

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 15 NOVEMBER 2022

PLANNING APPLICATION – GLENSKINNO FARM GLENSKINNO MONTROSE

GRID REF: 36808 : 76088

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with application No [22/00128/FULL](#) by Mr Iain Gall which seeks retrospective planning permission for alterations and extension to a building to form a biomass facility at Glenskinno Montrose. The application is recommended for approval subject to conditions.

1. RECOMMENDATION

It is recommended that the planning 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 Retrospective planning permission is sought for the change of use of land and buildings to form a district heating system which comprises the installation of boilers, a flue and associated works at Glenskinno Farm. A location plan is provided at Appendix 1.

3.2 Glenskinno Farm is an agricultural complex located around 2.8km northwest of Montrose and approximately 1.8km to the west of Hillside. The application site comprises part of an existing steading building and associated land.

3.3 The application is retrospective, the use is in operation and the related works have been undertaken. A boiler has been installed in the building, a flue projects from the roof, and an extension has been constructed adjacent to the east elevation of the building to store woodchip. It is understood that the boiler serves property in the wider complex.

3.4 The application was amended to increase the height of the flue stack to 8 metres above ground level.

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

4. RELEVANT PLANNING HISTORY

A planning application [20/00633/FULL](#) was submitted for the part conversion of vacant steading building to form a one bedroom dwelling. That application is subject of report 377/22. During consideration of that application, it became apparent other development had taken place in the northern section of the same building without the requisite planning permission. This application has been submitted seeking to regularise the situation.

5. APPLICANT'S CASE

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

- Air Quality Impact Assessment
- Bat Survey

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

6. CONSULTATIONS

6.1 **Angus Council Environmental Health** – no objection subject to conditions which would restrict the type of biomass boiler model and control the diameter and height of the flue.

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

6.3 **Scottish Water** – no comment.

6.4 **Community Council** – no comment.

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 The site is not located within a development boundary and is not allocated or otherwise identified for development within the ALDP. Policy DS1 states 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.

- 8.6 Policy PV9 of the ALDP relates to renewable and low carbon energy development and indicates that proposals will be supported in principle where they satisfy a number of identified criteria. The council's renewable and low carbon energy development supplementary guidance expands on the policy requirements identified in the ALDP.
- 8.7 In this case, the biomass boiler is located within an existing building. The flue that has been erected in the roof and the small extension to the east elevation of the building appear typical of ancillary development commonly found within an agricultural building complex. There is little if any impact on the wider landscape.
- 8.8 There are existing residential properties close to the biomass plant but available information, including an air quality assessment indicates that the development does not result in the exceedance of any air quality standards at those locations and that there are no significant impacts due to air pollution. However, the air quality assessment does indicate that there are possible amenity impacts associated with the operation of a biomass boiler on the house that is in the process of being formed in the southern section of the building. In addition to issues related to air quality, the woodchip storage facility for the boiler is located to the north of the new dwelling and access to it would be taken through the garden area. This arrangement would not be appropriate and would be unacceptable for a mainstream dwelling occupied by persons not directly involved in the operation of the biomass facility. However, the applicant has confirmed that the dwelling would be occupied by persons directly involved with the operation of the biomass facility and a condition proposed in relation to the planning application for the proposed dwelling seeks to restrict occupation of the new house (report 377/22 refers). The environmental health service has indicated that in these circumstances, it finds the biomass operation acceptable, subject to planning conditions that seek to minimise impact on air quality. Those conditions include a requirement for the flue to be increased to 8 metres in height. That change would not result in any unacceptable amenity impacts and the overall development would not result in any unacceptable impacts on residential amenity or on landscape or built environment interests.
- 8.9 A bat survey has been submitted and it indicates that the development should not have a significant impact on bats provided there is no alteration to the roof of the building. The applicant's agent has confirmed that the alteration to the existing flue required by proposed condition could be achieved without alteration to the roof. The bat survey identifies other mitigation measures in relation to bats and birds which includes restriction on use of floodlighting and condition is proposed that addresses relevant matters. The development is unlikely to give rise to significant issue in terms of the natural environment subject to the stated conditions.
- 8.10 The biomass facility does not give rise to any other significant issues in terms of development plan policy or relevant council guidance, and it is of a scale and nature appropriate for the location. The application complies with the development plan.
- 8.11 In addition to the development plan, it is relevant to have regard to other material considerations. In this case material considerations include the proposed development of a house in the southern section of the building containing the boiler, the retrospective nature of the application, and Scottish Planning Policy (SPP).
- 8.12 Issues associated with the new dwelling to the south of the application site have been discussed above. As indicated, the biomass facility would not be compatible with a mainstream house at that location. However, it is indicated that the new house would be occupied by a person directly involved in the biomass operation and a condition is

proposed in relation to the application for that development to restrict occupation of the dwelling. In that circumstance, the operation of the biomass and the proposed house are considered compatible uses subject to the conditions proposed in relation to each application.

- 8.13 It is also material to note that the biomass facility appears to have been operational for several years and there is no record of complaint in relation to the activities. While it is unfortunate that permission was not obtained in advance of works being undertaken, operational experience indicates that the development does not give rise to significant impact on the amenity of existing residents in the area.
- 8.14 Paragraph 33 of SPP 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.
- 8.15 In conclusion, the biomass facility appears to operate without significant impact on the amenity or environment of the area. Consultees have raised no objection regarding the operation and available information indicates that it can continue to operate without significant adverse impact on the amenity or environment of the area. Potential issues associated with the compatibility of the boiler facility and a proposal to alter part of the building to accommodate a house have been considered and can be addressed by planning conditions. The development does not give rise to unacceptable impacts on amenity, built or natural environment, access, or other infrastructure or related interests in the area. The development provided by this application is compatible with the relevant provisions of the development plan and there are no material considerations that justify the 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 conditions:

Reason(s) for Approval:

The development provides for the operation of a biomass facility in a manner that does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to conditions. There are no material planning considerations that justify the refusal of planning permission contrary to the provisions of the development plan.

Conditions:

1. The flue hereby approved shall only be connected to a Froling TX 250 boiler with a net rated thermal input of 199kW or such other type of replacement boiler as may be approved by the Planning Authority following submission of information to demonstrate that it would result in the same or reduced concentrations of NO₂, PM_{2.5} and PM₁₀ as set out in The Airshed Air Quality Impact Assessment for Glenskinno Farm Montrose dated 4 August 2022 and its addendum.

Reason: To ensure that emissions do not result in unacceptable air quality impacts on occupants of residential properties.

2. That within 2-months from the date of this planning permission, the flue stack shall be increased to 8 metres in height above ground level with no rain cap or cowl and it shall retained as such thereafter. Within 7-days of the date of completion of works to increase the flue stack, confirmation that the works have been completed shall be submitted in writing to the planning authority.

Reason: To ensure that emissions do not result in unacceptable air quality impacts on occupants of residential properties.

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 a material extent in preparing the above report.

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: RELEVANT DEVELOPMENT PLAN POLICIES