

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 10 DECEMBER 2019**

**PLANNING APPLICATION – STABLEMANS COTTAGE, PANBRIDE HOUSE, PANBRIDE,  
CARNOUSTIE**

**GRID REF: 357857 : 735353**

**SERVICE LEADER – PLANNING & COMMUNITIES**

**Abstract:**

This report deals with planning application No. 19/00813/FULL which seeks permission for alterations to an existing cottage at Stablemans Cottage, Panbride House, Panbride, Carnoustie for Mr B. Boyd & Mr M. Sothern. This application is recommended for approval.

**1. RECOMMENDATION**

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

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

- 3.1 Planning permission is sought for alterations to the existing cottage located within the grounds of Panbride House. The cottage forms part of a complex of buildings that were formerly used as stables and that is designated as a category B listed building. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site comprises an existing building that was granted planning permission for use as a house under the terms of permission 17/00590/FULL. The application proposes the formation of a new section of roof linking the existing cottage roof with the roof of the building to the north. The altered roof would not exceed the ridge height of the existing building but it would allow for the formation of accommodation within the roofspace. It is indicated that reclaimed slate from the existing roof would be used on the new sections of roof. Alterations are proposed to the size of existing window and door openings, and replacement windows and doors, a flue and rooflights would be installed but those matters constitute permitted development and are dealt with in a separate application for listed building consent.
- 3.3 The application has been advertised in the press and was subject of statutory neighbour notification as required by legislation.
- 3.4 The application requires determination by Committee as it has been submitted by an elected member of Angus Council.

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

- 4.1 Listed building consent application [19/00814/LBC](#) for alterations to the cottage is under consideration and is subject of a separate report to this committee (Report 412/19 refers).
- 4.2 Planning permission ([17/00590/FULL](#)) and listed building consent ([17/00591/LBC](#)) were granted by the Development Standards Committee at its meeting on 3 October 2017 (Reports 338/17 and 339/17 refer). Amongst other things those provided for the change of use of the building subject of the current application from a physiotherapy suite to a house and associated alterations.

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

The applicant has submitted a Panbride House Bat Survey in support of the application and it can be viewed on the council's [Public Access](#) system. The bat survey concludes that the proposed conversion works including the proposed roof alteration are unlikely to have a significant adverse impact on bats.

#### **6. CONSULTATIONS**

- 6.1 **Scottish Water** – No response was received at the time of report preparation.
- 6.2 **Community Council** – No response was received at the time of report preparation.
- 6.3 **Angus Council – Roads** – No objections.

#### **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. Section 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 2017)
  - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The application is not of strategic significance and the policies of TAYplan are not referred to in this report. The ALDP forms the main basis for the consideration of the proposal and the relevant policies are reproduced at Appendix 2.
- 8.4 The application site is located in a rural area and it is not within a development boundary as identified by the 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 The building is located within the sizeable grounds of Panbride House and while it adjoins existing buildings in residential use, the proposed alterations would not adversely affect the amenity of occupants of neighbouring property. The relationship between the new and altered windows and existing windows in the building would be compatible with relevant council design guidance. The alterations would increase the accommodation available in the property but would not increase the building footprint and would not result in overdevelopment or loss of garden ground. Existing parking and bin storage arrangements would be unaffected.
- 8.6 The building is listed and planning legislation and development plan policy require regard to

be paid to the impact of the development on its special interest and on the setting of other listed buildings in the area. Development plan policy also encourages a high standard of design in all development proposals and seeks to resist alterations to existing houses that would detrimentally affect the buildings character or appearance or that of the wider area.

- 8.7 The listed building (comprising the entire former stable block) has been subject of fairly significant alteration over the years which is not uncommon for ancillary buildings of this nature. Window and door openings have been altered in size but works have been undertaken in recent years to improve the condition of the building, in particular the northern extent, and modern additions have been removed. The general appearance of the building has been improved and in particular the west elevation with its arched entrance and crowstepped flank gables has been reinstated.
- 8.8 The application site comprises a small element of the larger listed building. It has the appearance of a small bothy or coachmans cottage of fairly simple design attached to the more elegant stable building. The alteration to the roof would change its shape and appearance with the introduction of a section of flat roof. However, that flat roofed section would generally be screened from view by pitched and slated sections of roof that would form its perimeter. The roof alteration would not significantly affect the apparent symmetry of the main west elevation, would not significantly affect the buildings special interest as a listed building, and would not materially alter the appearance of the stables when viewed from Panbride House. It would not affect the setting of Panbride House.
- 8.9 Other alterations to the building such as alteration to existing openings, installation of a flue and replacement of windows constitute permitted development but are subject of a separate application for listed building consent. It is relevant to note that Historic Environment Scotland has offered no objection to that listed building consent application.
- 8.10 A bat survey has been submitted and it indicates that the proposals are unlikely to have any significant impact on bats or their habitat. There is no information to indicate that the proposal would have any significant impact on natural heritage interests.
- 8.11 The proposal is compatible with development plan policy.
- 8.12 In terms of other material considerations regard has been had in the preparation of this report to Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's (HES) Managing Change in the Historic Environment Guidance Note on Roofs. Those documents do not identify any matters that would justify refusal of this application for planning permission.
- 8.13 In conclusion, the proposal provides for alterations to a building in a manner that is compatible with the development plan. It would not have a significant adverse impact on the special interest of the listed building, its setting or that of other listed buildings in the area. There are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, 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 decision 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.

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

The proposal provides for alterations to a building in a manner that is compatible with the development plan. It would not have a significant adverse impact on the special interest of the listed building, its setting or that of other listed buildings in the area. 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.

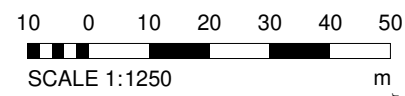
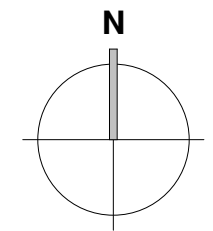
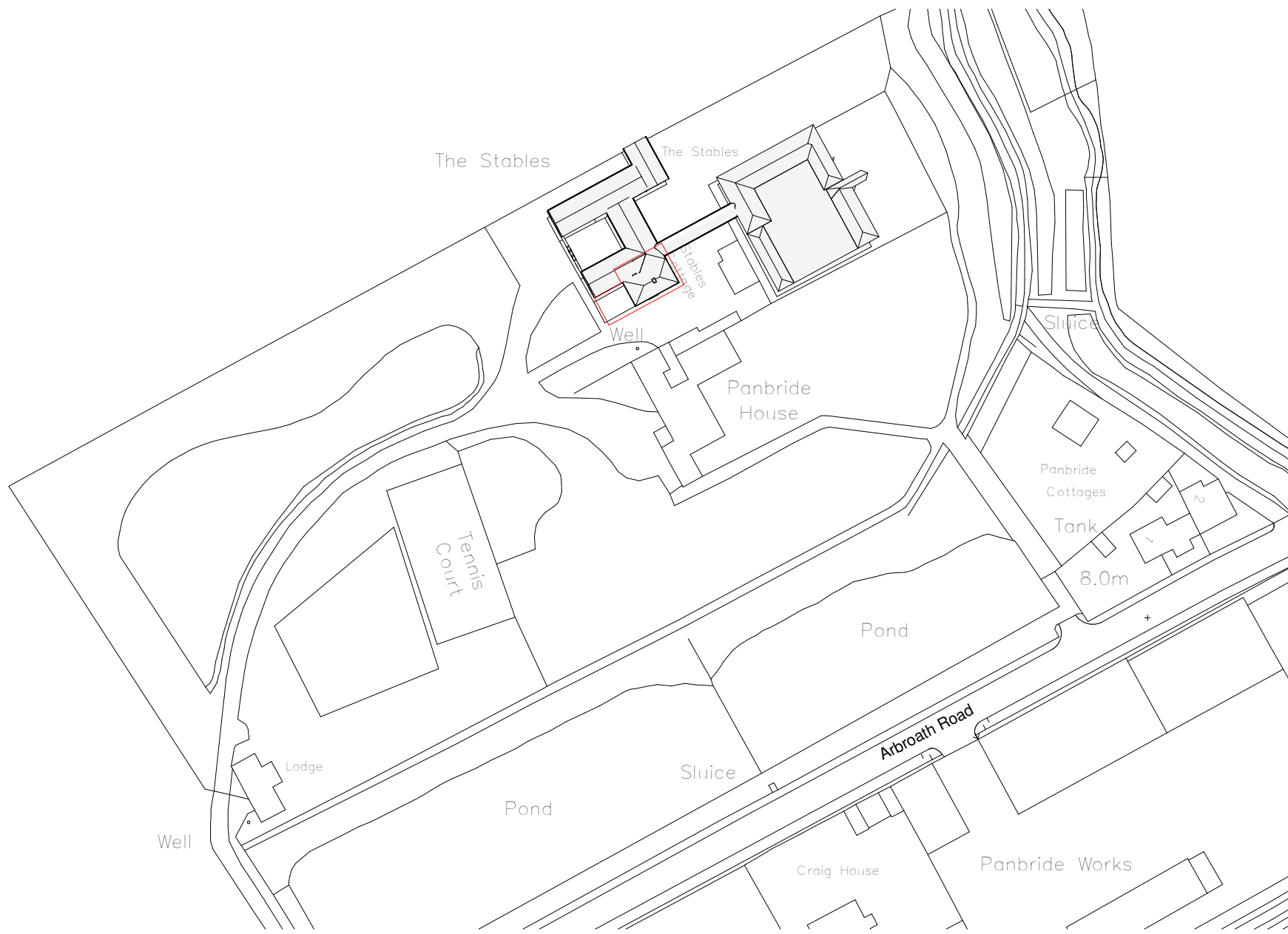
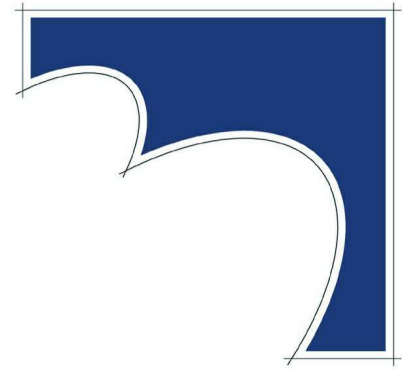
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**DATE: 3 DECEMBER 2019**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: DEVELOPMENT PLAN POLICIES



REV	Description	Date
A	red line amended to take in roof alterations also	06/11/19

Client:  
 Boyd & Sothern

Project:  
 Conversion of Outbuilding to Holiday Let  
 Panbride House, DD7 6JR

Sheet Name:  
 Location Plan

Drawing Number:  
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# Location Plan

1 : 1250

## **Appendix 2: Development Plan Policies**

### **Angus Local Development Plan 2016**

#### **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:

- o 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.
- o 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.
- o 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.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o 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 TC4 : Householder / Domestic Development**

Proposals for householder development (including alterations/extensions to houses and flats, development within the curtilage of houses and flats, means of enclosure, satellite antenna and domestic scale microgeneration) will be supported where the siting, design, scale or massing of the proposal, does not:

- o adversely affect the residential amenity enjoyed by the house or surrounding domestic properties including, in the case of microgeneration, through noise or shadow flicker;
- o detrimentally affect the character and/or appearance of the building, site or surrounding area; and
- o result in the overdevelopment of the plot or a loss of garden ground, parking or bin storage.

Further guidance on householder development will be set out in a Householder Development Planning Advice Note.

## **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:

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- o 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.