

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 03 OCTOBER 2017

PLANNING APPLICATION – PANBRIDE HOUSE, PANBRIDE, CARNOUSTIE

GRID REF: 357866 : 735328

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with planning application No 17/00590/FULL for the change of use of a physiotherapy suite and alterations to an existing house to form 3 additional dwelling units, erection of a greenhouse and garage, and alterations to buildings at Panbride House, Panbride, Carnoustie by Mr B. Boyd & Mr M. Sothern. 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 The applicants seeks planning permission for the change of use of a physiotherapy suite and alterations to that building to form a dwelling, subdivision and alterations to Panbride House to form 2 additional dwelling units, the erection of a greenhouse and garage, and alterations to buildings.

3.2 The application site comprises land and buildings within the wider policies of Panbride near Carnoustie. The site measures approximately 4979sqm and incorporates the existing Category B Listed Buildings at Panbride House and stables, the existing gate lodge, a former cottage/physiotherapy room and an existing single storey link to the adjacent fitness centre. The existing fitness centre is located to the northeast of the site and existing residential properties are located to the north. The remaining policies of Panbride House bound the application site to the north and south and the site is accessed from a track adjacent to the existing gate lodge. A location plan is provided at Appendix 1 below.

3.3 The proposals involve conversion of Panbride House to create two additional units within the northern section of the main building (the remainder of the building would remain as a single house). Minor internal and external alterations would be undertaken in order to facilitate the two new units. A small lean-to extension would be formed on the east elevation of the main house to provide a utility room. The third new residential unit would be formed through conversion of a section of the former fitness suite to the north of the main House. A single storey modern link between this building and the main fitness suite building to the east would be demolished. A greenhouse (measuring 3.3 m by 11.3m) is to be located to the east of the existing building. A new 3 bay lean-to garage is proposed in a courtyard area to the north of the main House. This would be attached to the existing boundary wall and have a grey seamed roof with the walls a tinted render to match the adjacent cottages. A new section of wall would be added to the walled garden that lies to the west of the main House. Other alterations to existing buildings include removal of previously installed UPVC windows and replacement with more appropriate timber windows.

- 3.4 The proposal has been amended to revise window details and to alter the external finish colour of the proposed lean-to extension to the main House. The revised colour reflects comments provided by Historic Environment Scotland in relation to the associated application for listed building consent. The application has also been amended to revise the extent of the site and to limit it to those areas where physical development is proposed or where land is required in association with the new residential units. Amended cottage - proposed plans & elevations (drawing no. 2055_D_003B) and Gate Lodge - proposed plans and elevations (drawing no. 2055_D_002B) submitted on 05/09/17; Amended location plan (drawing no. 2055_S_013B) and site plan (drawing no. 2055_D_001C) submitted on 20/09/17 refer.
- 3.5 The application has been subject to neighbour notification and was advertised in the press as required by legislation. A site notice was posted.

4. RELEVANT PLANNING HISTORY

- 4.1 Listed Building Consent Application 17/00591/LBC for Alterations and Extension to Existing House and Alterations to Other Buildings is currently being considered alongside the current application.
- 4.2 Planning permissions and listed building consents were granted in January 1999 and September 2002. Those provided for the change of use of an existing dwelling to a fitness suite and erection of a link corridor, and alterations and extension to the dwellinghouse respectively.

5. APPLICANT'S CASE

- 5.1 A bat survey was submitted. This concluded that no signs of bats were found during the building inspection and a dawn re-entry survey was carried out. No bats were seen entering the building and the proposed works are therefore unlikely to have any significant impacts on bats.
- 5.2 An access statement was submitted. This provided a background to the site and detailed history. It highlights that the proposals have adopted a sensitive and considered design approach in order to re-instate the historic character of Panbride House. It clarifies the works proposed and indicates that the proposed alterations do not significantly impact access to the buildings. The existing levels of accessibility are to remain unaltered with the addition of the accessible dwelling being formed in Apartment 1. The document suggests that the proposals primarily aim to preserve and enhance the distinct historic character and design of the existing buildings and their context.
- 5.3 The submitted information can be viewed on the Council's [Public Access](#) website.

6. CONSULTATIONS

- 6.1 **Angus Council Roads** – has offered no objections.
- 6.2 **Scottish Water** – there was no response from this consultee at the time of report preparation.
- 6.3 **Community Council** – there was no response from this consultee at the time of report preparation. However, the Community Council provided comments in relation to the associated listed building consent reference 17/00591/LBC.
- 6.4 **Aberdeenshire Council Archaeology Service** – No objections but requested a photographic survey condition be attached.

7. REPRESENTATIONS

No letters of representation have been submitted.

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. Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also relevant to the consideration of the

application. It requires the Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Development Plan (ALDP) (Adopted 2016)
- 8.3 The application is not of strategic significance and the policies of TAYplan are not referenced. The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.
- 8.4 The application site is located in a rural area and it is outwith any development boundary identified by the Angus Local Development Plan (ALDP). Policy DS1 of the ALDP states amongst other things 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.
- 8.5 Policy TC2 deals with proposals for residential development. In this case the proposal provides for the formation of three new residential units through conversion of an existing non-residential building (the physiotherapy suite) and subdivision of the north wing of Panbride House to form two additional units. This is broadly consistent with the policy that allows for retention of existing houses and conversion of non-residential buildings.
- 8.6 The proposed units sit adjacent to existing residential uses and the currently vacant fitness suite. The existing residential uses have coexisted with the fitness suite for a number of years. The proposal does not give rise to any issues in terms of land use compatibility. The new units would be located within the existing policies of Panbride House and would have access to those policies for leisure and recreational use. They would provide a good residential environment without having any significant impact on the occupants of neighbouring property. A bat survey has been provided and this indicates that the proposals are unlikely to have any significant impact on bats or their habitat. There is no information to indicate that the proposals would have any other significant impact on natural heritage interests. The proposal does not involve any alteration to existing access arrangements and the Roads Service has indicated that it has no objection in relation to road safety or parking. A condition is proposed that requires details of the measures for surface water disposal. The proposal does not give rise to any other significant impacts in terms of infrastructure. The proposal is for a development of less than 10 houses on a site with an area less than 0.5ha and therefore there is no requirement for affordable housing provision. The application does not give rise to any significant issues in terms of the Countryside Housing Supplementary Guidance.
- 8.7 In relation to the built environment and heritage considerations, the proposals do not involve any internal alterations that would affect the special interest of the Panbride House itself. The proposed extension on the east elevation is small in scale and is considered to be acceptable. The proposal has been amended to provide for the timber finish to be painted a recessive colour in accordance with comments provided by Historic Environment Scotland in relation to the associated listed building consent application. Similarly the proposed new and altered openings required to form the new residential units would have no significant impact on the listed building or its setting. Other works to the main building are minor in nature and do not affect the special interest of the listed building.
- 8.8 The former physiotherapy suite building has been altered in the past. The removal of a modern link that connects this building to the adjacent fitness suite will return the building to its basic form. Other minor alterations would not affect its interest as a curtilage listed building. Existing UPVC windows would be replaced with more appropriate timber windows that would reflect those in the adjacent steading. Precise details of the replacement windows are required by condition.
- 8.9 A new greenhouse is proposed and this would sit to the east of the main House and close to the existing fitness suite building. It does not affect the principal elevation of the listed building and would not be inappropriate within a residential setting. The proposed garage is located to the north of the main House within a courtyard area. It occupies a discreet location and is again seen in the context of the adjacent fitness suite. It would not be inappropriate within that discreet residential courtyard setting and would not significantly affect the setting of the listed

buildings. A new section of wall is proposed to the walled garden. In principle this is acceptable but specific details on the design and height have not been provided. A condition is proposed that requires details to be approved prior to erection of the wall.

- 8.10 The proposal is generally compatible with relevant development plan policy. The three new residential units are formed through the conversion and subdivision of existing buildings.
- 8.11 The listed buildings have been subject of some unsympathetic alteration in the past. This application also involves alterations to the listed buildings and this will have some impact on their fabric. However, the proposals do not involve development that would significantly adversely affect the special interest of the buildings. Indeed they have lain vacant for some time and this proposal provides opportunity to secure their long-term future.
- 8.12 In conclusion, the proposal would provide for three new residential units to be formed through conversion and subdivision of existing listed buildings. That development and the associated works within the curtilage of the building would not have a significant adverse impact on the special interest of the listed buildings or their setting. The proposal is compatible with relevant development plan policy subject to the stated planning conditions. There are no material considerations that justify refusal of the application.

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 conditions:

Reason(s) for Approval:

The proposal is generally compatible with the relevant provisions of the development plan subject to the stated conditions. The proposal would not have an adverse impact on the special interest or setting of the listed buildings. There are no material considerations that justify refusal of the application.

Conditions:

1. That no development in connection with the planning permission hereby approved shall take place unless the following is submitted to and approved in writing by the Planning Authority:
 - a) Full details of the proposed means of surface water disposal from the development. For the avoidance of doubt surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the residential units shall not be occupied unless the approved drainage scheme has been provided in its entirety for each unit;
 - b) Specific details of the proposed new section of wall to the walled garden and precise details of the proposed greenhouse. Thereafter the proposals shall be undertaken in accordance with the approved details.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area and to allow the planning authority to verify the acceptability of the proposals in relation to the visual amenity of the area and in the interests of safeguarding the setting of the listed building.

2. No demolition or 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: to ensure a historic record of the building.

**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: 22 SEPTEMBER 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 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.

Policy PV5 : Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

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>)