

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 15 NOVEMBER 2022**

**PLANNING APPLICATION – GLENSKINNO FARM MONTROSE**

**GRID REF: 36808 : 76088**

**REPORT BY SERVICE LEAD - PLANNING & SUSTAINABLE GROWTH**

**Abstract:** This report deals with application No. [20/00633/FULL](#) by Mr Iain Gall which seeks retrospective planning permission for the conversion of part of a vacant steading building to form a single bedroom dwelling at Glenskinno Farm, Montrose. 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 The applicant seeks retrospective planning permission to convert part of a vacant steading building into a one-bedroom dwelling at Glenskinno Farm. A plan showing the location of the site is provided at Appendix 1.

3.2 External alteration to the building is relatively limited with the provision of new doors and windows within existing openings. The remainder of the steading building accommodates a biomass boiler, associated equipment, and storage. The land associated with the building forms garden ground.

3.3 The application has been subject of statutory neighbour notification and advertised in the press as required by legislation.

3.4 This application requires to be determined by committee as it has been submitted by an elected member of the council

**4. RELEVANT PLANNING HISTORY**

Planning application [22/00128/FULL](#) seeks retrospective planning permission for alterations and extension to building to form biomass facility. That application relates to the northern section of the building and is being considered concurrently and is subject of Report 378/22.

## 5. APPLICANT'S CASE

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

- Air Quality Impact Assessment
- Design Statement
- Structural Assessment
- Bat Surveys

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

## 6. CONSULTATIONS

6.1 **Scottish Water** – no objection but advises there is no public drainage system in the area.

6.2 **Community Council** – no response was received.

6.3 **Angus Council Roads** – no objection.

6.4 **Angus Council Environmental Health** – confirmed no objection subject to conditions which would restrict the occupation of the dwelling to a person or persons associated with the operation of the adjacent biomass facility and control the height of the flue.

6.5 **Aberdeenshire Council Archaeology** – no objection subject to provision of photographs to provide a historic record of the building.

## 7. REPRESENTATIONS

No letters of representation have been received.

## 8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

- [TAYplan \(Approved 2017\)](#)
- [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 3.

8.4 The ALDP is more than 5-years old as it was adopted in September 2016. TAYplan was approved in October 2017 but Scottish Government has indicated that approved strategic development plans and any associated supplementary guidance will remain in force until the publication of NPF4. Issues associated with the age of the ALDP are addressed further below.

8.5 Policy DS1 of the ALDP indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP. It indicates that in all locations proposals that 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.

- 8.6 Policy TC2 deals with proposals for residential development. It indicates that in countryside locations proposals for new houses formed through conversion of non-residential buildings will be supported. In addition, the policy requires all proposals for new residential development to be compatible in terms of land use; to provide a satisfactory residential environment; not to result in unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure; and to include provision for affordable housing in accordance with Policy TC3 Affordable Housing. TC2 requires proposals for housing in the countryside to be assessed against Angus Council Countryside Housing Supplementary Guidance.
- 8.7 The section of the building that has been converted is of a traditional construction and simple form and design. It is characteristic of the architectural heritage of rural Angus. The building is appropriate for conversion in terms of the council's countryside housing supplementary guidance and the detail of the proposal is in accordance with that guidance. The general form and character of the building is retained. The retention and conversion of the building to form a dwelling is acceptable in principle and attracts support from Policy TC2.
- 8.8 The steading building is located in the proximity of open paddock and a number of residential properties. In general terms, residential use of this part of the steading is compatible with other uses in the wider area. Part of the steading adjacent to the new house accommodates a biomass boiler and a fuel store that feeds the boiler. It is understood that access to the fuel store would be taken through the garden area of the new house. Emissions from a flue that serves the boiler and activity associated with routine refuelling of the boiler have potential to impact the amenity of any occupant of the new dwelling. The environmental health service has considered information on air quality submitted in support of the application and the general relationship between the boiler and the new house. It has indicated that amenity would be acceptable for a person directly associated with the operation of the biomass plant subject to the stack height of the boiler flue being increased to 8 metres. The application makes provision for private amenity space, car parking and waste management within the curtilage of the plot. The residential amenity would be acceptable for a person directly involved in the operation of the biomass plant, but it would not be a good environment for unrestricted occupation by other persons. A condition restricting occupation is necessary and is proposed. While the application is retrospective, the applicant has confirmed that the building will not be occupied until the flue height is increased.
- 8.9 The separation distance between the new dwelling and existing dwellings is such that there would be no unacceptable impacts on the amenity of neighbours having regard to relevant council guidance.
- 8.10 The site is not subject of any formal built heritage designation although it is within an area of some archaeological interest. There are scheduled monuments a short distance to the east. However, the development has not involved significant alteration to the external appearance of the existing building, and it assists in securing the retention of traditional architecture. The council's archaeological advisor indicated a requirement for a photographic survey of the building and photographs have been provided. Overall, the development would not result in any unacceptable direct or indirect impacts on the built environment subject to a condition requiring a photographic survey.
- 8.11 The site is not designated for any natural heritage reasons and its development should not adversely impact any designation in the wider area. A bat survey has been provided and it identifies presence of bats in a section of the building not subject of this application. While it identifies mitigation measures, it concludes that the proposal is unlikely to have significant impact on bats provided there is no alteration to the roof of the boiler house, and it concludes that a protected species

license is not required. A condition is proposed that removes permitted development rights that would allow further development in the future that could potentially affect bats, but this development is unlikely to result in significant adverse impact on the natural environment.

- 8.12 The conversion of the building to a house does not give rise to significant issue in terms of other development plan considerations. It is of a scale and nature appropriate to its location, and it is compatible with development plan policy.
- 8.13 In relation to other material considerations, paragraph 33 of Scottish Planning Policy states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan remains up-to-date but the ALDP is more than 5-years old. The proposal is broadly consistent with the policies in SPP, and there is nothing in SPP that would justify refusal of the application contrary to the provisions of the development plan.
- 8.14 In conclusion, the conversion of the building to a house is in general accordance with the development plan as it involves retention and conversion of a traditional building. It does not give rise to unacceptable impacts on amenity, natural and built environment, road safety, or infrastructure, subject to conditions. While the amenity of the property would be affected by the presence and operation of the adjacent biomass boiler plant, it would provide an acceptable residential amenity for a person or persons directly involved in the operation of that plant. 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 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 conversion of the building to a house is in accordance with 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 conditions. It would provide an acceptable residential environment for a person or persons directly involved in the operation of the adjacent biomass boiler plant. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

**Conditions:**

1. That the house hereby approved shall not be occupied unless and until the flue stack positioned in the northern section of the steading building serving the biomass boiler in the boiler house has been increased to 8 metres in height.

*Reason: In order to ensure that emissions from the flue stack do not result in unacceptable air quality impacts on the occupiers of dwellinghouse hereby approved.*

2. That the dwelling hereby approved shall only be occupied by a person or persons (or a widow or widower of such a person, and to any resident dependant(s)) solely or mainly employed in association with the operation of the biomass facility within the attached/neighbouring building.

*Reason: To ensure that the dwelling is only occupied by a person or persons, solely or mainly employed in association with the operation of the biomass facility, or their resident dependants, because residents unconnected to that operation could be subject to unacceptable amenity impacts by virtue of its operation.*

3. That notwithstanding the provisions of any development order, there shall be no alteration to the roof of the building unless first approved through the grant of planning permission following submission of an application to the planning authority, and no external lighting shall be installed and/or operated on the building or otherwise within the site unless first approved in writing by the planning authority following submission of evidence to demonstrate that such lighting would not have an adverse impact on bats or nesting birds.

*Reason: In order to minimise adverse impact on bats and nesting birds.*

**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: 8 NOVEMBER 2021**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: RELEVANT DEVELOPMENT PLAN POLICIES

APPENDIX 4: PLANNING SERVICE PRESENTATION