

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 10 AUGUST 2021

PLANNING APPLICATION – LAND AT REAR OF FAIRLEA WATSON STREET LETHAM  
GRID REF: 353259:748769

REPORT BY MANAGER – DEVELOPMENT STANDARDS

**Abstract:**

This report deals with planning application [21/00131/FULL](#) for the proposed erection of 5 dwellings, garages and associated works on land to the rear of Fairlea, Watson Street, Letham by Mitchell of Letham Ltd. 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 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 Full planning permission is sought for the proposed erection of five houses, garages and associated works on land to the rear of Fairlea Watson Street, Letham Forfar. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to approximately 4810sqm and comprises a field that is used for grazing. The site is currently set out with grass and consists of a rectangular shaped area of land to the east of Watson Street. The area is predominantly residential in character with open areas of land.
- 3.3 The proposal provides for the erection of five, 3-bedroom houses which would provide accommodation on two levels in what would be described as a 1½ storey building style. The dwellings would have pitched roofs finished in grey roof tiles with white roughcast render walls. Each plot would have either an integral or detached single garage with Solar PV panels positioned on the roof. The proposed plots measure between 693sqm and 1025sqm and each would include private garden areas and space for bin storage and parking.
- 3.4 The development would be served by a new private access from Watson Street located to the east of the site. The proposed dwellings would require new connections to the public water supply and foul drainage network. It is indicated that the proposal would make provision for sustainable urban drainage systems (SUDS) for the disposal of surface water.

3.5 The application has been subject of statutory neighbour notification.

#### 4. RELEVANT PLANNING HISTORY

There is no planning history relevant to determination of this application.

#### 5. APPLICANT'S CASE

5.1 The following documents have been submitted in support of the application:

- Design Statement;
- Ground Assessment & Surface Water Drainage Recommendation Report.

5.2 The supporting information is available to view on the council's [Public Access](#) system and is summarised at Appendix 2 below.

#### 6. CONSULTATIONS

6.1 **Angus Council – Roads** – has indicated no objection subject to conditions relating to the provision of visibility splays and standard of road construction.

6.2 **Scottish Water** – has offered no objection.

6.3 **Community Council** – has offered no comment.

6.4 **Angus Council – Flood Prevention** – has offered no comment.

#### 7. REPRESENTATIONS

7.1 Twelve letters of representation have been received. Nine object to the proposal and three indicate support. The letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised in objection and are discussed at the Planning Considerations section of the report: -

- Proposal is incompatible with the relevant policies of the local plan including the Letham Unadopted Roads policy L1;
- Impacts upon access, traffic movements, road and pedestrian safety as a result of unadopted road;
- Impacts upon residential amenity in relation to overlooking, noise and loss of privacy;
- Construction noise and nuisance;
- Houses are not in keeping with the area;
- Environmental impact, including impact on species;
- Suitability of drainage and potential for flood risk;
- Wider considerations including availability of other housing sites in Letham.

7.3 The following matters are raised in support of the application: -

- No known problems in relation surface water or flooding since 1974;
- Would bring employment;
- Development would harness long term carbon neutral technologies such as Solar PV.

7.4 One letter provides conditional support subject to road improvements and the possible introduction of a one-way system. It also refers to further development of policy in relation to unadopted roads in any future review of the local development

plan and suggests the application should be deferred until further frontage consultation is undertaken. That matter is addressed in the discussion below.

7.5 The following matter has also been raised and is addressed directly: -

- Error in submitted site plan - the agent has amended the proposed location and site plans to include an extension approved at 10A Watson Street located to the east of the site to address this point.

## **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 As the application is not of strategic significance the policies of TAYplan are not referred to in this report and the policies of the ALDP form the main basis for the consideration of the proposal. The relevant policies of the ALDP are reproduced at Appendix 4.

8.4 The application site relates to an area of ground located within the Letham Development Boundary as defined by the ALDP. Policy DS1 in the ALDP states that for unidentified sites within development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the ALDP.

8.5 Policy L1 of the ALDP provides a policy in relation to unadopted roads in Letham. The policy requires all proposals for new development in Letham to be assessed in the context of the council's unadopted roads policy as set out in the plan. The current proposal would take access from Watson Street and the unadopted roads policy indicates that there is potential for development in the field to the east side of the street (which includes the application site), and it states development will be permitted where it is supported by other policies of the plan. Accordingly, the general principle of development in this area is consistent with the unadopted roads policy.

8.6 Policy TC2 deals with residential development and supports proposals within development boundaries where the site is not protected for another use, and where it is consistent with the character and pattern of development in the surrounding area. Policy TC2 also requires new residential development to be compatible in terms of 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.

8.7 The application site is not allocated or protected for another use in the ALDP. As indicated above the unadopted roads policy anticipates that there might be development in this area. The site is located in a predominantly residential area and the proposed house plots would be comparable with existing plot sizes in the surrounding area. They would have a reasonable degree of privacy and there would be more than 100sqm of private garden ground per plot with adequate bin and recycling storage space. Adequate space for vehicle parking and turning has been indicated on the submitted plans. Housing development on the site would be compatible with surrounding land uses, and the proposed development would provide a satisfactory residential environment for future occupants.

- 8.8 There are existing houses to the north, east and west of the site and development would have some impact on occupants of neighbouring property. Development plan policy seeks to ensure that such impacts are within acceptable tolerances. Guidance on matters such as window to window distances and overlooking from upper floor windows is provided in the council's Advice Note 14. The proposal complies with relevant separation distances between existing and proposed buildings and with guidance on separation distances between upper floor windows and boundaries of neighbouring property. The relationship between existing and proposed properties would not be untypical of those commonly found in the general area. The development would provide an acceptable residential environment for residents and would not result in unacceptable impacts on the amenity of occupants of existing property. Vehicular movement associated with five additional houses is unlikely to give rise to significant amenity impacts. The proposal would not give rise to any other significant impacts on the amenity of occupants of neighbouring property, but a condition is proposed that removes permitted development rights that would otherwise allow formation of upper floor windows in those houses that are closest to existing neighbouring property.
- 8.9 The built environment in the vicinity of the site is of mixed quality with a range of house types. The proposal would reflect the general character and pattern of development in the area surrounding the site and does not give rise to significant issues in terms of the council's design & placemaking supplementary guidance. The external materials proposed are generally appropriate. Boundary treatments would be a mix of existing walls and hedging combined with new timber fences. A planning condition is proposed requiring further approval of the precise details of the boundary details along with details of the proposed hard and soft landscaping. The proposal does not affect any built heritage interests and it is acceptable in the context of the character and pattern of development in the surrounding area.
- 8.10 The site is not subject of any natural heritage designation and the proposal is not considered to give rise to significant impact on natural heritage interests. The land is currently laid out in grass and is within the Letham development boundary. The ALDP is generally supportive of infill development on appropriate sites within development boundaries. The site is not identified as prime quality agricultural land and the loss of a small area of land within a development boundary is consistent with policy.
- 8.11 Access and egress would be taken from Watson Street which is an unadopted road. However, its carriageway is generally kerbed and its verges flat. The street is lit and the carriageway is generally in good condition. As indicated above the council's policy for unadopted roads indicates that some further development taking access from Watson Street is acceptable. The roads service has indicated it has no objection to the proposal having regard to relevant council policy, and it has confirmed that the access and parking arrangements are acceptable subject to conditions in relation to the provision of visibility splays and the standard of road construction. A condition is proposed to ensure that access is not taken by other means.
- 8.12 Foul drainage from the houses would be directed to the public drainage network and Scottish Water has advised that there is currently sufficient capacity at the local wastewater treatment works. Information submitted with the application suggests that the site can be developed in a manner that would achieve acceptable drainage without giving rise to flood risk for existing or proposed dwellings. The council's building standards service has indicated that the foul and surface water drainage proposals are acceptable, and any arrangements proposed would be further regulated through the building warrant process. Notwithstanding that, a condition is proposed that requires the provision of further information in relation to surface water drainage arrangements.

- 8.13 The proposal is not of a scale or in a location where developer contributions or affordable housing provision is required. There is no reason to consider it would result in unacceptable impact on infrastructure.
- 8.14 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 application complies with the development plan.
- 8.15 In terms of material considerations it is necessary to have regard to the relevant planning matters raised in the letters of representation, both in objection and support of the application.
- 8.16 As discussed above the principle of housing development within a development boundary is compatible with development plan policy. The design of the proposed houses is acceptable in the context of the village which is characterised by small, infill developments, and the proposal would not give rise to any unacceptable amenity impacts when assessed in relation to council guidance. The separation distances between windows and boundaries complies with the recommended guidance and the impacts on the amenity of existing residential property are not considered to be unacceptable or untypical of those found in the area. There would be some disturbance during the construction process, but that would be a short-term impact. There are other potential housing sites in Letham, but development plan policy allows for additional infill development within the village. The site is not subject to any natural heritage designation and it does not provide any particularly special or unusual habitat for species.
- 8.17 Third parties have raised concern regarding the suitability of the access arrangements and the ability of Watson Street to accommodate additional traffic associated with the development. However, as concluded in the policy discussion above, the site has reasonable accessibility and development in this area is consistent with the council's unadopted roads policy. The council's roads service has indicated no objection subject to conditions and has further indicated that there is no technical justification to support deferring a decision on this proposal in circumstances where it is otherwise compatible with council policy. Parties are at liberty to participate in future review of the unadopted roads policy, but that should not affect determination of this application in circumstances where it is compatible with the existing policy. That policy does not require Watson Street to be made up to adoptable standard.
- 8.18 The final substantive issue raised in objection relates to drainage and flood risk. The application site and surrounding land is not identified at being at risk of flooding on published SEPA flood maps. Porosity tests have been undertaken and there is no evidence to suggest that suitable surface water drainage arrangements cannot be achieved for the plots and this matter would be regulated through the building warrant process. The information submitted by a geotechnical & environmental services consultant suggests that the development of the site for housing does not pose a significant risk of flooding to adjacent properties or wider water environment. A condition is proposed that requires provision of additional information regarding surface water drainage prior to the commencement of development.
- 8.19 The letters submitted in support of the application are noted. The matters raised would not in themselves justify a grant of planning permission, but they do not alter the conclusion that the proposal complies with development plan policy. The matters raised in objection have been considered and where appropriate conditions are attached to address matters raised. However, the objections do not alter the conclusion that the proposal complies with development plan policy and they do not raise material planning matters that justify refusal of planning permission.
- 8.20 In conclusion, the proposal provides for the erection of five houses on an area of land within a defined development boundary. Development in this area is anticipated by

the council's unadopted roads policy and the principle of development within defined development boundaries is generally supported by council policy. Consultation responses have not identified any unacceptable impacts and the proposed development does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to the stated planning conditions. The matters raised in objection to the proposal have been considered in the preparation of this report and, where appropriate, are addressed by conditions. The proposal is compatible with the relevant provisions of the development plan 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:

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

The application complies with the relevant policies of the development plan as it is compatible with the locational criteria 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 the stated 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 development the following shall be submitted to and approved in writing by the Planning Authority: -
  - (a) Precise details of the proposed hard and soft landscaping. The details shall include a hard and soft landscaping scheme for all communal areas within the development, including boundary treatments for each unit. Notwithstanding the information contained on the approved drawings, the 1m high timber fence proposed as boundary treatment to the track to the south of the site is not approved, and a revised boundary treatment will be provided. The soft landscaping scheme shall include written specifications (including cultivation and other operations associated with plant establishment); schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. Thereafter the landscaping of any communal areas shall be implemented prior to the occupation of the first residential unit. Any plants or trees which within a period of five years from the end of the planting season in which they are planted 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;

- (b) A scheme for the management and maintenance of all outdoor communal areas, landscaping, and unadopted infrastructure, including the shared private access and any shared drainage system. That scheme shall provide for the maintenance of those areas in perpetuity and the approved scheme shall be implemented upon occupation of the first residential unit within the development.
- (c) Precise details of the specification and construction of the shared private access leading from Watson Street to the house plots. Thereafter the access shall be formed and constructed in accordance with the approved details prior to the occupation of any house within the development hereby approved.
- (d) Precise details of the means of surface water drainage, including calculations to demonstrate that post development runoff rates will not exceed those predevelopment, and certification from a suitably qualified engineer that the proposed sustainable urban drainage system is designed to minimise risk of increased volume or rate of surface water discharge to neighbouring property or land. The surface water drainage system shall be provided in accordance with the approved details prior to the occupation of any dwelling and shall be retained and maintained thereafter.

*Reason: In order to ensure provision of appropriate landscaping and boundary treatments in the interests of amenity; to secure future maintenance of unadopted areas and infrastructure and to ensure the access is formed in an adequate manner to provide a suitable level of residential amenity*

2. Prior to the commencement of development, the visibility splays shown on drawing no. 2019/WSL/03 shall be provided at the junction of the proposed access with Watson Street giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the nearside channel line of Watson Street. Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.

*Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.*

3. The development shall be carried out in accordance with the recommendations made in the Ground Assessment & Surface Water Drainage Recommendation Report by S.A.McGregor dated 2 July 2021. Thereafter the development shall be completed and maintained in accordance with the approved details.

*Reason: In order to ensure that suitable drainage arrangements are provided and to minimise flood risk.*

4. That notwithstanding the provisions of any development order: -
  - no windows, doors, or other openings, other than those shown on the drawings approved by this permission, shall be formed at first floor level or above in the dwellings identified as plots 1, 3 and 5; and
  - no vehicular access or egress shall be formed or taken from the site to the track located on the southeast boundary that runs from East Blairs Road to Greenhills and East Den Brae;

unless otherwise approved through the grant of planning permission following the submission of an application to the planning authority.

*Reason: In order that the planning authority may consider the acceptability of any additional windows or other openings on the amenity of occupants of nearby property having regard to relevant policy and guidance, and to ensure vehicular access and egress is suitable and in accordance with the council's unadopted roads policy.*

**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: 30 JULY 2021**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTER OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

APPENDIX 5: COMMITTEE PRESENTATION