

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 3 NOVEMBER 2015

PLANNING APPLICATION - 50 AUCHMITHIE ARBROATH DD11 5SQ

GRID REF: 368071 : 744321

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application 15/00777/FULL for alterations and extension to dwelling for Kinloch Properties at 50 Auchmithie, by Arbroath. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in 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 Full planning permission is sought for alterations and extension to dwelling at 50 Auchmithie, by Arbroath.

3.2 The application site is located on the south side of the main thoroughfare through the village. The property comprises the easterly end of a terrace of three one storey cottages whose principal elevation faces south-east towards to sea. The former Auchmithie Hotel wraps around the east and north sides of the property. The property is a category C listed building.

3.3 The proposal involves alterations and extension to the dwelling. The drawings indicate that this would primarily involve the formation of first floor accommodation via the installation of a box style dormer on the rear/north roof slope. The proposed works include the installation of three rooflights in the roof slope of the south/principal elevation of the building and the formation of an extraction outlet. The drawings suggest that the flat roof of the newly formed dormer would sit below the ridge line of the dwelling and a roof lantern would sit atop of the structure. The drawings indicate that the proposed roof extension would be constructed against the wall of the hotel and the walls of the dormer would be rendered. The proposal also involves the replacement of the existing UPVC windows and door located on the front of the dwelling and their replacement with new timber sash and case windows and a timber door.

3.4 The application has been varied to include the provision of replacement windows and door on the south/principal elevation of the dwelling.

3.5 The application was advertised in the Dundee Courier.

4. RELEVANT PLANNING HISTORY

The property was designated as a Category C listed building in June 1971.

5. APPLICANT'S CASE

The applicant's agent submitted a statement in support of the application which indicates that:-

- The applicant bought the property in August 2015 with the intention of restoring it and bringing it back into a purposeful use.
- The UPVC windows were in place when the property was purchased and the applicant is willing to change the front windows to a more appropriate appearance.
- The railings at the front of the property are understood to have been replaced with timber balustrades around 2003. Those railings were not original.
- The rooflights on the front elevation are required to act as a fire escape but can be reduced in size. They were designed to match the property to the west. An astragal could also be applied to improve their appearance.
- The Carmyllie slate roof was replaced in 2011 in dialogue with the Council after it collapsed and a prompt repair was needed. Carmyllie slate was not available and a pragmatic solution was agreed to protect the fabric of the building.
- An oil tank which serves the hotel is presently sited under the decking and will be removed and repositioned to the rear of the building as part of a future planning application.
- There is no increase in the building footprint and rainwater will be connected to the three existing rainwater outlets.

6. CONSULTATIONS

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Angus Council - Roads** - This consultee has no objection to the application.
- 6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.4 **Aberdeenshire Council Archaeology Service** - No objections, on condition that the applicant carries out a photographic survey of the property.

7. REPRESENTATIONS

- 7.1 One letter of representation was received. 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 proposal would not respect the character of the conservation area;
 - property is a listed building which has suffered by the loss of its original Carmyllie slate roof;
 - UPVC replacement windows have been installed in the property;
 - the rooflights proposed are not in keeping with the local vernacular building style;
 - health and safety risk relating to use of deck above an oil tank;
 - surface water from the ramp and deck impacts on adjacent property;
 - balusters adversely affect appearance of property;
 - lack of info relating drainage and water supply; and
 - property is currently subject of excessive damp.
- 7.2 A number of works have historically taken place to the property without the benefit of planning permission and/or listed building consent. The proposal seeks to regularise the situation with regard to the replacement roof, windows and door of the property. Replacements to the UPVC windows and door are sought as part of this application, as well as retrospective consent for the replacement roof. The supporting information suggests that the timber deck and balustrade were formed in 2003 and on that basis those works would be immune from planning enforcement action.

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)

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 approved by Angus Council at its meeting on 11 December 2014 and published the Proposed Angus Local Development Plan 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 statutory period for representation has now expired and submitted representations are in the process of being assessed. Any unresolved representations 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 is 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 until the level and significance of any objection to the policies and proposals of the plan are known.

8.3 As the application is not of strategic importance the policies of TAYplan are not referred to in this report and the policies of the Angus Local Plan Review form the basis for the consideration of the proposal. The relevant local plan policies are reproduced at Appendix 2.

8.4 Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. Section 64(a) of that Act also requires the planning authority in exercising its planning functions within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Policies ER12 and ER15 relate to proposals which affect conservation areas and listed buildings and promote developments which work towards the preservation and enhance of historic assets. Policy SC15 relates to house extensions and requires that proposals respect the appearance and character of the property and surrounding area.

8.5 This property is a category C listed building and it is located within the Auchmithie Conservation Area. Permission is sought for alterations and extension of the dwelling to facilitate the provision of first floor accommodation. This would be achieved by the installation of a box style of dormer on the rear/north elevation of the property and installation of rooflights on the south/front elevation of the property. In judging the acceptability of this form of development it is relevant to note that the former Auchmithie Hotel wraps around the north and east of the property making the rear elevation largely invisible from public areas within the village. The proposed box dormer would not project above the ridge of the roof and would not be visible from public areas to south. The property forms part of a terraced row incorporating 48, 49 and 50 Auchmithie which were all designed as single storey cottages. Both 48 and 49 Auchmithie have been extended in a similar manner to that which is proposed, with box dormers on the rear elevation and rooflights on the front elevation. The rooflights proposed on the front elevation are similar to the other properties within the terrace.

While those properties are also located within the conservation area, they are not listed buildings and are not afforded the same degree of protection as a listed building. These rooflights are large and are bigger than those that would be characteristic for a property of this age. The applicant's agent has indicated that the proposed rooflights need to be large enough to provide a means of escape but has also suggested that they could be reduced in size and have a central astragal applied. Such a change would enhance the proposal and reduce the impact of the rooflights on the listed building and wider conservation area. The details of this could be secured by planning condition.

- 8.6 The property has been unsympathetically altered in the past with the installation of a UPVC door and windows. The proposal involves the replacement of the unsympathetic door and windows with more traditional timber units (including sash and case windows). These changes would enhance the character and appearance of the front elevation of the building. It is noted that the building was reroofed around 2011 due to a collapsed section of the Carmyllie slate roof and the application also seeks to regularise those works. The roof was reinstated in natural slate due to the lack of availability of Carmyllie stone slate, and this was agreed with the Planning Service at that time.
- 8.7 The proposal would not adversely impact on the amenity of any neighbouring property and the first floor windows proposed look south towards the sea. The proposal would not impact on parking arrangements or garden ground. The applicant's agent has indicated that surface water would be managed using the existing surface water system on the site. The proposal raises no issues with the remaining criteria of Policy S6. The archaeology service has requested a photographic survey of the building in order to ensure that a historic record is obtained prior to development commencing.
- 8.8 Whilst a box style dormer might not normally be appropriate on a listed building within a conservation area, this property is located in an area that has undergone significant change and the dormer would not be readily visible. The proposal would allow the building to be adapted such that it is likely to be capable of beneficial long-term use and it would also facilitate replacement of an inappropriate door and windows. On this basis I consider that the overall impact on both the listed building and conservation area would be generally beneficial.
- 8.9 The representation received raises a number of points relating to the proposal. For the reasons detailed above I consider the overall development would result in an enhancement to the character and appearance of the listed building and wider conservation area. The proposal includes provision for the replacement of the UPVC windows and door, with timber sash and case units proposed for the windows. The agent has agreed to revise the proposed rooflights to reduce their impact on the property. The agent has also indicated that it is likely that the oil tank will be relocated in future. The information submitted in support of the application indicates that the decking and balustrade was installed in 2003 and based on that information the timber decking would be lawful.
- 8.10 In conclusion, the proposal would provide for alterations to the building that are likely to secure a long-term beneficial use for the property in a manner that does not have a significant adverse impact on the listed building or on the character or appearance of the conservation area. The proposal complies with the relevant policies of the development plan. There are no material considerations which would justify the refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, 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 recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

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 the application be approved for the following reason, and subject to the following condition(s):-

Reason(s) for Approval:

The proposed development complies with relevant policies of the development plan. The design is acceptable and would not have an adverse impact on the special interest of the listed building or on the character and appearance of the conservation area. There are no material considerations justifying refusal of the application.

Conditions:

1. Prior to the commencement of development, an elevation drawing shall be submitted detailing amended rooflights for the south elevation of the property. The amended rooflights shall incorporate a central astragal and shall be resized so that they are smaller than those which are shown on the submitted plans. Thereafter only the approved rooflights shall be installed in the property.

Reason: In order to ensure that the rooflights are appropriate for the listed building as required by Policy ER15 of the Angus Local Plan Review (2009).

2. No development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both external and internal (where it is safe to access the building), together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital files (jpeg, tiff, pdf) submitted by email, on CD or via online file sharing services, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited with the Archaeology Service for addition into the local Sites and Monuments Record.

Reason: In order to ensure a historic record of the building in accordance with Policy ER19 of the Angus Local Plan Review (2009)

3. No development shall take place until precise details of the proposed sliding sash and case windows and replacement timber door have been submitted to and approved in writing by the Planning Authority. Thereafter only the approved windows and door shall be installed in the property.

Reason: In order to ensure that the windows and door are appropriate for a listed building in accordance with Policy ER15 of the Angus Local Plan Review (2009).

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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DATE: 21 OCTOBER 2015

Appendix 1 : Location Plan

Appendix 2 : Development Plan Policies

Appendix 1 : Location Plan

BRUNTON DESIGN
CHARTERED ARCHITECTS



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LOCATION PLAN | 1:1250

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REV	Description	Date
-	First Issue	
client:	Kinloch Properties	
project:	Alteration and Extension to 60 Auchincloss	
dwg no:	1916_D_001-	

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Appendix 2 - 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 S6 : Development Principles (Schedule 1)

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.

Policy SC15 : House Extensions

Development proposals for extensions to existing dwellings will be permitted except where the extension would:

- adversely affect the appearance and character of the dwelling and/or the surrounding area. Alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area;
- have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households;
- reduce the provision of private garden ground to an unacceptable level;
- result in inadequate off-street parking provision and/or access to the property.

Policy ER12 : Development Affecting Conservation Areas

Development proposals within conservation areas or affecting the setting of such areas will be supported where they:

- (a) respect the character and appearance of the area in terms of:
 - density, scale, proportion and massing;
 - layout, grouping and setting;

- design, materials and finish;
- (b) contribute positively to the setting of the area and maintain important views within, into or out of the area;
- (c) retain particular features which contribute to the character and appearance of the area:
- open spaces;
 - walls and other means of enclosure;
 - ground surfaces;
 - natural features such as trees and hedgerows;
 - accord with the Character Statement for the area.

Policy ER15 : Change of Use, Alterations and Extensions to Listed Buildings

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.

Policy ER19 : Archaeological Sites of Local Importance

Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.

Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.