

ADDITIONAL ITEM

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE - 13 JUNE 1996

**SUBJECT: PLANNING APPLICATION 01/95/1769
CHANGE OF USE/ALTERATIONS TO FORM BEDROOM ACCOMMODATION AT THE
ADMIN BLOCK, LETHAM GRANGE, BY ARBROATH**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: The applicant in receipt of the above planning consent has appealed to the Secretary of State against three of the conditions imposed. There appears to be potential to resolve several of these issues and thus reducing the work involved in contesting the appeal unnecessarily.

1 RECOMMENDATION

It is recommended that in respect of:

- Condition No. 2: the requirement for non-opening windows be deleted and the applicant informed that the windows installed are acceptable;
- Condition No. 4: the applicant be informed that a 2 metre high 'ranch-style' fence projecting approx 6 metres from the gable end of the admin. Block would meet the requirements of the planning condition; and
- Condition No. 6: that this condition requiring the walls to be harled must be complied with or, as a compromise, a masonry paint applied to all exposed brickwork, the colour to be agreed with the Director.

As this would leave at most one condition unresolved and being one of lesser interest to the objector, it is also recommended that the Council do not consider the service of a notice to prevent use of the accommodation in advance of the resolution of any remaining appeal.

2 BACKGROUND

- 2.1 An application by Letham Grange Hotel to convert an old Administration Block into dormy bedroom accommodation was, after consideration of several objections, approved by the District Council in March 1996. During the passage of the application through the Committee system, amended plans were received which in general were more acceptable than the original proposals. They did, however, attract objection from an immediate neighbour (Mr R Thomson of 3 Farm Park) on a number of counts.

- 2.2 In order to proceed with some urgency on the project, Letham Grange Hotel agreed to meet the stated requirements of Mr Thomson, these were attached as general planning conditions, the objection withdrawn and the consent issued.

3 PLANNING APPEAL

- 3.1 Somewhat surprisingly, an appeal against three of the conditions was intimated on 13 May. The conditions appealed are:

- 2: That all windows on the rear elevation be non-opening and be double-glazed.
- 4: That prior to commencement of work on the conversion, a fence of at least 2 metres high be erected between the gable end of the block and the property known as 3 Farm Park, the construction and location to be agreed with and to be to the satisfaction of the Director of Planning.
- 6: That the external walling be finished in a tinted roughcast, the colour to be to the satisfaction of the Director of Planning.

- 3.2 Following receipt of the appeal and complaints from the objector, various courses of action were considered by officials, including service of a Stop Notice to prevent work continuing on site. These were ruled out as inappropriate and could potentially lead to a compensation claim being lodged against the Council.

- 3.3 The Director of Law and Administration was also requested for her opinion on the service of a notice to prevent occupation/use of the building prior to resolution of the appealed conditions. A response is awaited.

4 UPDATE

- 4.1 At the request of the applicants, a meeting was held with officials on 13 June in an endeavour to resolve these differences.

- 4.2 The windows have been installed and are of the top-opening variety. These do not strictly comply with the condition but the Committee does have the power to vary conditions. The main objective of the condition was to eliminate the proposed French windows or any other windows that could be opened so as to permit occupants to lean out or climb out. These windows achieve this objective and I would not be confident of succeeding on this appealed condition given the circumstances.

- 4.3 The fence has caused a great deal of confusion and it is apparent that the objector anticipated a fence of some considerable length along his boundary. It was for this reason that the appeal was lodged. I agree that a fence the length of that that may have been anticipated by the objector would be unreasonable and would not have been demanded by the Council. A ranch style fence 2 metres high projecting approx. 6 metres from the gable end of the building would meet the required screening objective. The line of such a fence has been agreed on site with the applicant and agreement by Committee would enable this part of the appeal to be withdrawn.

- 4.4 The wall finish is a little more difficult as at this point in time, the applicant has not agreed to have or, as a compromise, apply an agreed and appropriately coloured masonry paint. Under these circumstances the Committee may wish to insist on one of these treatments with, should the applicant not wish to comply, the appeal continuing.

5 CONCLUSION

- 5.1 There is clearly scope to resolve at least two of the appealed conditions to the satisfaction of the Committee and the applicant. Neither resolution may be to the satisfaction of the objector but as long as the Committee is satisfied that his rights and amenity are being sufficiently considered and safeguarded, the Planning Authority is within its rights to vary the conditions along the lines recommended.

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.

AA/JJ/rj

Alex Anderson
Director of Planning, Transport & Economic Development

13 June 1996

