

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 8 AUGUST 2017

PLANNING APPLICATION – SHEEP PENS, DIKEHEAD, BRIDGEND, EDZELL

GRID REF: 353216 : 769239

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning application No 17/00194/MSCL for approval of matters specified in Condition 1 of 16/00171/PPPL which allowed for the erection of a dwelling on the site. The matters for which approval is sought include siting, design, external appearance, site layout, landscaping, levels, drainage and water supply at Sheep Pens, Dikehead, Bridgend, Edzell by Glenturret Estates Ltd. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reasons 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 The applicant seeks the approval of matters specified in condition 1 of planning permission 16/00171/PPPL which allowed for the erection of a dwellinghouse on the site. The information submitted with the application seeks approval of the siting, design, appearance, site layout, landscaping, levels, drainage and a scheme of water treatment and storage.

3.2 The application site is located some 900m to the north-west of Lethnot School, Glenlethnot. The site is accessed by a farm track which passes the existing dwellinghouse at Dikehead, approximately 150m to the south-east of the site. The linear site currently contains an open-sided building to accommodate sheep and this building is bounded by an existing access track to the north-east and stone wall to the west. The remainder of the site is an enclosed grass area associated with the building. A location plan is provided at Appendix 1.

3.3 Approval is sought for the erection of a 1.5 storey 3 bedroom dwellinghouse which would be sited centrally on the plot. Vehicular access to the dwelling would be taken from the existing track to the north-east. The dwelling design is based on a series of rectangular plan forms and with contemporary detailing including full height glazing on the south-east elevation. The external materials for the dwelling and garage include natural slate for the roof and a wet-dash and timber cladding for walls. The west side of the dwelling would abut the stone boundary wall. The details submitted identify a private water supply which requires an upgrading of the existing private water supply which services Dikehead to the south. The foul drainage incorporates a new private system which discharges to a soakaway. The landscaping details submitted propose the majority of the garden area to be laid out in grass with new shrub planting to the south and east of the proposed dwelling. The elevations submitted indicate that the proposed dwelling would sit down within the site.

- 3.4 The application has been subject of variation which alters the position of the proposed garage closer to the dwellinghouse and amends the west gable detailing. Drawing 1139/PD/04/05/06 REV B replaces Drawings 1139/PD/04/05/06 dated September 2016 and March 2017.
- 3.5 The application was advertised in the Dundee Courier as required by legislation.
- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation of approval, where the proposal has attracted an objection from the Community Council.

4. RELEVANT PLANNING HISTORY

Planning permission in principle for proposed new essential worker's house at this site was approved on 19 May 2016. The matters specified in condition 1 of that permission were:-

- a. The siting of the building(s);
- b. The design and external appearance of the building(s);
- c. The means of drainage for the development, which shall be by a private foul and surface water drainage scheme;
- d. A scheme for hard and soft landscaping of the site;
- e. The existing and proposed ground levels and floor levels relative to a fixed ordnance datum;
- f. The layout of the site, including means of access, car parking, turning space and the means of site enclosure;
- g. A scheme of water treatment designed to ensure that the water supply will meet the standards required by the Private Water Supply (Scotland) Regulations 2006.

Subsequent to this, an application for Prior Notification for a new sheep handling building was submitted on 22 February 2017.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted information in support of the application which is summarised as follows:-

- **Planning Design Statement** – The site is part of the wider Glenlethnot Estate which has been a shooting and hill sheep farming estate for many years. The design of the dwellinghouse is to integrate with surrounding development patterns and also to achieve a high quality of design and space, whilst acknowledging the need for a low carbon well insulated property. It is considered that the new dwelling will be a low profile in the landscape, due to the use of traditional external finishing materials and its design and scale. The applicant has provided a 3-dimensional “walk” around and through the proposed dwelling and has also submitted revised three dimensional views of the dwelling and garage. The initial stone gable wall feature has been deleted, to leave the dwelling abutting the existing stone wall.
- **Landscape Impact Assessment** – This provides existing photographs and photomontages of proposed dwelling from various points at a distance from the application site, to indicate its impact on the landscape.
- **Engineer's Drainage Report** – This concludes that the site is adequate to accommodate the proposed dwelling. It also states that foul water from the dwelling will be taken through a treatment system to a land based soakaway. Surface water will be taken to a sustainable drainage system on site and then taken to an existing watercourse at the base of an adjacent field via a perforated pipe.
- **Private Water Supply Details** – The applicant has submitted details including a flow diagram of improvements to the existing private water supply serving Dikehead. This includes a new 2500 litre storage tank and pump which will serve the existing and proposed residential properties and the agricultural activities.

- 5.2 The supporting information is available to view on the Council's [Public Access](#) system.

6. CONSULTATIONS

- 6.1 **Angus Council Roads** – has no objections to the proposal in respect of the means of access, car parking and turning within the site.
- 6.2 **Angus Council Roads (Flood Prevention)** - has no objection to the proposal.
- 6.3 **Inveresk Community Council** – objects to the application indicating that the design of the proposed development does not meet the requirements of Council guidance. They consider that the new dwellinghouse and garage will not complement the existing house at Dikehead and it will appear as a “suburban” dwelling which will not integrate in the landscape. The community council consider the dwelling would be prominent from various public viewpoints and reference features within the proposed design that they do not consider to be appropriate.
- 6.4 **Scottish Water** – there was no response from this consultee at the time of report preparation.
- 6.5 **Angus Council Environmental Health (Private Water Supply)** – is satisfied with the proposed private drainage system in principle but has requested further information including water samples be submitted prior to the occupation of the proposed dwelling.
- 6.6 **Angus Council Environmental Health (Contaminated Land)** - has no objections to the proposal.

7. REPRESENTATIONS

No letters of representation have been received.

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 Development Plan (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to consideration of this application are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 The matters for which approval is sought are addressed in turn with reference to the relevant policies and other material considerations.

Siting, Design and External Appearance of Dwelling

- 8.5 The proposed dwellinghouse is based on a collection of rectilinear forms which, when brought together, create a mixed roofscape which is not unlike collections of traditional farm buildings seen in the surrounding area. The central part of the design provides accommodation on two levels and presents a fully glazed gable to the south. While the property to the south is single storey, it is physically separated from the proposed site by around 150m. The surrounding area has a number of farmhouses where accommodation is provided on more than one level even in more exposed upland areas such as Nathro Lodge to the west. The majority of the proposed dwelling would be approximately 1.4m higher than the existing building on the site, with the two storey section approximately 2.6m higher; but I am satisfied that the building would sit comfortably within the site with a landscape backcloth provided by higher ground to the north. The landscape impact assessment photography submitted illustrates this. The external material finishes of a light coloured wet render, a dark coloured timber and a dark natural slate would not look incongruous in the landscape.
- 8.6 The siting of the house would allow for the provision of adequate car parking and there would be no significant amenity impacts on residential properties in the surrounding area.

- 8.7 The proposal has been amended to address the concerns identified by the community council, with the west gable of the property redesigned with a more traditional appearance set against the retained stone boundary wall. Landscape impact information has also been submitted in an attempt to allay their concerns. It is considered that the amended design is an acceptable response to its surroundings and complies with the intentions of policies TC2, DS3, PV6 and the Council Countryside Housing Supplementary Guidance.

Site Layout, Access, Parking and Turning, Site Enclosure and Landscaping

- 8.8 The layout of the site would provide a gravel parking and turning area for vehicles to the north of the dwellinghouse. The site would connect to the public road network via an existing track which services Dikehead to the south. The Roads Service has viewed the proposal and is satisfied that the proposed parking, turning and access arrangements are acceptable. The proposed house would be located centrally within the site which would afford a reasonable private garden area for the proposed dwelling. There would be ample space within the site for the storage of bins. The plans indicate that the existing stone wall located to the west would be retained with new post and wire fencing would be provided on all other boundaries which is appropriate in this rural setting. The landscaping details submitted indicate that the majority of the site would be finished in grass with new planting proposed to the south and east. Gorse and broom shrubs would be planted around the dwellinghouse and a clump of indigenous trees in the south-eastern corner of the site, to “soften” the development. I am satisfied that the layout, vehicular, boundary and landscaping arrangements are satisfactory and in accordance with the supplementary guidance.

Levels

- 8.9 Information has been submitted to show the existing ground levels and proposed ground and floor levels. The site slopes gently from north down to south and the proposed dwelling would be located on a predominantly level area in the centre of the site. The drawings submitted show that the proposed dwelling would sit down within the site and the proposed house would not require any significant new areas of made ground. The floor level of the proposed house would be very similar to the floor level of the existing building. Satisfactory details in respect of existing and proposed ground levels and proposed floor levels have been submitted, together with 3-dimensional visuals of the finished development. I consider the information provided adequate to support the application in the context of relevant policy and guidance and the proposed site levels raise no amenity issues.

Drainage and water supply

- 8.10 The remaining matters arising refer to drainage and a scheme of water treatment and storage. Policies PV14: Water Quality and PV15: Drainage Infrastructure are relevant. Detailed private water supply arrangements have been submitted which involves the upgrading of the existing private water supply serving Dikehead. Environmental Health is satisfied with the proposed arrangements subject to the submission of water quality samples prior to the occupation of the proposed house. The proposed drainage arrangements indicates a private drainage system discharging to a soakaway close to the south. Surface water would be managed by a sustainable drainage system on site. The drainage arrangements proposed are acceptable and consistent with development plan policy and Supplementary Guidance.
- 8.11 The application is supported by detailed information illustrating how the proposed house would be achieved. I am satisfied with the detail supplied and note that the applicant has modified the proposal and provided additional information to address some of the concerns identified by the community council. The details submitted are considered to comply with relevant policies of the development plan. There are no material considerations which justify refusal of the proposal and the application is recommended for conditional approval.

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 details submitted relating to siting, design, external appearance, drainage, landscaping, ground levels and water supply comply with relevant policies of the development plan. There are no material considerations that justify refusal of the application.

Conditions:

1. That, prior to the occupation of the dwellinghouse hereby approved, the following shall be carried out in accordance with approved plans and to the satisfaction of this planning authority:-

- (a) the completion of the access, turning area and all boundary treatments;
- (b) the submission of water samples from the private water supply. Thereafter, the approved water supply arrangements shall be completed prior to the occupation of the dwellinghouse;
- (c) the installation of the foul and surface water drainage scheme.

Reason: In the interests of visual and residential amenity and in order to ensure a wholesome private water supply.

2. That all landscaping comprised in the approved details of landscaping shall be carried out in the first planting season following completion of the development or at earlier stages, and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to ensure that the planting scheme is in accordance with the standards of the planning authority and to ensure subsequent maintenance.

**STEWART BALL
HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

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 a material extent in preparing the above report.

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DATE: 25 JULY 2017

Appendix 1 : Location Plan
Appendix 2 : Relevant Development Plan Policies

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Appendix 2: Relevant Development Plan Policies

Angus Local Development Plan

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:

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

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 PV14 Water Quality

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;
- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported. Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

Policy PV15: Drainage Infrastructure

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

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

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

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

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

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

Policy PV6 Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy TC2 Residential Development

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

- be compatible with current and proposed land uses in the surrounding area;
- provide a satisfactory residential environment for the proposed dwelling(s);
- not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and
- 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:

- the site is not allocated or protected for another use; and
- 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:

- retention, renovation or acceptable replacement of existing houses;
- conversion of non-residential buildings;

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

- 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.
- the restoration or replacement of traditional buildings.
- 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.*