

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 MAY 2021

PLANNING APPLICATION – ELM COTTAGE TARFSIDE GLEN ESK BRECHIN DD9 7YU

GRID REF: 349350:779663

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No. [20/00868/FULL](#) for the demolition of shed, erection of house in garden ground and ancillary works at Elm Cottage, Tarfside, Glen Esk, Brechin for Mr Jack Souttar. The application is recommended for approval subject to conditions.

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 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 the demolition of shed, erection of house in garden ground and ancillary works at Elm Cottage, Tarfside, Glen Esk, Brechin. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The site is in Tarfside and comprises an area of land measuring around 600sqm located between Elm Cottage to the west and Tarfside Primary School to the east. It forms part of the established curtilage of Elm Cottage.
- 3.3 The proposal is to demolish an existing wooden shed and to construct a detached, one and three-quarter storey, three-bedroom house. The house would have a pitched roof finished in natural blue/grey coloured slate. The external walls would be finished in a combination of natural stone, white coloured wet dash render, and larch vertical cladding. The proposed plot would accommodate a garden and in-curtilage parking.
- 3.4 The existing dwelling at Elm Cottage would retain a curtilage in the region of 470sqm. A new treatment plant would be provided to deal with foul drainage from both properties.
- 3.5 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

There is no planning history which is relevant to the current application.

5. APPLICANT'S CASE

A statement has been submitted in support of the planning application and is available to view on the council's [Public Access](#) website. In summarised terms the statement indicates that the site is currently overgrown, unkept and features a dilapidated shed. It suggests that the house would be of a traditional design and would blend in with surrounding properties and the surrounding area. It concludes that the proposal would enhance the site and Tarfside.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – has offered no objection.

6.2 **Scottish Water** – has confirmed no objection but has provided advisory comments in relation to water supply, foul and surface water drainage arrangements. *Those comments have been shared with the applicant.*

6.3 **Inveresk Community Council** – has confirmed objection to the proposal on the grounds that it is contrary to Policy TC2 of the Angus Local Development Plan and the associated Countryside Housing Supplementary Guidance. It identifies concerns about the visual impact of the proposal, the external materials for the house, and that there are no new build properties in the village. It identifies concerns about traffic impacts caused by a combination of the site, Elm Cottage and the local post office collection box being in close to one another. Finally, some concern is raised regarding the impact of the development on the Cairngorms National Park. *The full representation is available to view at Appendix 2.*

7. REPRESENTATIONS

7.1 One letter of representation has been received making general comment. The letter is provided at Appendix 2 and is available to view on the Council's [Public Access](#) website.

7.2 In summarised terms the main issues raised relate to: -

- the adequacy of the neighbour notification process;
- the height of the proposed building relative to others in the area;
- the adequacy/ suitability of the drainage arrangements and potential impact on ponds and wildlife;
- the topography of the site.

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 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.3 The planning application is not of strategic significance and the policies of TAYplan are not referenced in this report. The relevant policies of the ALDP are provided in Appendix 3 and have been considered in the preparation of this report.

- 8.4 The house and its curtilage would be located within the Tarfside Development Boundary as defined by the ALDP. Policy DS1 states that 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. A small section of the site, measuring around 45sqm, along the northern boundary is located outwith the Development Boundary and would accommodate an underground soakaway for the foul drainage system.
- 8.5 Policy TC2 deals with residential development proposals and indicates that proposals for new residential development within development boundaries will be supported 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. It also requires that new residential development must be compatible with surrounding land use; provide a satisfactory residential environment; not result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and include provision for affordable housing in accordance with Policy TC3 Affordable Housing.
- 8.6 The site is not allocated or otherwise identified for development in the ALDP. The small section outwith the development boundary would accommodate below ground infrastructure and it would not affect the landscape setting of the village or represent uncontrolled spread of development. Tarfside is predominantly residential in character and the established pattern of development has buildings constructed in a linear manner to the north of the public road. The principle of a new dwelling on this site would be compatible with the character and pattern of development in the area; it would be compatible with surrounding land uses; and the general principle of a new house on land within a defined development boundary is compatible with development plan policy.
- 8.7 The proposed plot size is compatible with council design guidance and comparable with others found in the village. It can provide ample garden ground, space for parking of vehicles and bin storage. The existing property at Elm Cottage would also retain a reasonable amount of ground and its resultant plot would also be compatible with council design guidance and with those in the surrounding area. The space between existing and proposed buildings would not be inconsistent with those found in the area and would not give rise to any significant issues in terms of the spatial standards identified in the council's design guidance. The proposal would provide an acceptable residential environment and would not result in unacceptable impacts on the amenity of occupants of existing properties.
- 8.8 Tarfside contains buildings of varying height and style but the properties generally have a rectilinear plan form with narrow gable ends and wide frontages. Most properties to the north of the public road have ridges that run parallel to and main elevations that front onto the public road. The proposal would reflect and contribute to the general character and pattern of development in the area surrounding the site. The house would have a rectangular plan with a narrow gable end and wide frontage. It would have a pitched roof finished in natural blue/grey coloured slate; a front facing elevation addressing the public road finished in natural stone; and a backdrop of trees. The design and material finishes are appropriate for the location and the proposal is consistent with the council's design and placemaking supplementary guidance. Conditions are proposed to ensure that the precise detail of the material finishes and boundary enclosures are approved in advance.
- 8.9 The site is not subject to any form of built or natural heritage designation. The proposal would not result in unacceptable impacts upon the built or natural environment.
- 8.10 Two vehicular parking spaces would be provided to the south of the house. The

roads service has reviewed the proposal and confirmed no objection. The proposal would not result in unacceptable impacts upon road traffic or pedestrian safety.

- 8.11 The proposed house would connect to the public water supply. Foul drainage would be directed to a new treatment plant and soakaway that would also serve Elm Cottage, while surface water would be directed to a soakaway system. The generality of those arrangements is compatible with development plan policy and the detail would be regulated through separate consenting regimes.
- 8.12 The proposal does not give rise to any other significant issues in terms of development plan policy and it is of a scale and nature appropriate for the location. The proposal complies with the development plan.
- 8.13 In terms of material considerations it is necessary to have regard to the representations from the community council and the interested party in so far as they relate to relevant planning matters.
- 8.14 The community council raises concern that the proposal does not comply with the council's policies for housing in countryside locations. However, while the application site is in a rural area, it is within a development boundary and those policies that deal with new housing in open countryside areas are not relevant. The proposal complies with relevant policy as detailed above. The application site is around 3.5km from the boundary of the Cairngorms National Park. The national park designation is not intended to prevent development and the erection of a house within the village would have little if any impact on the setting of the Park. The proposed house would be similar in height to other properties in the village and around 1.3m higher than the neighbouring single storey dwelling. The proposed design and materials are appropriate for the location.
- 8.15 SEPA has issued an authorisation for the private drainage system and the detailed design of that can be appropriately controlled through the building regulations and associated building warrant process. Given the nature of soils in the area there is no reason to consider that an appropriate system cannot be achieved.
- 8.16 There is a post box close to the site, but the relationship between it and the proposed house is not unlike the current arrangement with Elm Cottage. It is not unusual for post boxes within villages or towns to be close to houses. There is no reason to consider that the relationship in this case would cause any significant issues. The roads service has offered no objection to the proposal and there is a public car parking in the immediate vicinity.
- 8.17 Neighbour notification has been undertaken in accordance with statutory requirements, including notification in the local press. In addition, details of the application have been made available on the council's online Public Access system.
- 8.18 The motives of the applicant and the nature of future occupation of the proposed house are not material to the determination of this application.
- 8.19 In conclusion the proposal provides for a new house in a rural area in a manner that complies with development plan policy. The new house would provide a good living environment and would not significantly, adversely, impact the amenity of occupants of any existing property. The proposed design is sympathetic to the location and compatible with council design guidance. The proposal does not give rise to unacceptable impacts on natural and built environment interests, road safety, or infrastructure. The matters raised in representations have been considered in the preparation of this report. The proposal is compatible with the relevant provisions of the development plan subject to the proposed planning conditions and there are no material considerations that justify 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.

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 proposal complies with the relevant policies of the development plan as it is compatible with the locational criteria for new houses identified in the plan, and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to planning conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. Prior to the commencement of any development the following information shall be submitted to and approved in writing by the planning authority: -
 - a. a scheme providing for the protection of trees to be retained on or adjacent to the application site in accordance with BS5837:2012. Thereafter, the development shall be undertaken in accordance with the approved scheme at all times until development is completed. For the avoidance of doubt no materials, supplies, plant, machinery, soil heaps, changes in ground levels, or construction activities shall be permitted within the identified tree protection areas.
 - b. a scheme of hard and soft landscaping, including details of all boundary enclosures, and details of compensatory planting to replace any trees that are to be felled. Thereafter the hard and soft landscaping shall be undertaken in accordance with the approved scheme and shall be completed prior to occupation of the dwelling.
 - c. details of existing and proposed ground levels and finished floor levels relative to a fixed datum. Thereafter the ground and floor levels shall be formed in accordance with the approved details prior to occupation of the dwelling.
 - d. precise details of all external material finishes. For the avoidance of doubt the southwest elevation shall be finished in natural stone and the roof shall be clad in natural slate. Thereafter the building shall be finished in accordance with the approved details prior to its occupation.

Reason: In order that the planning authority may verify the acceptability of the required details and to ensure that the development is undertaken in accordance with those details in the interests of visual amenity.

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: 10 MAY 2021

APPENDIX 1: LOCATION PLAN

APPENDIX 2: LETTERS OF REPRESENTATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES

APPENDIX 4: PLANNING SERVICE PRESENTATION