facilities should be located within existing development boundaries and that they will be supported where they meet relevant criteria. As discussed above the proposal is considered to improve the range and quality of visitor attractions and tourist facilities at Piperdam and will improve the quality of the sport/recreational offer at the location. The proposal relates to an extension to the multi-purpose leisure and activity centre and it is considered that the proposal would have no unacceptable detrimental effect on the local landscape or rural environment. The scale and character of the lean to extension is compatible with that of the existing building and is acceptable in the context of Policy S3: Design Quality. The extension is separated from nearby residential property by the main building itself and given the nature of the proposal and the separation distance to those properties it is unlikely to give rise to significant adverse impacts on the amenity of occupants of those properties.
- 8.7 Policy S5 is also relevant as the site is located within a safeguarded area due to nearby pipelines and overhead power lines running over the site. Scottish and Southern Energy and the National Grid have been consulted on the application and have not raised any concerns. No significant issues are therefore anticipated in relation to this proposal.
- 8.8 Policy S6: Development Principles identifies a number of factors which are relevant in the determination of the proposal. Amenity impacts associated with the proposal have been discussed above but there is no reason to consider that the provision of kitchen and toilet facilities in association with the previously approved building would adversely impact on the amenity of the area or on the amenity of occupants of nearby residential property. As indicated above the closest third party residential properties are in excess of 100 metres from the proposed extension and are separated from it by the main building itself. The Roads Service has been consulted on the proposals and has offered no objections to the application therefore the application and there is no reason to consider that the provision of an extension to accommodate additional kitchen and toilet facilities for the main building will give rise to any significant impact on road traffic or pedestrian safety. Scottish Water has been consulted on the application and has offered no objection to the development being connected to the public water supply. The applicant has indicated that surface water would be directed to a sustainable urban drainage system (SUDS) which has been approved by the Building Standards Service. The proposal does not give rise to any significant issues in terms of the remaining criteria of Schedule 1 and Policy S6.
- 8.9 The proposal would provide for an extension to an existing recreational facility in an area that currently provides a valuable tourism and recreation resource to Angus. The proposal is compatible with surrounding land uses and is compatible with relevant policies of the Angus Local Plan Review. There are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified.

### **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## **10. CONCLUSION**

It is recommended that application be approved for the following reasons and subject to the following conditions:

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

That the proposed development provides for the extension and improvement of existing leisure facilities at Piperdam in a manner complies with relevant policies of the development plan. There are no material considerations that justify refusal of the application.

## **NOTE**

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

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## **Appendix 1: Relevant Development Plan Policies**

## APPENDIX 1 – RELEVANT DEVELOPMENT PLAN POLICIES

### Angus Local Plan Review 2009

#### **Policy S1 : Development Boundaries**

- (a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.
- (b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.
- (c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### **Policy S3: Design Quality**

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

#### **Policy S5: Safeguard Areas**

Planning permission for development within the consultation zones of notifiable installations, pipelines or hazards will only be granted where the proposal accords with the strategy and policies of this Local Plan and there is no objection by the Health & Safety Executive, Civil Aviation Authority or other relevant statutory agency.

#### **Policy S6: Development Principles**

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

#### **Schedule 1 : Development Principles**

##### **Amenity**

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### **Roads/Parking/Access**

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the

track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

- (g) Development should not result in the loss of public access rights. (Policy SC36)

#### **Landscaping / Open Space / Biodiversity**

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

#### **Drainage and Flood Risk**

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

#### **Supporting Information**

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Angus Council will impose conditions on any planning permission to prevent the use of holiday chalets for permanent residential occupation.

#### **Policy SC20: Tourism Development**

Development proposals to provide new or improved tourist related facilities/attractions and accommodation will be permitted and encouraged where they:

- improve the range and quality of visitor attractions and tourist facilities and/or extend the tourist season;
- have no unacceptable detrimental effect on the local landscape or rural environment;
- are in keeping with the scale and character of adjacent buildings or surrounding countryside;
- are generally compatible with surrounding land uses; and
- accord with other relevant policies of the Local Plan.

#### **Policy SC31 : Sports and Recreation Facilities**

Development proposals for new and/or enhanced sport and recreational facilities should be located within the existing development boundaries, unless requiring a countryside location. Proposals will be supported where they:

- would significantly improve the range and/or quality of sport and recreational opportunity; or
- would meet an identified community need; and
- are of an appropriate scale and nature, and in a location which would not have a significant detrimental impact on residential amenity;
- would accord with other relevant policies of this Local Plan.

#### **Policy ER22: Public Drainage Systems**

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

#### **Policy ER24: Surface Water Disposal**

Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.

#### **Pd2: Recreation Development**

Proposals which extend the tourism and recreational potential of Piperdam, will be supported where they are compatible with existing land uses/activities, are not detrimental to the area's setting and environment and comply with the Structure Plan and Local Plan strategy.